

**2005 No. 2450**

**EDUCATION, ENGLAND**

**The Education (Local Education Authority Performance Targets)  
(England) Regulations 2005**

<i>Made</i> - - - -	<i>1st September 2005</i>
<i>Laid before Parliament</i>	<i>9th September 2005</i>
<i>Coming into force</i> - -	<i>3rd October 2005</i>

In exercise of the powers conferred on the Secretary of State by sections 29(3), 569(5) and 579 of the Education Act 1996(a) and section 102 of the Education Act 2005(b), the Secretary of State for Education and Skills hereby makes the following Regulations:

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Education (Local Education Authority Performance Targets) (England) Regulations 2005 and shall come into force on 3rd October 2005.

(2) These regulations apply in relation to England.

**Interpretation**

2.—(1) In these Regulations—

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

“approved qualification” means an external qualification at entry level, level 1 or level 2 or a GCE AS level, which is approved under section 98 of the Learning and Skills Act 2000 and which is appropriate for pupils of compulsory school age;

“entry level”, “level 1” and “level 2” mean entry level, level 1 and level 2 respectively as set out in the National Qualifications Framework and determined by the Qualifications and Curriculum Authority(d);

“GCE AS level” means General Certificate of Education Advanced Subsidiary Level;

“GCSE” means General Certificate of Secondary Education;

“level 4” means level 4 of the National Curriculum level scale as determined by the results of NC tests;

“level 5” means level 5 of the National Curriculum level scale as determined by the results of NC tests or, where paragraph 2(1)(d) of the Schedule applies, by teacher assessment;

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(a) 1996 c. 56; section 29(3) was amended by paragraph 67 of Schedule 30 to the School Standards and Framework Act 1998 (c. 31).

(b) 2005 c. 18.

(c) 2002 c. 32.

(d) The National Qualifications Framework is accessible on the Authority’s website at [www.qca.org.uk](http://www.qca.org.uk).

“maintained school” means a community, foundation or voluntary school or a community or foundation special school;

“NC tests” means National Curriculum tests administered to second key stage pupils for the purpose of assessing the level of attainment which they have achieved in English or mathematics or to third key stage pupils for the purpose of assessing the level of attainment which they have achieved in English, mathematics, science or information and communication technology, being tests laid down in provisions made by the Secretary of State under the appropriate order made under section 87(3) of the 2002 Act in force when those tests are administered;

“second key stage pupils” means pupils who are in the second key stage referred to in section 82(1)(b) of the 2002 Act;

“teacher assessment” means assessment by a teacher, made in accordance with the Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (England) Order 2003(a); and

“third key stage pupils” means pupils who are in the third key stage referred to in section 82(1)(c) of the 2002 Act.

(2) Any reference in these Regulations to a pupil being awarded an approved qualification by the end of any school year is a reference to that pupil achieving or being awarded that qualification in the school year in which he—

- (i) takes that examination, or
- (ii) (as the case may be) completes the course leading to the award of that qualification,

irrespective of whether the decision to award the qualification is made in a later school year.

### **Targets to be set by local education authorities**

3.—(1) Every local education authority shall set the targets specified in the Schedule in respect of each school year.

(2) Every local education authority shall submit their targets to the Secretary of State by 31st January 2006 for the school year starting in 2006 and thereafter annually by 31st January of the calendar year in which the school year starts or by such later date as the Schedule otherwise provides.

### **Modification of submitted targets**

4.—(1) The Secretary of State may, if not satisfied with a target submitted by a local education authority, notify the authority within two months of the date of receipt that the authority are required to modify that target.

(2) On receipt of such notification the authority shall modify that target and submit the modified target to the Secretary of State by such date as the Secretary of State may specify.

(3) An authority may not modify a submitted target without the agreement of the Secretary of State.

### **School targets**

5. A local education authority shall send to the Secretary of State with their targets for each school year a list of the targets set by every maintained school in their area under the Education (School Performance Targets) (England) Regulations 2004(b).

1st September 2005

*Jacqui Smith*  
Minister of State  
Department for Education and Skills

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(a) S.I.2003/1039.  
(b) S.I. 2004/2858.

**Second key stage targets**

1.—(1) The following targets—

- (a) the percentage of the relevant group of second key stage pupils to achieve level 4 or above in NC tests in English; and
- (b) the percentage of the relevant group of second key stage pupils to achieve level 4 or above in NC tests in mathematics.

(2) In this paragraph, “the relevant group of second key stage pupils” means all persons who, in the school year, the authority anticipates will be—

- (a) registered pupils at a maintained school, and
- (b) in the final year of the second key stage.

(3) Where 25% or more of the relevant group of second key stage pupils are admitted to a middle school in the final year of the second key stage the authority may submit the targets required by this paragraph by the 31st October 2006 for the school year starting in 2006 and thereafter by 31st October of the calendar year in which the school year starts.

**Third key stage targets**

2.—(1) The following targets—

- (a) the percentage of the relevant group of third key stage pupils to achieve level 5 or above in NC tests in English;
- (b) the percentage of the relevant group of third key stage pupils to achieve level 5 or above in NC tests in mathematics;
- (c) the percentage of the relevant group of third key stage pupils to achieve level 5 or above in NC tests in science; and
- (d) the percentage of the relevant group of third key stage pupils to achieve level 5 or above in teacher assessments of information and communication technology.

(2) In this regulation, “the relevant group of third key stage pupils” means all persons who, in the school year, the authority anticipates will be—

- (a) registered pupils at a maintained school, and
- (b) in the final year of the third key stage.

(3) Where 25% or more of the relevant group of third key stage pupils are admitted to a secondary school in the final year of the third key stage the authority may submit the targets required by this paragraph by the 31st October 2006 for the school year starting in 2006 and thereafter by 31st October of the calendar year in which the school year starts.

**Approved qualifications targets**

3.—(1) The following targets in connection with the performance of the relevant group of pupils aged 15 in approved qualifications—

- (a) the percentage of the relevant group of pupils aged 15 to achieve, by the end of the school year, the level 2 threshold in approved qualifications; and
- (b) the average point score per pupil to be achieved by the relevant group of pupils aged 15 by the end of the school year in approved qualifications.

(2) For the purposes of this paragraph and paragraph 7, questions as to the points allocated to each approved qualification award for the purposes of calculating the average point score shall be

determined in accordance with the database of accredited qualifications as published by the Qualifications and Curriculum Authority<sup>(a)</sup>.

(3) In this paragraph “the relevant group of pupils aged 15” means all persons who, in the school year, the local education authority anticipates—

- (a) will be registered pupils at a maintained school on the third Thursday in January, and
- (b) will have attained the age of 15 during the period of twelve months ending on the 31st August immediately preceding that day.

### **Ethnic minority targets**

4. For each of the targets in paragraphs 1 to 3 above, a target in respect of each of the following ethnic groups for which there are more than 30 pupils within the relevant group (as defined in each paragraph) in the local education authority’s maintained schools—

- White British
- Irish
- Any other White background
- White and Black Caribbean
- White and Black African
- White and Asian
- Any other Mixed background
- Indian
- Pakistani
- Bangladeshi
- Any other Asian background
- Black Caribbean
- Black African
- Any other Black background
- Chinese
- Any other ethnic group.

### **Absence targets**

5. The following targets in respect of absences from maintained schools—

- (a) a target for total absences expected from primary schools, expressed as a percentage of the total possible attendances by pupils at those schools;
- (b) a target for total absences expected from secondary schools, expressed as a percentage of the total possible attendances by pupils at those schools; and
- (c) a target for total absences expected from special schools, expressed as a percentage of the total possible attendances by pupils at those schools.

### **Key stage 2 targets for looked after children**

6.—(1) The following targets in respect of second key stage pupils who will have been looked after by the local authority for a continual period of 12 months or more by the end of the school year—

- (a) the percentage to achieve level 4 or above in NC tests in English; and

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(a) The Qualifications and Curriculum Authority was established under section 21 of the Education Act 1997 (c.44). The database is accessible at [www.openquals.org.uk](http://www.openquals.org.uk).

(b) the percentage to achieve level 4 or above in NC tests in mathematics.

(2) For the purpose of this paragraph pupil includes all persons of compulsory school age.

**GCSE and approved qualifications targets for looked after children**

7.—(1) The following targets in connection with the performance of the relevant group of persons aged 15 who will have been looked after by the local authority for a continual period of 12 months or more by the end of the school year—

(a) the percentage of such persons who are expected not to achieve, by the end of the school year, a graded result at GCSE or equivalent; and

(b) the percentage of such persons who are expected to achieve the level 2 threshold in approved qualifications by the end of the school year.

(2) In this paragraph, “the relevant group of persons aged 15” means all persons who the local education authority anticipates will have attained the age of 15 by the start of the school year.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations apply to local education authorities in England. They require local education authorities to set targets for the educational performance of children at maintained schools and of looked after children. The targets are to be set annually and submitted to the Secretary of State.

The targets are to be set in relation to the following groups and qualifications—

- (a) second key stage pupils in relation to achieving level 4 or above in national curriculum tests in English and mathematics;
- (b) third key stage pupils in relation to achieving level 5 or above in national curriculum tests in English, mathematics, science and level 5 or above in teacher assessments in information and communication technology;
- (c) pupils aged 15 in relation to achieving approved qualifications;
- (d) ethnic groups (where there are more than 30 pupils within the relevant group) in relation to achieving each of the targets above;
- (e) absence targets for primary schools, secondary schools and special schools;
- (f) second key stage pupils who are looked after by the local authority in relation to achieving level 4 or above in national curriculum tests in English and mathematics; and
- (g) pupils aged 15 who are looked after by the local authority in relation to achieving a graded result at GCSE or equivalent and the level 2 threshold in approved qualifications.

These Regulations also provide that the local education authorities must submit, along with the above targets, the targets notified to them by governing bodies of maintained schools under the Education (School Performance Targets)(England) Regulations 2004 (S.I. 2004/2858).



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