

2002 No. 2017

EDUCATION, ENGLAND

**The Education (School Performance Information)
(England) (Amendment) Regulations 2002**

Made - - - - - *30th July 2002*

Laid before Parliament *1st August 2002*

Coming into force - - *22nd August 2002*

In exercise of the powers conferred on the Secretary of State by sections 29(3), 408, 537, 537A(1) and (2) and 569(4) and (5) of the Education Act 1996(a) and after consulting with those persons with whom consultation appeared to the Secretary of State to be desirable, the Secretary of State for Education and Skills hereby makes the following Regulations:

Citation, commencement and interpretation

1. These Regulations may be cited as the Education (School Performance Information) (England) (Amendment) Regulations 2002 and shall come into force on 22nd August 2002.

Amendment of the Education (School Performance Information) (England) (Regulations) 2001

2. The Education (School Performance Information) (England) Regulations 2001(b) shall be amended in accordance with regulations 3 to 13 of these Regulations.

3. In regulation 2(1), in the definition of “assessment”, before “a CTC” there shall be inserted the words “an Academy or”.

4. After regulation 7 there shall be inserted—

“Provision of information about third key stage assessment results to the Secretary of State

7A. The governing body of every maintained secondary school and the proprietor of every Academy or CTC shall, within two weeks of receiving a written request from the Secretary of State, provide him with the information for the reporting school year referred to in Schedule 2A.”.

5. In regulation 10, the words “, except a middle deemed secondary school,” shall be omitted.

(a) 1996 c. 56. By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (1999/672) the powers conferred by these sections are exercisable by the Secretary of State only in relation to England. Section 29(3) was amended by paragraph 67 of Schedule 30 to the School Standards and Framework Act 1998 (c. 31). Section 408 was amended by paragraph 30 of Schedule 7 and Schedule 8 to the Education Act 1997 (c. 44), paragraphs 57 and 106 of Schedule 30 and Schedule 31 to the School Standards and Framework Act 1998 and paragraph 57 of Schedule 9 to the Learning and Skills Act 2000 (c. 21). Section 537 was amended by paragraph 37 of Schedule 7 to the Education Act 1997, paragraphs 57 and 152 of Schedule 30 to the School Standards and Framework Act 1998 and paragraph 60 of Schedule 9 to the Learning and Skills Act 2000. Section 537A was substituted by paragraph 153 of Schedule 30 to the School Standards and Framework Act 1998. For the meaning of “prescribed” and “regulations” see section 579(1) of the Education Act 1996.

(b) S.I. 2001/3446.

6. In regulation 14(2), before “CTC” there shall be inserted—
- (a) on the first occasion that it occurs, the words “Academy or”;
 - (b) on the second occasion that it occurs, the words “an Academy or”.
- 7.—(1) In regulation 16(4), after “secondary school” there shall be inserted—
“except that this requirement shall not apply, in respect of paragraph 8 of Schedule 6, in relation to a school which has ten or fewer pupils at or near the end of the final year of the second key stage”.
- (2) In regulation 16(5), for “a special school” there shall be substituted—
“that this requirement shall not apply in relation to a special school or, in respect of paragraph 8 of Schedule 6, a school which has ten or fewer registered pupils at or near the end of the final year of the second key stage”.
- (3) In regulation 16(6), sub-paragraph (d)(ii) shall be omitted.
8. After Schedule 2 there shall be inserted as Schedule 2A the Schedule set out as Schedule 1 to these Regulations.
- 9.—(1) After paragraph 2(c) of Schedule 3, there shall be inserted—
“; and
(d) except where the pupil is registered at an independent school other than an Academy or a CTC, the level of the National Curriculum level scale achieved by the pupil in the third key stage as determined by the results of NC tests in any of the school years preceding the reporting school year”.
- (2) In paragraph 6 of Schedule 3, before “17” there shall be inserted “16,”.
- (3) Paragraph 8 of Schedule 3 shall be omitted.
- 10.—(1) In the heading to Schedule 5, the words “(EXCLUDING MIDDLE DEEMED SECONDARY SCHOOLS)” shall be omitted.
- (2) In Schedule 5, before “CTC” each time it occurs there shall be inserted the words “an Academy or”.
- (3) In paragraph 3 of Schedule 5, before “17” there shall be inserted “16,”.
- (4) After paragraph 10(c) of Schedule 5, the word “or” shall be omitted.
- (5) After paragraph 10(d) of Schedule 5, there shall be inserted the following sub-paragraphs—
“(e) science;
(f) mathematics and computing;
(g) business and enterprise; or
(h) engineering.”.
- (6) After paragraph 10 of Schedule 5, there shall be inserted the following paragraphs—
“11. The number of registered pupils at or near the end of the final year of the third key stage who have special educational needs.
12. The number of registered pupils aged 13.”.
11. In paragraph 2(2) of Schedule 7, after “information” there shall be inserted the words “, as appropriate,”.
12. For Schedule 8 there shall be substituted the Schedule set out as Schedule 2 to these Regulations.
13. In Schedule 9, for paragraph 4 there shall be substituted—
“4. Where the pupil has special educational needs—
(a) which stage of the five stage scale referred to in “the Code of Practice on the Identification and Assessment of Special Educational Needs”(a) issued on 25th May 1994 under section 158 of the Education Act 1993(b) applies to him; or

(a) ISBN 0 85522 444 4.
(b) 1993 c. 35.

(b) which SEN provision type forming part of the graduated approach adopted pursuant to “the Special Educational Needs Code of Practice”(a) issued on 3rd December 2001 under section 313 of the 1996 Act is being made for him”.

30th July 2002

David Miliband
Minister of State
Department for Education and Skills

(a) ISBN 1 84185 5 294.

SCHEDULE 1

Regulation 8

Schedule to be inserted as Schedule 2A

“SCHEDULE 2A

Regulation 7A

Provision of information to the Secretary of State: Third Key Stage results

1. The number of registered pupils at or near the end of the final year of the third key stage.
- 2.—(1) In respect of each registered pupil at or near the end of the final year of the third key stage, the pupil's gender, date of birth and surname followed by first name or, if more than one, each first name.
- (2) In respect of each pupil, the following information, as appropriate, in respect of each core subject—
 - (i) the level of the National Curriculum level scale achieved by the pupil as determined by the results of NC tests;
 - (ii) the level of the National Curriculum level scale achieved by the pupil at the second key stage as determined by the results of NC tests in any of the school years preceding the reporting school year;
 - (iii) whether an NC test result is not available for the pupil because, in the opinion of the head teacher, he was working below level 3 of the National Curriculum level scale in mathematics or science and below level 4 of the National Curriculum level scale in English and an NC test was not administered to the pupil;
 - (iv) whether the pupil failed to achieve a level on the National Curriculum level scale in an NC test for a reason other than absence from the test;
 - (v) whether the pupil was exempted from an NC test under section 364 or 365 of the 1996 Act; or
 - (vi) whether an NC test result is not available because the pupil was absent on the day the NC test was administered.”.

SCHEDULE 2

Regulation 12

Schedule to be substituted for Schedule 8

SCHEDULE 8

Regulation 16(8)

Form in which information is to be published by Local Education Authorities

School	Charter Mark Holder	Classification of school as community, foundation, voluntary controlled, voluntary aided, community special or foundation special	Age range	Failed to confirm performance information	Failed to confirm general information	Total number of pupils on roll	Number of registered pupils aged 10	Total number and percentage of pupils with special educational needs		Number of pupils at or near the end of the final year of the second key stage	Number and percentage of pupils at or near the end of the final year of the second key stage with special educational needs	English	Mathematics	Science	Average point score	Sum of percentages achieving level 4 or above		Number of day pupils of compulsory school age	% of half days missed due to	
								with statements	without statements							1	2		authorised absence	unauthorised absence
For all Community, Foundation, Voluntary Controlled and Voluntary Aided Schools																				
Name, address and telephone number of school												% (achieving level 4 or above) % (Absent or exempted)	% (achieving level 4 or above) % (Absent or exempted)	% (achieving level 4 or above) % (Absent or exempted)					%	%
For all Community Special and Foundation Special Schools																				
Name, address and telephone number of school												% (achieving level 4 or above) % (Absent or exempted)	% (achieving level 4 or above) % (Absent or exempted)	% (achieving level 4 or above) % (Absent or exempted)					%	%
Average for schools in area of local education authority												%	%	%					%	%
Average for schools in England												%	%	%					%	%

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (School Performance Information) (England) Regulations 2001 which relate to the collection and publication of information about the performance of schools.

These Regulations—

- (a) require governing bodies of maintained secondary schools and proprietors of Academies and CTCs to provide the Secretary of State with information about third key stage assessment results (regulation 4);
- (b) require middle deemed secondary schools to provide specified general information (regulations 5 and 10(1));
- (c) provide that where a school has ten or fewer registered pupils at or near the end of the final year of the second key stage, the local education authority is not required to provide information on the number and percentage of such pupils who have special educational needs (regulation 7(1) and (2));
- (d) insert a new schedule setting out the information on third key stage results which governing bodies of maintained secondary schools and proprietors of Academies and CTCs must provide to the Secretary of State (regulation 8);
- (e) require schools other than independent schools which are not Academies or CTCs to provide to the Secretary of State the prior third key stage results obtained by registered pupils aged 15 (regulation 9(1));
- (f) require maintained schools, non maintained special schools and independent schools to provide to the Secretary of State information on 16 year old pupils' results of school examinations and courses leading towards vocational qualifications (regulation 9(2));
- (g) require secondary schools to provide to the Secretary of State information about the number of registered pupils aged 16 and 13 (regulation 10(3) and (6) respectively);
- (h) add four new types of specialist schools to the categories of specialist schools (regulation 10(5));
- (i) require secondary schools to provide to the Secretary of State information on the number of registered pupils at or near the end of the final year of the third key stage who have special educational needs (regulation 10(6));
- (j) insert a new schedule to replace Schedule 8 (regulation 12).

The regulations also make minor and consequential amendments.

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