 <b>Regulatory Policy Committee</b>		<b>Regulatory Triage Confirmation</b>	
<b>Title of regulatory proposal</b>		The Education (Non-maintained special schools) (England) Regulations	
<b>Lead Department/Agency</b>		Department for Education	
<b>Origin</b>		Domestic	
<b>Expected date of implementation</b>		October 2015 (SNR 10)	
<b>Date submitted to RPC</b>		11 December 2014	
<b>Confirmation date and reference</b>		22 December 2014	RPC14-FT-DfE-2300
<b>Departmental triage assessment</b>		Low-cost regulation	
<b>RPC confirmation</b>  The RPC confirms this for the fast track as a low-cost regulatory proposal.			<b>CONFIRMED</b>
<b>Departmental rationale for triage rating</b>  The Regulatory Triage Assessment (RTA) explains how the Government proposes to amend the Education (Non-Maintained Special Schools) (England) Regulations 2011 to reflect new and amended legislation as well as to reflect updated policy positions, for example, on British values. Non-Maintained Special Schools (NMSS) are schools which are in the independent sector and cater for children with special needs. The Department expects the changes to lead to some small additional costs to NMSSs due to one-off familiarisation and new requirements relating to fundamental British values. The changes will also bring some off-setting reductions in bureaucracy.  The Department's rationale for fast track is that:  <i>"These changes to be regulatory in nature and low cost. Our central estimate is that gross costs to NMSSs will be £14,523. This is well below the threshold for Low Cost Fast-Track assessments. These estimates are inherently uncertain. However, even in our high scenario we expect the costs won't be greater than £23,231."</i>			
<b>RPC comments</b>  The Department proposes to amend the Non-Maintained Special Schools (NMSS) regulations by making the following changes:			
<ul style="list-style-type: none"><li>Align NMSSs with all other schools (including independent, maintained and academies) by requiring them to promote the fundamental British values actively.</li><li>Update suitability of staff requirements, reflecting the fact that only</li></ul>			

individuals who are going to be working in regulated activity should be subject to an enhanced criminal record check that includes a barred list check.

- Streamline the complaints process so that NMSSs have greater freedom as to how to record informal complaints.
- Remove detailed requirements with regards to the content of NMSS prospecti.

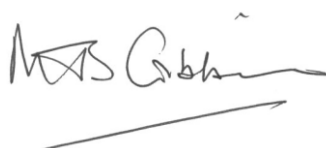
The RTA explains that there are currently 69 NMSSs in England that cater for around 4,000 pupils aged from 3-19. The Department expects some small additional costs due to one-off familiarisation and new requirements relating to fundamental British values. It provides detail of costs between £6,300 and £23,230 in any one year. It also expects some offsetting reductions in bureaucracy, mainly from the streamlining of the complaints procedure, ranging between £6,735 and £18,400. These appear reasonable at this stage. The Department will need to test its estimates during consultation.

#### **One-in, Two-out (OITO) assessment**

**In scope**

The RTA says that this is a regulatory proposal which is in scope of OITO and would have a net benefit to business (an 'IN' with 'Zero Net Cost'). Based on the evidence presented, the Department's assessment of the likely direction of impacts appears reasonable, and the OITO assessment is consistent with the current Better Regulation Framework Manual (paragraph 1.9.12). The Department will have to strengthen the evidence supporting the equivalent annual net cost to business, so that the RPC can validate the estimate at final stage.

**Signed**



**Michael Gibbons, Chairman**