

Draft Regulations laid before Parliament under section 182(3)(aza) of the Education and Inspections Act 2006, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2016 No. 0000

EDUCATION, ENGLAND

The Coasting Schools (England) Regulations 2016

Made - - - - 2016

Coming into force in accordance with regulation 1

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by section 60B(2) and (3) and 181(2)(a) of the Education and Inspections Act 2006(1) and section 2B(5) of the Academies Act 2010(2).

In accordance with section 182(3)(aza) of the Education and Inspections Act 2006(3) a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Coasting Schools (England) Regulations 2016 and come into force on the day on which section 1 of the Education and Adoption Act 2016 (coasting schools) comes into force for all remaining purposes.

Interpretation

2. In these Regulations—

“downloadable” means made available for download via the internet by the Secretary of State(4) from time to time pursuant to section 537(3) of the Education Act 1996(5);

“KS2 education” means education for pupils in the second key stage, within the meaning given in section 82(1)(b) of the Education Act 2002(6);

(1) 2006 c.40. Section 60B was inserted by section 1(3) of the Education and Adoption Act 2016 (c.6).

(2) 2010 c.32. Section 2B was inserted by section 14 of the Education and Adoption Act 2016.

(3) Section 182(3)(aza) was inserted by section 1(4) of the Education and Adoption Act 2016.

(4) Available on the internet at <https://www.compare-school-performance.service.gov.uk/download-data> and in hard copy by writing to Ministerial and Public Communications Division, Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD or by telephoning 0370 000 2288.

(5) 1996 c.56.

(6) 2002 c.32.

“KS4 education” means education for pupils in the fourth key stage, within the meaning given in section 82(1)(d) of the Education Act 2002.

Disapplication of coasting schools regime for certain descriptions of school and Academy

- 3.—(1) Section 60B of the Education and Inspections Act 2006 does not apply to—
- (a) a community or foundation special school(7); or
 - (b) a maintained nursery school(8).
- (2) Section 2B of the Academies Act 2010 does not apply to—
- (a) an Academy school specially organised to make special educational provision for pupils with special educational needs; or
 - (b) an alternative provision Academy.

Coasting primary schools

4.—(1) For the purposes of section 60B(1) of the Education and Inspections Act 2006 (coasting schools), a maintained school providing KS2 education is “coasting” if it meets the coasting criteria for each school year of the most recent three successive school years for which there is All England KS2 data.

- (2) In paragraph (1), the “coasting criteria” are—
- (a) in relation to the school years 2013/2014 and 2014/2015, that—
 - (i) the attainment measure for the school is below 85%; and
 - (ii) each progress measure for the school, for the school year listed in column 1 of table 1, is below the percentage for the respective subject listed in the corresponding entry in column 2, 3 or 4 of the table(9);

Table 1

<i>Column 1 – School year</i>	<i>Column 2 – Percentage for reading</i>	<i>Column 3 – Percentage for writing</i>	<i>Column 4 – Percentage for mathematics</i>
2013/2014	94%	96%	93%
2014/2015	94%	97%	93%

- (b) in relation to the school year 2015/2016 and subsequent school years, that—
 - (i) the attainment measure for the school is below 85%;
 - (ii) any progress measure for the school, for the school year listed in column 1 of table 2, is below the score for the respective subject listed in the corresponding entry in column 2, 3 or 4 of the table; and
 - (iii) as regards any progress measure which is below the figure mentioned in subparagraph (ii), the corresponding upper confidence limit is below zero.

(7) By virtue of section 187(5) of the Education and Inspections Act 2006, the expression “community or foundation special school” is a reference to such a school within the meaning of the School Standards and Framework Act 1998 (c.31).

(8) The expression “maintained nursery school” is defined in section 579(1) of the Education Act 1996 as having the meaning given by section 22(9) of the School Standards and Framework Act 1998. By virtue of section 187(2) of the Education and Inspections Act 2006, Part 4 (schools causing concern: England) of that Act is to be read as though it were contained in the Education Act 1996.

(9) These percentage figures represent the median of the progress percentage figures achieved by all primary schools in England.

Table 2

<i>Column 1 – School year</i>	<i>Column 2 – Score for reading</i>	<i>Column 3 – Score for writing</i>	<i>Column 4 – Score for mathematics</i>
2015/2016 or any subsequent year	-2.5	-3.5	-2.5

(3) In this regulation—

“All England KS2 data” means—

- (a) the key stage 2 performance data for all of England which is downloadable in respect of the relevant school year⁽¹⁰⁾ and identified in that data as being “Final key stage 2” data; or
- (b) where the data in sub-paragraph (a) is not downloadable in respect of the relevant school year, the key stage 2 performance data for all of England which is downloadable in respect of the relevant school year and identified in that data as being “Revised key stage 2” data;

“attainment measure” means—

- (a) in relation to the school years 2013/2014 and 2014/2015, the percentage shown in the “PTREADWRITTAMATX” column of the All England KS2 data⁽¹¹⁾; and
- (b) in relation to the school year 2015/2016 and subsequent school years, the percentage of pupils at the school achieving the expected standard of attainment in reading, writing and mathematics as determined in accordance with the primary school accountability measure, being the percentage shown in the “PTRWM_EXP” column of the All England KS2 data;

“corresponding upper confidence limit” means the upper confidence limit score calculated in respect of each of the reading, writing and mathematics progress measures as determined in accordance with the primary school accountability measure, being—

- (a) in relation to the score mentioned in paragraph (b)(i) of the definition of “progress measure”, the figure shown in the “READPROG_UPPER” column of the All England KS2 data⁽¹²⁾;
- (b) in relation to the score mentioned in paragraph (b)(ii) of the definition of “progress measure”, the figure shown in the “WRITPROG_UPPER” column of the All England KS2 data⁽¹³⁾;
- (c) in relation to the score mentioned in paragraph (b)(iii) of the definition of “progress measure”, the figure shown in the “MATPROG_UPPER” column of the All England KS2 data⁽¹⁴⁾;

“primary school accountability measure” means the progress calculation methodology set out in the document entitled “Primary progress measures: How the primary progress measures

⁽¹⁰⁾ The expression “school year” is defined in section 579(1) of the Education Act 1996 (c.56). By virtue of section 187(2) of the Education and Inspections Act 2006, Part 4 (schools causing concern: England) of that Act is to be read as though it were contained in the Education Act 1996.

⁽¹¹⁾ This column shows the percentage of pupils achieving level 4 or above in reading and mathematics tests and writing teacher assessments.

⁽¹²⁾ This column shows the upper confidence limit for the reading progress measure.

⁽¹³⁾ This column shows the upper confidence limit for the writing progress measure.

⁽¹⁴⁾ This column shows the upper confidence limit for the mathematics progress measure.

are calculated” with the reference “DFE-00253-2016” and published by the Department for Education on 19th October 2016(15);

“progress measure” means—

- (a) in relation to the school years 2013/2014 and 2014/2015, each of—
 - (i) the percentage shown in the “PT2READ” column of the All England KS2 data(16);
 - (ii) the percentage shown in the “PT2WRITTA” column of the All England KS2 data(17);
 - (iii) the percentage shown in the “PT2MATH” column of the All England KS2 data(18); and
- (b) in relation to the school year 2015/2016 and subsequent school years, each of—
 - (i) the score achieved by the school for the reading progress measure as determined in accordance with the primary school accountability measure, being the score shown in the “READPROG” column of the All England KS2 data;
 - (ii) the score achieved by the school for the writing progress measure as determined in accordance with the primary school accountability measure, being the score shown in the “WRITPROG” column of the All England KS2 data;
 - (iii) the score achieved by the school for the mathematics progress measure as determined in accordance with the primary school accountability measure, being the score shown in the “MATPROG” column of the All England KS2 data.

Coasting secondary schools

5.—(1) For the purposes of section 60B(1) of the Education and Inspections Act 2006 (coasting schools), a maintained school providing KS4 education is “coasting” if it meets the coasting criteria for each school year of the most recent three successive school years for which there is All England KS4 data.

(2) In paragraph (1), the “coasting criteria” are—

- (a) in relation to the school years 2013/2014 and 2014/2015, that—
 - (i) the attainment measure for the school is below 60%; and
 - (ii) each progress measure for the school, for the school year listed in column 1 of table 3, is below the percentage for the respective subject listed in the corresponding entry in column 2 or 3 of the table(19);

Table 3

<i>Column 1 – School year</i>	<i>Column 2 – Percentage for English</i>	<i>Column 3 – Percentage for mathematics</i>
2013/2014	74%	67%
2014/2015	73%	68%

(15) Available on the internet at <https://www.gov.uk/government/publications/primary-school-accountability> and in hard copy by writing to Ministerial and Public Communications Division, Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD or by telephoning 0370 000 2288.

(16) This column shows the percentage of pupils making at least 2 levels of progress in reading.

(17) This column shows the percentage of pupils making at least 2 levels of progress in writing teacher assessments.

(18) This column shows the percentage of pupils making at least 2 levels of progress in mathematics.

(19) These percentage figures represent the median of the progress percentage figures achieved by all secondary schools in England.

- (b) additionally in relation to the school year 2014/2015 in respect only of a maintained school providing KS4 education which is a Progress 8 early opt-in school, that—
 - (i) the school’s Progress 8 measure for that year is below -0.25; and
 - (ii) the school’s upper confidence limit for that year is below zero;
- (c) in relation to the school year 2015/2016 and subsequent school years, that—
 - (i) the school’s Progress 8 measure for the school year is below -0.25; and
 - (ii) the school’s upper confidence limit is below zero.

(3) In this regulation—

“All England KS4 data” means—

- (a) the key stage 4 performance data for all of England which is downloadable in respect of the relevant school year and identified in that data as being “Final key stage 4” data; or
- (b) where the data in sub-paragraph (a) is not downloadable in respect of the relevant school year, the key stage 4 performance data for all of England which is downloadable in respect of the relevant school year and identified in that data as being “Revised key stage 4” data;

“attainment measure” means, in relation to the school years 2013/2014 and 2014/2015, the percentage shown in either the “PTAC5EM_PTQ” or “PTAC5EM_PTQ_EE” column (as appropriate) of the All England KS4 data(20);

“progress measure” means, in relation to the school years 2013/2014 and 2014/2015, each of—

- (a) the percentage shown in either the “PT24ENGPRG_PTQ” or “PT24ENGPRG_PTQ_EE” column of the All England KS4 data (as appropriate)(21); and
- (b) the percentage shown in either the “PT24MATHPRG_PTQ” or “PT24MATHPRG_PTQ_EE” column of the All England KS4 data (as appropriate)(22);

“Progress 8 accountability measure” means the progress and attainment calculation methodology set out in the document entitled “Progress 8: How Progress 8 and Attainment 8 measures are calculated” with the reference “DFE-00252-2016” and published by the Department for Education on 19th October 2016(23);

“Progress 8 early opt-in school” means a maintained school providing KS4 education which has opted-in to the early use of the Progress 8 accountability measure and is included in the document entitled “Progress 8 opt in: list of schools” published by the Department for Education on 3rd August 2015(24);

“Progress 8 measure” means, in relation to the school year 2014/2015 and subsequent school years, the score achieved by the school as determined in accordance with the Progress 8 accountability measure, being the score shown in the “P8MEA” column of the All England KS4 data;

(20) This column shows the percentage of pupils achieving 5 or more A*-C or equivalents at GCSE, including A*-C in both English and mathematics GCSE.

(21) This column shows the percentage of pupils at the end of key stage 4 achieving the expected level of progress between key stage 2 and GCSE English.

(22) This column shows the percentage of pupils at the end of key stage 4 achieving the expected level of progress between key stage 2 and GCSE mathematics.

(23) Available on the internet at <https://www.gov.uk/government/publications/progress-8-school-performance-measure> and in hard copy by writing to Ministerial and Public Communications Division, Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD or by telephoning 0370 000 2288.

(24) Available on the internet at <https://www.gov.uk/government/publications/progress-8-school-performance-measure-early-opt-in-schools> and in hard copy by writing to Ministerial and Public Communications Division, Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD or by telephoning 0370 000 2288.

“upper confidence limit” means, in relation to the school year 2014/2015 and subsequent school years, the score achieved by the school as determined in accordance with the Progress 8 accountability measure, being the figure shown in the “P8CIUPP” column of the All England KS4 data.

Coasting all-through schools

6. The fact that a school which is providing both KS2 education and KS4 education⁽²⁵⁾ is—
- (a) coasting under regulation 4 but not under regulation 5; or
 - (b) coasting under regulation 5 but not under regulation 4,

does not prevent that school from being “coasting” for the purposes of section 60B(1) of the Education and Inspections Act 2006 (coasting schools).

Date

Name
Minister of State
Department for Education

(25) Such a school is generally referred to as an “all-through school”.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations define the concept of “coasting” for the purposes of section 60B of the Education and Inspections Act 2006 (c.40) and section 2B of the Academies Act 2010 (c.32) and apply to all maintained schools and Academy schools providing Key Stage 2 and Key Stage 4 education except those listed in regulation 3.

Regulation 4 provides that a primary school will be a coasting school if it meets the coasting criteria for the most recent three successive school years. The coasting criteria are based on the same school performance measures (i.e. attainment and progress) used to set standards in order to hold schools to account (also referred to as “floor standards” for primary schools). The coasting criteria for the 2013/2014 and 2014/2015 school years are based on the primary school accountability measures used for those years. The coasting criteria for the 2015/2016 school year and successive school years reflect the new primary school accountability measures applied for the 2015/2016 school year and successive school years.

Regulation 5 provides that a secondary school will be a coasting school if it meets the coasting criteria for the most recent three successive school years. The secondary coasting criteria are likewise based on the same school performance measures used to set the “floor standards” for secondary schools. The secondary coasting standard for the 2013/2014 and 2014/2015 school years is based on the secondary school accountability measures used for those years. The coasting criteria for the 2015/2016 school year and successive school years is based on the Progress 8 measure, the new secondary accountability measure applied for the 2015/2016 school year and successive school years. In relation to schools which participated in Progress 8 early opt-in for the 2014/2015 school year, regulation 5(2)(b) provides for that year also to take account of the secondary coasting standard based on the Progress 8 measure.

Regulation 6 confirms that an all-through school providing both Key Stage 2 and Key Stage 4 education will be considered coasting if it meets the coasting criteria in respect of either stage.

An impact assessment has not been produced for this instrument as it has no impact on businesses and voluntary sector organisations. The instrument has a minimal impact on the public sector.