



Department
for Education

Star Chamber Scrutiny Board

Department for Education

**Activity Report: November 2018 –
October 2020**

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Star Chamber Scrutiny Board activity report

The following is a summary of the activity of the Star Chamber Scrutiny Board (SCSB) during its eleventh and twelfth years of operation, covering the period November 2018 to October 2020.

Purpose

This report is written to provide an update on the work of the Star Chamber Scrutiny Board for a range of stakeholders both in the department and local authorities, and representative bodies across the education sector. It is also shared with the Ministry of Housing, Communities and Local Government (MHCLG), who manage the relationship between Central Government and local authorities, so they are informed how the department's data needs are changing and how this is being managed with the sector.

No specific actions are required of the recipients of this report, but comments on any area are welcome and should be sent to the secretariat via email:

StarChamber.MAILBOX@education.gov.uk

History

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 external scrutiny group was given the power to make decisions on collections. It was re-launched as the Star Chamber Scrutiny Board on 1 November 2008.

This report combines activity from both 2018-2019 and 2019-2020 with an extended reporting period due to a lower level of business submitted across these two years. Two main factors contributed to this reduced activity leading to this decision, (a) the maturity of the main DfE data collections and (b) a reduction in future collection plans whilst departmental priorities were re-focussed on the Coronavirus pandemic and planning for the exit from the European Union.

The Star Chamber Scrutiny Board usually meets monthly, primarily to consider data collection business cases put forward by policy areas across the department. 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 operations are seen as an excellent example of joint working on the wider education and children's services agenda, something that is supported by HM Treasury. The Board's service has been recognised by other bodies including the National Audit Office who have previously consulted the Star Chamber Scrutiny Board for advice about their proposed collections.

As part of the overall drive to manage data burdens that Central Government place on local authorities, MHCLG operates a scrutiny process for mandatory data collection proposals impacting on local government. However, after reviewing the terms of reference and operation of the Star Chamber Scrutiny Board, it was agreed by the two departments that the Department for Education would continue to lead on scrutiny of proposals around schools and children's services.

Cases Scrutinised

In the 2018-2020 reporting period, 30 business cases were submitted to the Star Chamber Scrutiny Board regarding data collection from schools and local authorities.

This is a reduction of six compared to the number of business cases submitted in 2016-18. In previous years there has been a trend of reducing numbers of business cases for consideration from a high of 77 in the first year of operation. This number is now likely to remain stable with only modest changes to existing collections due to (1) the maturity of the main DfE data collections; and (2) the limited numbers of single time surveys introduced, which is in an effort not to add unnecessary burden on schools and local authorities.

Of the business cases presented for consideration:

- 12 were fully approved
- 12 were approved with conditions
- 3 were approved following amendment
- 3 were rejected in their entirety

Further information on the cases considered can be found in Annex 2.

The Star Chamber Scrutiny Board has also considered eleven proposals at an early stage of development and in a discussion format prior to a formal business case being developed. This enabled members to contribute to the development of proposals and ensured that the burden and the practicalities of a collection were considered early.

Three business cases were rejected in the reporting period. Of these three business cases, two were rejected as whilst the Board supported the aims of this important work, they did not believe the proposed collection method was the best mechanism to obtain the required information.

As well as scrutinising changes to data collections, over the period the Star Chamber Scrutiny Board has also provided very useful advice about the proposed method for

collecting the data, which has been most beneficial. This advice has led to data sponsors changing their data collection proposals, adjusting their timings or sampling methods, or re-designing their methodology, thereby ensuring better quality data was received from the front-line and with fewer burdens on supplying LAs, schools and academies.

Compliance Costs

Compliance costs allow us to express the burden imposed on the sector for making data returns to the department. A standardised method, originally developed by the Office for National Statistics (ONS), is used by DfE and across government to calculate the compliance cost of each data collection and is based on the time taken to complete, and the grade of staff making, the return.

Of those business cases considered by Star Chamber in the 2018-2020 reporting years, the additional compliance costs and therefore the burden imposed totalled £1,087,383 (split by reporting year, this was equal to £188,287 for 2018-2019 and £899,096 for 2019-2020). As this burden is imposed across the entire school and local authority sector it is very low per respondent, although it is £374,131 more than the additional burden imposed in the previous two years (2016-2018). One of the reasons for the additional burden appearing to be so high is due to additional data being required for the School Census – this accounts for £229,832 which if divided by the number of schools in scope is equal to compliance costs of £10.44 per school over the two reporting years.

The compliance costs of those business cases rejected by Star Chamber totalled £2913.

Appeals

An appeals process exists for 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.

No appeals were heard during this reporting period.

Where required, a further level of appeal exists to a designated Minister but this was not necessary during 2018-20.

Other work

The examination of business cases is the main area of the Board's work. Board members frequently take questions back to their home authorities to consult with local experts in the particular areas under discussion, pooling the comments they have received on the morning of the regular meetings. Where discussions take place with a

policy area prior to the submission of a business case, this can be very beneficial in reducing burdens.

Individual members have also volunteered to support and provide guidance to DfE policy colleagues who are considering new policy initiatives. This has been undertaken outside of the normal activity of the Board and continues to provide a valuable resource of expertise and local knowledge to enable early and meaningful consultation.

Reviews of existing data collections are undertaken to ensure that data collections remain fit for purpose and that the benefit continues to outweigh the burden. In this reporting period, the Board and DfE policy colleagues actively reviewed the following data collections in detail: Alternative Provision Census, SEN2 data collection and Early Years Census.

As part of the Government's response to the Coronavirus pandemic, since March 2020, to help reduce the burden on educational and care settings, the Department for Education and its agencies cancelled or paused all but the most essential data collections, services and requests. The Star Chamber Scrutiny Board have played a substantial part in supporting this aim by providing helpful sector feedback via the Data Collection and Research Panel for all data collections and services due to be undertaken by schools and local authorities during the period April 2020 to March 2021.

The Board has a secondary role discussing and monitoring developments in education and children's services data including changes to the ways of collecting and presenting data. For instance, the Board have continued to act as stakeholders and have provided valuable feedback and support during the development of new digital services including Analyse School Performance (ASP) and the Official Statistics Dissemination Platform.

Membership and meetings

The Board is chaired by the Head of Data Operations Division (formerly Education Data Division) which forms part of the Department for Education. Rebekah Edgar chaired meetings between November 2018 and January 2020, followed by Jamie James from February 2020. The current Head of Data Operations has nominated Paul Hirst, the senior leader responsible for sector data collections and burdens, as co-chair with responsibility for the ongoing operation of the board.

The Board operates with membership remaining open-ended and based on the ongoing commitment provided by members to attend meetings and to take an active role in its operation. Natural change in the group ensures that the turnover of membership happens seamlessly. Local authority representatives are nominated via the Association of Directors of Children's Services, and head teacher / school principal members via the National Association of Head Teachers and the Association of School and College Leaders.

The department recognises the need to ensure that the Board reflects the current educational landscape and that it has the necessary skills and expertise to consider the proposals put before it. To further satisfy this aim, a recruitment exercise with a particular emphasis on encouraging applications from individuals within schools, multi-academy trusts and those with a background in social care or finance was undertaken in the reporting period. Following this exercise, six new appointments were made to the board.

There are normally eleven meetings each year, once each month, other than August. In the 2018-2020 reporting period, the Board met on fourteen occasions because:

- there was no business requirement for meetings due to the reducing numbers of business cases in:
 - December 2018
 - February and March 2019
 - January, February, April, May and June 2020

One of the reasons for a reduced number of business cases in 2020, was due to the department, schools and LAs managing the response to COVID19 and a temporary cessation of new burdens and a reduction of existing ones. Meetings since March 2020 have been held virtually due to the Coronavirus pandemic.

Members would like to call attention to following points of note

The following comments are provided by the external members of the Star Chamber and do not necessarily reflect the DfE position.

The board has been very pleased with the continued positive attitude taken by policy areas whose business cases come to them for scrutiny. The increases in the number of discussions and consultation exercises prior to the submission of business cases continues to reap rewards for all parties. The board is able to provide advice based on the experience and knowledge of its members that invariably helps to improve the quality of business cases and in return, the policy holders who wholeheartedly engage in this process, generally find their proposals being accepted without conditions, amendments or any but minor changes being required.

In relation to the business cases considered by the board in the period covered by this report, it is interesting to note that the three business cases that were rejected in the reporting period were ones that did not partake in an initial discussion. It was also significant that with two of the Business Cases the Board supported the aim, but not the method proposed to obtain the required information.

We feel this definitely demonstrates the value of early, constructive consultation, that experience has shown to be productive and beneficial to departmental representatives,

board members and, consequently, to those working on data in schools and authorities.

The board have identified potential areas for improving and increasing the effectiveness of the board, including:

Strengthening links with other stakeholders operating in this space

The links with the Children's Services National Performance and Information Management Group (CS NPIMG), linked to the ADCS Standards, Performance and Inspection Policy Committee (ADCS SPI) mentioned in the last annual report, led to another member of NPIMG being recruited into the ranks of the Star Chamber. This has strengthened the connection between the board and the performance & data community in local authorities; supporting members with additional insight into the issues affecting the wider local authority sector and also supporting the department in the development of data collections. This has been particularly relevant in relation to several data collections started without consultation in response to the COVID19 pandemic, which have been improved after consultation with the board and other groups of stakeholders.

The board is keen to develop similar links with other key stakeholders in the area of education and children's services data to both benefit from and contribute to the work of these stakeholders.

Principle of one-in-one-out

The board previously requested that policy representatives consider the principle of 'one-in, one-out' when developing business cases. In practice, once a collection has become 'business as usual' for the sector, there is little gain from stopping the collection of the data, particularly if the sector itself now uses the data for its own purposes which means that this principle is not always helpful.

Instead we would like policy colleagues to consult widely within the Department to see if there are any data collections, research or other information that could be used to inform the initiative being considered, that are already available. The board has often helped link up policy colleagues working in different areas of the department and we would encourage this joined-up thinking to develop further. This is particularly important where any proposed collection represents a significant increase in burden for the sector.

We would also ask that the department avoid 'speculative' types of collection, where it is known that something is not known and a change to an existing collection is proposed to try and gauge the extent of the 'known unknowns'. In this case, the board would urge policy colleagues to spend time properly researching the area of concern, consult stakeholders, look at existing data and consider all the options before resorting

to a data collection. The best collections are always those that are carefully considered, precisely calibrated and able to evidence the importance & impact that will result from their collection to the children and families we support and the sector as a whole.

Members will continue to undertake reviews of data collections (agenda dependent) but this type of consideration will join-up these processes.

Recognition of continuing reduced resources in local authorities and schools

In the previous report, the board raised the issue of reduced numbers of performance and data staff in local authorities and schools across the country which may well continue. We have also noted that in times of crisis, demands for data increase, with the DfE as well as the LAs and schools themselves seeking additional data to understand the unfolding situation 'on the ground'.

The suspension by the DfE of some of their collections and the extensions of the timeframes for submission were very welcome and helped during the early stage of the COVID pandemic. This doesn't negate the fact that the increasing demands are falling on a reducing resource.

The board requests that policy representatives recognise this and they consider how their requirements could be most efficiently met with regard to the current demands on local authority and school staff, in particular, the timing for completion of requests.

Consideration of the resource requirements in monetary terms

In previous years we have agreed that we would consider the measure of burden more fully. We have not made the progress in this area that we hoped and it remains an area where the cumulative burdens are difficult to quantify when the resource requirements often underestimate the work required. For example, the compliance costs estimated for the three business cases rejected in 2018/19 were £2913, something the Star Chamber would have strongly challenged had the proposals been accepted.

At the Biannual CLIP group meeting, we were given clarification that the time taken to collect the information and get it in a form ready to be submitted, should also be part of the resource calculations; something that we had previously been advised should not be included.

We would like to do further work in this area, including a means of keeping a running tally of the burden that has been added to the sector in the course of the year.

Responses to emerging situations

The DfE has been rightly commended by MHCLG (as it now is) for the inception and operation of the Star chamber, anticipating as it did, similar arrangements put in place across the rest of government with the formation of the CLIP (Central Local Information Partnership) groups in 2011.

Whilst the board understands the need to urgently collect data about emerging issues, we were concerned to see that the proven practise of consulting with the sector was not followed at the start of the COVID19 pandemic. It is felt that the sector could have added more immediate value to these data collections had we been consulted, leading to reduced burden and allowing more time to work on keeping children and young people safe at home and at school.

Now that Star Chamber and other organisation have been, and continue to be consulted, these collections are improved and the impact on the sector reduced.

We hope that lessons will continue to be learned from this experience and should a similar situation arise in the future, the Star Chamber can play an important role alongside other bodies in finding a proportionate way to gain intelligence to help manage the crisis.

Footnote

The board wish to record thanks to the secretariat, for the continued smooth support of its work. In particular the organisation of the facilities necessary, the coordination of policy colleagues attending the Star Chamber (in person or by conference call) and the pursuit of additional or supplementary information requested by the board has been excellent and enabled the board to focus on its work in ideal conditions. A special commendation is due for the way, since the start of the COVID19 related restrictions, the secretariat has managed the transition to on-line meetings supremely well. This has meant that the meetings have continued with the same efficacy and purposefulness as ever; a tribute to the willingness of the secretariat to do whatever is necessary to make the meetings work for all participants. Ultimately this benefits the children and their families for whom we all work.

We would also like to commend the secretariat on the recruitment exercise that lead to six new members of the Star Chamber, the highest single intake since the inception of the board. The new members have strengthened the board with their knowledge, experience and enthusiasm and broadened the expertise with which the Star Chamber can discharge its responsibilities.

During this period two colleagues left the Star Chamber and we would like to thank Rowena and Gavin for their valuable contributions to the work of the Star Chamber during their period with us and for the personal impact they made with the other board members.

We would also like to thank Rebekah for her excellent Chairing of the Star Chamber during her period at the helm and wish her continued success in her career.

Finally we want to welcome Jamie as the new chair of Star Chamber. We thank him for his commitment to the work of the board, his recognition of the value that it brings to the department and we look forward to working with him and the team over the coming months and years.

Annex 1

List of Star Chamber Scrutiny Board members for the reporting year.

Chair:

Rebekah Edgar as the DfE Head of Data Operations Division chaired the Star Chamber Scrutiny Board during November 2018 and January 2020.

Jamie James as the DfE Head of Data Operations Division has chaired the Star Chamber Scrutiny Board from February 2020.

Paul Hirst, Data Operations Division, DfE

Secretariat

Kirsty Knox, Data Operations Division, DfE

Members:

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

Ather Abbas	The Schools of King Edward VI trust, Birmingham
Viktorija Birmingham	Enfield LA
Philip Brocklehurst	Associate LA member
Angela Browne	Slough and Eton CofE Business and Enterprise College
Stephen Clark	Associate LA member

Mathew Downs	Highcliffe School, Dorset
Chris Hill	National Association of Head Teachers
Rashid Jussa	Waltham Forest LA
Damien Kearns	Nishkam High School, Birmingham
Adam King	Ofsted
Sharon McBriarty	Kirklees LA
Jeanette Miller	Thornhill Primary School, Southampton
Mike Parkin	Worcestershire LA
Daryl Perilli	Brighton and Hove LA
Cathy Piotrowski	Associate LA member
Gavin Sandmann	Milton Keynes LA
Simon Utting	Hackney Learning Trust
Rowena Ward	RBKC / Westminster LAs
Max Winters	Bromley LA
Christopher Woolf	Pinner High School, Harrow
Nigel Wright	Bohunt Education Trust

Ofsted continued to work closely with the SCSB and they maintain a permanent seat.

Rowena Ward (RBKC / Westminster LAs) resigned from her position in September 2019, Gavin Sandmann (Milton Keynes LA) resigned from his position in July 2020.

The department and the sector are grateful for the work of these individuals.

Six new members were recruited in September 2020: Ather Abbas (The Schools of King Edward VI trust, Birmingham), Viktorija Birmingham (Enfield LA), Angela Browne (Slough

and Eton CofE Business and Enterprise College, Slough), Sharon McBriarty (Kirklees LA) Daryl Perilli (Brighton and Hove LA) and Christopher Woolf (Pinner High School, Harrow).

Annex 2

Business case number	Consideration date	Business case name	SCSB comments	Voluntary (V) or Mandatory (M)
Cases fully approved				
854	November 2018 - via correspondence	School Census 2019/20	The board approved this business case.	M
860	January 2019	Ofsted fostering data collection	The board approved this business case.	V
862	May 2019	Alternative Provision census 2020	The board approved this business case.	M
865	September 2019	School census 2020/21 - exclusion changes	The board approved this business case.	M
867	September 2019	CIN 2020/21 - assessment factors	The board approved this business case.	M
871	November 2019	School census 2020/21: exclusions module	The board approved this business case.	M
873	December 2019	RSHE – collection from local authorities	The board approved this business case.	V
876a	September 2020	Children in Need 21/22 Extra Familial Harms	The board approved this business case.	M
879	July 2020	September sufficiency survey	The board approved this business case.	V
880a	September 2020	CLA 2021 - 2022	The board approved this business case.	M
882	September 2020	EYFSP 2021 - reforms	The board approved this business case.	M
883	October 2020	SCAP 2021 HIF	The board approved this business case.	M
Cases approved following amendments				
863	September 2019	CLA 2020-2021 collection - reason episode ceased codes	The business case was approved following changes suggested by SCSB.	M
870	November 2019	School census 2020/21: attendance codes	The business case was approved following changes suggested by SCSB.	M
875	July 2020	Year 2 phonics	The business case was approved following changes suggested by SCSB.	M
Cases conditionally approved				
842a	April 2019	BIU Ebacc	The business case was approved with the same conditions as before.	V

856	November 2018	School census 2019/20	<p>The business case was approved subject to:</p> <ol style="list-style-type: none"> whilst the department will not collect lunch time exclusions, schools would like to see that field left in the MIS so that it can be used where needed schools should be asked to confirm what 'other' reasons actually are where this is identified in validation in COLLECT; to improve data quality 	M
857	January 2019	Early years census 2020	The business case was approved subject to extra guidance being made available to schools and validation of 'other' responses was provided	M
858	January 2019	Industrial action and school closures	<p>The business case was approved subject to the following conditions:</p> <ul style="list-style-type: none"> Only one chase for non-respondents Correspondence to schools should clearly state that the return is voluntary Any changes before 2020 must come back to Star Chamber for approval If and when there is a strike, a copy of the correspondence to schools should be shared with Star Chamber members (through the secretariat) 	V
861	April 2019 - via correspondence	PFI data collection	The business case was approved with the same conditions as before.	V
864	September 2019	2-year old funding survey	The business case was approved for one year, with the request that the team return with their thoughts on a termly early years census.	V
866	September 2019	SEN2 2020 data collection	<p>The business case was approved subject to the following:</p> <p>Elective home education split, items C and D - think should be other way around</p> <p>Of school age/not school age should be removed once the return is pupil level as this information can be derived by data already collected</p>	M
868a	October 2019	School Census 2020/21: Post 16 changes	<p>The business case was approved subject to the following:</p> <ul style="list-style-type: none"> The board review guidance before it is issued The board are assured that all suppliers are 'on-board' with these changes The department investigate extending the use of the ILR or use of another system to incorporate all post-16 students in schools 	M

			<ul style="list-style-type: none"> • Unless the numbers currently projected increase markedly or there is a substantial change in this area, we would not be expecting to make any further changes in future years. • The compliance costs are updated to reflect the moderate expenses raised by software suppliers • Consideration of the threshold for getting support to help with collection issues 	
877	July 2020	Children in Need 21/22 plan dates	The business case was approved on the conditional basis that analysis was done in year 2 on how it has helped and if it is important to keep collecting - being proportionate	M
878	July 2020	2year-old headcount survey	The business case was approved on the condition the collection windows are amended.	V
881	September 2020	School Workforce Census 2021 early career framework	The business case was approved subject to: <ul style="list-style-type: none"> • default being non NQT • guidance is made very clear - what we expect of an NQT and shared with the board in advance 	M
884	October 2020	Condition Data Collection (CDC) 2	The business case was approved subject to: <ul style="list-style-type: none"> a) good quality guidance at the point of the letter b) ICT question clarity c) compliance costs are updated accordingly 	V
Cases Rejected				
853	November 2018	School Workforce census 2019	SCSB were unconvinced with the proposal and therefore it was rejected.	M
855	November 2018	Deprivation of liberty survey	SCSB supported the aims of this important work but did not think that this survey was the best mechanism to obtain the required information.	V
859	January 2019	User insight on the Eligibility Checking System	SCSB were unconvinced with the proposal and therefore it was rejected.	V
Cases referred to appeal				
No appeals were heard in the 2018-2020 reporting years.				

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