

To:

Internal recipients: DfE Data & Statistics Division Directorate contacts; portfolio boards (for CYPFD and IFD) and the sub-programme board (for ESD); Stephen Meek; Carole Willis

cc. External recipients: The Association of Directors of Children's Services (ADCS) (in particular, its Standards and Performance Committee); the Local Government Association (LGA); the Information Authority; the National Audit Office; SCSB members' own Directors and Chairs of Governors; DCLG's Cross Whitehall Engagement Team; NAHT; ASCL; DfE's Bureaucracy Reference Group, Primary and Secondary Heads Reference Groups. A link will be included in the ICES Bulletin, that goes to LAs, schools, software suppliers and other stakeholders involved in schools and children's services data.

## THE DfE'S STAR CHAMBER SCRUTINY BOARD – REPORT OF THIRD YEAR'S WORK, NOVEMBER 2010 TO OCTOBER 2011

### **Background**

1. The Star Chamber was established in 1999 in the then DfES, to review and control data collection proposals emerging from the Department. It was initially an internal body, but was strengthened in 2006 by the addition of an External Scrutiny Group of local authority and school representatives. With the Department publicly committing to reducing its data collections, the ESG was given the power to make decisions on collections. It was renamed and relaunched as the Star Chamber Scrutiny Board (SCSB) on 1 November 2008, with its Secretariat switching from Schools Directorate to Data Services Group. Annual reports have been published on years one and two of its operation: this is the third.
2. SCSB meets monthly, primarily to consider data collection business cases put forward by policy areas around DfE. The meetings also discuss relevant data developments and look at how new collections are progressing, acting as a consultation forum where required. The Board's operation continues to be an excellent example of joint working on the wide education and children's services agenda.
3. No specific actions are required by recipients of this report, but comments on any areas would be welcome. Last year, copies were also distributed to other internal and external contacts thought to have an interest and this process is being followed again this time.

### **Cases Scrutinised**

4. The third year saw 41 business cases submitted to the SCSB. Of these:

- 20 were approved fully
- 13 were approved with conditions
- 4 were rejected
- 1 was withdrawn after discussion
- 2 were referred for further discussion at a later meeting
- 1 was assessed as being beyond the Board's remit

This was a drop of 7 cases on 2009-10, which had itself seen a reduction from the year before (77 cases considered then). This reduction in new data collection activity is likely to reflect the Coalition government's commitment to reduce burdens and to impose fewer demands for data on the frontline.

Further information can be found in Annex 2.

5. In addition, the Secretariat (i.e. not the Board) scrutinised 29 research cases. Research cases are not put to the SCSB because external input to research scrutiny is provided via ADCS comments feeding into the Department's Research Approvals Committee (RAC). However, survey instruments such as questionnaires, or sample sizes for research projects, are put to an internal scrutiny panel, as they will not usually have been formulated when a bid is made to the RAC. 2010-11 also saw a drop in these cases, from 51 in 2009-10, a reflection of a reduced research programme under the Coalition administration.

6. An element of the success of the Board is in those collections 'approved with conditions' noted in para 4. The comments of the Board will often have enabled collection plans to be adjusted, through the elimination of burdensome questions, adjustments to timing or sampling methods, or an element of re-design, thereby ensuring better quality data was received from the front-line and with fewer burdens on supplying LAs, schools and academies. A particular example in the last year has been the discussions around Post-16 Qualification Success Rate data, where discussions between the Board, the Department and the Young Person's Learning Agency (YPLA) have helped to ensure that a complex data area is introduced in a manner that can provide accurate data to the centre while minimising burden on schools.

## **Appeals**

7. An appeal process exists whereby policy teams who believe that they have strong grounds for exemption or a relaxation to Star Chamber guidance, or have good reason to believe that the Star Chamber Scrutiny Board has not acted reasonably in carrying out its functions. A panel comprising the Department's Director of Supporting Delivery Group, Director of Performance and Reform, Head of Statistical Profession, and a LA Director of Children's Services, considers such cases. There have been no such appeals in 2010-11.

8. A further level of appeal exists, to a designated Minister. This Minister

has been Nick Gibb since the formation of the Coalition government. Mr Gibb has received briefing about the SCSB and in due course will be invited to a meeting.

## **Other work**

9. The examination of business cases is the main area of the Board's work. Board members frequently take questions back to their home authorities and consult with local experts there in the particular areas under discussion. But the Board also has a secondary role discussing and monitoring developments in education and children's services data. Particular areas discussed this year include:

- The Board has acted as a consultative group during the Department's 'root and branch' review of data collections. This data review has also dovetailed with Treasury's data review work, carried out as part of their deregulation initiative, and with the 'Single Data List' work of the Department for Communities and Local Government (DCLG). During the year, Board meetings have been attended by both the lead DCLG official regarding the Single Data List and also by one of the lead local authority representatives on DCLG's 'Challenge Group';
- Discussing data collection ideas at a formative stage. A number of policy areas have taken this approach and found it very beneficial. This includes the National Audit Office, who have on a couple of occasions come along to the Board to seek feedback about a data collection they were planning;
- Linking with the Information Authority (with whom SCSB have a Memorandum of Understanding) about shared areas of interest on Post-16 data;
- Linking with the Bureaucracy Reference Group, the panel of head teachers, teachers and school business managers set up to advise the DfE on reducing unnecessary bureaucracy in schools. They alert us about policy discussions with data implications, and we alert them about data collections that might have wider policy concerns that they might not know of. The BRG Chair attended an SCSB meeting during the year.

## **Membership**

10. The Board's agreed terms of reference are that a member's appointment should be for four years. LA representatives will be nominated via the ADCS, and head teacher/ principal members via the NAHT and ASCL. However, as we are in the first cycle of membership, it has been agreed that to avoid a sudden loss of expertise after four years, there should be a gradual change, with a quarter of the membership being replaced after years four, five, six and seven. It would seem that 'natural wastage' will ensure that the first quarter turnover of membership in October 2012 will happen seamlessly.

11. During the year, one LA vacancy was filled by the return of a member from a sabbatical. A further LA seat has been vacant throughout the year and another one became vacant in October. It has now been decided that there will be a recruitment exercise to fill the two vacancies.

12. One head teacher member left the Board in August. A replacement has been appointed who attended her first meeting in November 2011.

### **Issues**

13. The Board continue to be pleased by the positive attitude taken by policy areas whose business cases come to them for scrutiny. Discussions have invariably been productive and beneficial to both DfE representatives and SCSB members.

14. Nonetheless, a number of issues exist that the SCSB think could, if addressed, bring benefits to both those in DfE and those on the front-line staff. These include the following:

#### Compliance costs

15. Although there is without doubt more attention paid to this area now than there was when the Board came into existence, it still causes difficulty. Under-estimation by policy areas submitting business cases has continued to be an issue, although it must also be remembered that what needs to be recorded is the additional costs incurred of completing a data collection, over and above existing activity carried out by the school or local authority, and not any wider costs, for instance around changes to a particular policy. But a bigger issue has been how compliance costs for surveys might be confirmed, without in doing so creating further front-line burdens. This has been the subject of recent and ongoing Board discussion.

#### Arm's Length Bodies moving to Executive Agencies

16. A major reorganisation is taking place involving the Department's associated Arm's Length Bodies. Four new Executive Agencies are being created, the first of which came into being in October 2011, with others to follow in Spring 2012. Most of the existing ALBs in the education area are signatories to a 'protocol' document, whereby they committed to running scrutiny processes for any collection proposals. The Children's Workforce Development Council (CWDC) submit their proposals to the SCSB; the Training and Development Agency for Schools (TDAS) run their own 'IRMS' committee, with the Star Chamber internal scrutiny panel invited to comment on proposals. With other ALBs, it is not so clear what is in place. The Board would like to see the new Executive Agencies firmly committed to scrutinising new collections and periodically re-examining existing ones, perhaps through formal agreement with the Department. Depending on the volume, they might run their own arrangements or utilise the Star Chamber.

#### Safeguarding; League tables of LA performance

17. With one of their secondary objectives being to monitor developments in education and children's services data, the Board have followed the work done by Professor Munro, and the Department's response to her

recommendations, with great interest, and have had discussions with the DfE lead areas about areas relevant to data collection. However, some concern was expected by the Board about the publication of 'league tables' about local authority performance in this area. The Board requested that the Department consulted more widely on these matters in future so that local authorities could comment in advance of the data being published.

### **Footnote**

18. The Board wish to record their thanks to the Secretariat for the smooth operation of its work during the year.

SIMON GRIGOR  
Star Chamber Secretariat, DfE  
November 2011

## Annex 1 – List of Board Members

### Chair:

Malcolm Britton, Head of Statistical Profession, DfE (to December 2010);

Jude Hillary, Head of Statistical Profession, DfE (from February 2011)

NB. Liz Tadd, one of Malcolm's/Jude's deputies, has stood in as chair on occasions during the year

### Members:

Sharon Barker	Leicestershire LA (to October 2011)
Philip Brocklehurst	Kensington & Chelsea LA (rejoined Board, August 2011)
Stephen Clark	Lancashire LA
Karen Crowston	Birmingham LA
Bruce Farajian	South Gloucestershire LA
Ros Gulson	Head, Walton Girls' School, Lincolnshire
Bernadette Hunter	Head, William Shrewsbury School, Staffordshire (from October 2011)
Rashid Jussa	Surrey LA
Karen Kennedy	Medway LA
Adam King	Ofsted
Gordon Lester	Head, Egremont Primary School, Wirral (to August 2011)
Meena Kishinani	Barking & Dagenham LA
Jeanette Miller	Southampton LA
Nigel Nicholds	Norfolk LA
Cathy Piotrowski	Central Bedfordshire LA
Tim Riley	Birmingham LA (to April 2011)
Max Winters	Bromley LA
Ray Woodhams	Barnsley LA
Debbie Wright	Kent LA

One member takes a lead each month in feeding back the comments of the Board to attending policy representatives.

Annex 2 – List of cases considered, November 2010-October 2011

<b>Cases fully approved</b>	
564	Extension of Early Years Census to cover 2-year olds
573	Basic Need Study
574	Section 251
577	Sixth Form Data Checking exercise
580	Provision of Earlier Post-16 Qualification Success Rate Data for Sixth Form Funding Allocations
588	Private Finance Initiative - Liaison with LA PFI contacts
595	Phonics
596	School Buildings Investment
597	National Minimum Data Set – Social Care: information about the children's workforce
599	School Closures and Striking School Staff (30 June)
605	Child Death Overview Panels - amendments to collection
606	Step Up to Social Work - national evaluation
607	Priority School Building Programme
609	16-19 Bursary Fund - School Census data
610	16-19 Bursary Fund - PRU Census data
611	16-19 Bursary Fund – Alternative Provision Census data
613	Independent/State School Links
615	Free School Meal flag for SLASC (General Hospital Schools)
620	Children's Centres - recent and upcoming changes
623	Education Estate Property Data and Surveys
<b>Total</b>	<b>20</b>
<b>Cases approved with conditions or in part</b>	
556	Educational Psychology Workforce Data (CWDC)
560	Phonics Tests trialling
562	Foster Care Audit (CWDC)
565	School Meal Take Up 2011
571	School Capacity
576	Special Educational Needs Statements completed within 26 weeks
582	Adding Service Child flag to the PRU and Alternative Provision Censuses
588	Alternative Provision - Pupil Premium Data Issues
591	Children Looked After (SSDA 903) and Children in Need – expansion of the use of the UPN field
593	Key to Success: Feedback on LA use
594	CWDC: Educational Psychology Workforce Survey
603	16-19 Bursary Fund - management information
617	Children in Need – Postcode; and UPN Unknown
<b>Total</b>	<b>13</b>
<b>Cases referred back to future meeting</b>	
557	Provision of Earlier Post-16 Qualification Success Rate Data (came back as 580)
563	School Sixth Forms Data Collection (came back as ref 577)
<b>Total</b>	<b>2</b>
<b>Cases rejected and then agreed on appeal</b>	
<b>Total</b>	<b>0</b>
<b>Cases rejected outright</b>	
578	Home to school transport - efficiency of use of funding
579	School Workforce Census - addition of 'classification of degree'

604	Underperforming Schools
614	Amending data items within the SSDA903 Children Looked After collection
<b>Total</b>	<b>4</b>
	<b>Cases withdrawn after discussion</b>
590	School Workforce Census: allowance data split by academic year
<b>Total</b>	<b>1</b>
	<b>Cases assessed as beyond the Board's remit</b>
601	Preventing Extremism in Schools
<b>Grand Total</b>	<b>41</b>