INTRODUCTION

1. These explanatory notes relate to the Special Educational Needs (Information) Bill as introduced in the House of Commons on 5th December 2007. They have been provided by the Department for Children, Schools and Families, with the consent of Sharon Hodgson MP, the Member in charge of the Bill, in order to assist the reader of the Bill and to help inform debate on it. They do not form part of the Bill and have not been endorsed by Parliament.

2. The notes need to be read in conjunction with the Bill. They are not, and are not meant to be, a comprehensive description of the Bill. So where a clause or part of a clause does not seem to require any explanation or comment, none is given.

SUMMARY

3. The Bill makes two substantive provisions by amending the Education Act 1996.

4. Firstly, it requires the Secretary of State to exercise certain of his powers under that Act with a view to securing the provision of information about children in England with special educational needs that would be likely to assist in improving the well-being of children in England with special educational needs.

5. Secondly, the Bill requires the Secretary of State to publish, or arrange to be published, information about children in England with special educational needs, the publication of which would be likely to assist in improving the well-being of these children.
These notes refer to the Special Educational Needs (Information) Bill as introduced in the House of Commons on 5th December 2007 [Bill 26]

TERRITORIAL EXTENT

6. The Bill extends to England and Wales but applies to children in England only. The Bill does not extend to Scotland and Northern Ireland.

7. Because the Sewel Convention provides that Westminster will not normally legislate with regard to devolved matters in Scotland without the consent of the Scottish Parliament, if there are amendments relating to such matters which trigger the Convention, the consent of the Scottish Parliament will be sought for them.

COMMENTARY ON CLAUSES

8. Clause 1 of the Bill amends the Education Act 1996 by the insertion of three sections.

9. The first inserted section, section 332C, requires the Secretary of State to exercise his “relevant powers” with a view to securing, in particular, the provision of information about children in England with special educational needs which would, in his opinion, be likely to assist him or others, such as local authorities or schools, in improving the well-being of children in England with special educational needs.

10. The “relevant powers” are defined in subsection (2) and are all contained within the Education Act 1996. They relate mainly to the acquisition of information from schools and local education authorities, though sometimes other persons can be required to provide information (head teachers, those who collate information, etc).

11. The clause does not list the range of mechanisms by which information could assist in improving well-being but these could include:

   a) allowing the Secretary of State, local authorities and schools to monitor and evaluate whether policies and programmes were effective and thus inform any policy changes;
   b) enabling local authorities to plan better for provision to meet the needs of children with special educational needs; and
   c) enabling local authorities which are improving well-being or planning effectively to be identified and to spread good practice to others.

12. The second inserted section, section 332D, requires the Secretary of State in each calendar year to publish, or arrange to be published, information about children in England with special educational needs which has been obtained under the Education Act 1996, the publication of which would, in the opinion of the Secretary of State, be likely to assist him, or others such as local authorities and schools, in improving the well-being of these children.
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13. The information can be published in a form, and in a way, that the Secretary of State considers appropriate but he may not publish the names of children to whom the information relates (subsection (2)). The Secretary of State may make, or arrange for the making of, a charge to cover the cost of any documents supplied (subsection (3)).

14. The final section inserted by this clause, section 332E, defines the terms “child”, “special needs information” and “well-being”. The definition of well-being reflects the Every Child Matters (Cm 5860) outcomes as set out in section 10 of the Children Act 2004: be healthy, stay safe, enjoy and achieve, make a positive contribution and achieve economic well-being (see http://www.everychildmatters.gov.uk/aims/).

15. Clause 2 of the Bill contains provisions on the short title, commencement and extent of the Bill.

FINANCIAL EFFECTS OF THE BILL

16. The financial effects of the Bill will be minor. The costs of the Bill will be assessed fully once decisions are taken on the changes to information collected and published about children with special educational needs. No additional expenditure should fall on the Consolidated Fund or the National Loans Fund as a consequence of this Bill.

EFFECTS OF THE BILL ON PUBLIC SECTOR MANPOWER

17. There are no public sector commitments arising from the Bill which would give rise to additional manpower requirements.

SUMMARY OF THE IMPACT ASSESSMENT

18. The Department for Children Schools and Families has assessed the impact of the Bill and concluded that any costs will be minor and fall on the public sector. Based on the evidence provided to them, the Better Regulation Executive is content in these circumstances that a full impact assessment is not needed. A copy of the equality impact assessment will be placed in the Libraries of both Houses and made available on the Department for Children Schools and Families’ website.

COMMENCEMENT

19. Clause 1 of the Bill will be brought into force by a commencement order made by the Secretary of State. Clause 2 comes into force on the day on which the Bill receives Royal Assent.
SPECIAL EDUCATIONAL NEEDS
(INFORMATION) BILL

EXPLANATORY NOTES

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