
STATUTORY INSTRUMENTS

2003 No. 2135

EDUCATION, ENGLAND

**Education (School Performance Information)
(England) (Amendment) Regulations 2003**

Made - - - - *15th August 2003*
Laid before Parliament *21st August 2003*
Coming into force - - *18th September 2003*

The Secretary of State for Education and Skills, in exercise of the powers conferred on him by sections 29(3), 408, 537 and 537A of the Education Act 1996⁽¹⁾ hereby makes the following Regulations:

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Education (School Performance Information) (England) (Amendment) Regulations 2003 and shall come into force on 18th September 2003.

(2) In these Regulations “the principal Regulations” means the Education (School Performance Information) (England) Regulations 2001⁽²⁾ and a reference to a numbered regulation is a reference to the regulation in the principal Regulations bearing that number.

Amendment of the principal Regulations

2. Amend the principal Regulations as set out in regulations 3 to 8.

3.—(1) Amend regulation 2 as follows.

(2) In paragraph (1)—

(a) after the definition of “the 1996 Act” insert—

“the 2002 Act” means the Education Act 2002⁽³⁾;

(b) in the definition of “assessment” for the words “made under section 356 of the 1996 Act” substitute “made, or deemed made, under section 87 of the 2002 Act”;

(1) 1996. c.56. Section 537A was inserted by the School Standards and Framework Act 1998 (c. 31), section 140(1) and Schedule 30, paragraph 153. For the definition of ‘prescribed’ and of ‘regulations’ see section 579 of the Act.
(2) S.I. 2001/3446, amended by S.I. 2002/2017 and S.I. 2003/537.
(3) 2002 c. 32.

- (c) in the definition of “attainment targets” for the words “section 353 of the 1996 Act” substitute “section 76 of the 2002 Act”;
 - (d) in the definition of “NC tests” for the words “made under section 356 of the 1996 Act” substitute “made, or deemed made, under section 87 of the 2002 Act”.
- (3) In paragraph (2) for the words “section 355(1) of the 1996 Act” substitute “section 82(1) of the 2002 Act”.
4. Omit regulation 16 and Schedule 8.
5. In paragraph 1.(2)(c) of Schedule 1 for the words “section 364 or 365 of the 1996 Act” substitute “section 92 or 93 of the 2002 Act”.
- 6.—(1) Amend paragraph 2.(2) of Schedule 2 as follows.
- (2) After sub-paragraph (i) insert—
“(iA) the level of the National Curriculum level scale previously achieved by the pupil at Key Stage 1 as determined by the results of NC tests;”.
 - (3) In sub-paragraph (iv) for the words “section 364 or 365 of the 1996 Act” substitute “section 92 or 93 of the 2002 Act”.
- 7.—(1) Amend Schedule 3 as follows.
- (2) In paragraph 7 after sub-paragraph (c) insert—
“(d) the level of the scale achieved by the pupil in key skills examinations in Information Technology, application of number and communication at Level 3 and at Level 4 as determined by the results of such examinations.”.
 - (3) In paragraph 10—
 - (a) at the end of paragraph (ii) of sub-paragraph (a) for “;and” substitute “;or”;
 - (b) After paragraph (ii) of sub-paragraph (a) insert—
“(iii) an Advanced Extension Award; and”
 - (c) in sub-paragraph (b) for the words “(a)(i) and (ii)” substitute “(a)(i), (ii) and (iii)”.
- 8.—(1) Amend Schedule 5 as follows.
- (2) For paragraph 5 substitute—
“5. The number of registered pupils aged 15 who have special educational needs in respect of whom a statement of special educational needs is maintained under section 324 of the 1996 Act.”.
 - (3) After paragraph 5 insert—
“5A. The number of registered pupils aged 15 who have special educational needs but in respect of whom a statement of special educational needs is not maintained under section 324 of the 1996 Act.”.
 - (4) For paragraph 10 substitute—
“10. In the case of a school which has been approved by the Secretary of State as a specialist school, which specialism or specialisms apply to that school”.
 - (5) For paragraph 11 substitute—
“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 in respect of whom a statement is maintained under section 324 of the 1996 Act.”.

(a) After paragraph 11 insert—

“**11A.** The number of registered pupils at or near the end of the final year of the third key stage who have special educational needs but in respect of whom a statement of special educational needs is not maintained under section 324 of the 1996 Act.”.

9.—(1) Amend Schedule 6 as follows.

(2) For paragraph 5 substitute—

“**5.** The number of registered pupils at or near the end of the final year of the second key stage who have special educational needs in respect of whom a statement of special educational needs is maintained under section 324 of the 1996 Act.”.

(3) After paragraph 5 insert—

“**5A.** The number of registered pupils at or near the end of the second key stage who have special educational needs but in respect of whom a statement of special educational needs is not maintained under section 324 of the 1996 Act.”.

15th August 2003

David Miliband
Minister of State,
Department for Education and Skills

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations further amend the Education (School Performance Information) (England) Regulations 2001 (S.I.2001/3446). The principal changes are to remove the requirement upon Local Education Authorities to publish information about primary schools' performance and to require schools to provide information to the Secretary of State about the number of registered pupils with special educational needs for whom a statement is maintained under section 324 of the Education Act 1996 and the number for whom no such statement is maintained. In relation to pupils who are taking A level or AS level examinations or Vocational 'A' level or Vocational 'AS' level examinations, schools are also required to provide information to the Secretary of State as to whether the pupil attained level 3 or level 4 in the results of key skills examinations. In addition, the results achieved by pupils at Key Stage 1 as determined by National Curriculum tests must be provided when their Key Stage 2 test results are submitted to the Secretary of State.