

2006 No. 2896

EDUCATION, ENGLAND

**The Education (School Performance Information) (England)
(Amendment) Regulations 2006**

<i>Made</i>	- - - -	<i>1st November 2006</i>
<i>Laid before Parliament</i>		<i>9th November 2006</i>
<i>Coming into force</i>	- -	<i>30th November 2006</i>

The Secretary of State for Education and Skills makes the following Regulations in exercise of the powers conferred by sections 29(3), 408, 537, 537A(1) and (2) and 569(4) and (5) of the Education Act 1996(a);

In accordance with section 408(5) of that Act he has consulted with those persons with whom consultation appeared to the Secretary of State to be desirable.

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (School Performance Information) (England) (Amendment) Regulations 2006 and come into force on 30th November 2006.

(2) These Regulations apply only in relation to England.

Amendments

2. The Education (School Performance Information) (England) Regulations 2001(b) are amended as follows.

3. In paragraph (1) of regulation 2 (interpretation)—

(a) after the definition of “authority” insert—

““a child looked after by a local authority” is to be interpreted in accordance with section 22(1) of the Children Act 1989(c);”;

(b) after the definition of “reporting school year” insert the following definitions—

““school action” means the action referred to in paragraphs 5.43 to 5.53, in relation to primary schools, and paragraphs 6.50 to 6.61, in relation to secondary schools, of the Special Educational Needs Code of Practice;

(a) 1996 c.56. (By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999(S.I. 1999/672) the powers conferred by these sections are exercisable by the Secretary of State only in relation to England. Section 29 was last amended by the Education Act 2002 (c.32), Schedule 21, paragraph 35. Section 408 was last amended by the Education Act 2002, Schedule 21, paragraph 46. Section 537 was last amended by the Education Act 2002, Schedule 7, Part 2 and Schedule 22, Part 3. Section 537A was substituted by the School Standards and Framework Act 1998 (c.31), Schedule 30, paragraph 153.)

(b) S.I. 2001/3446. S.I. 2001/3446 was amended by SI 2002/2017, 2002/3178, 2003/537, 2003/2135, 2004/2141, 2005/51 and 2005/2338.

(c) 1989 c.21.

“school action plus” means the action referred to in paragraphs 5.54 to 5.61 in relation to primary schools and paragraphs 6.62 to 6.69 in relation to secondary schools of the Special Educational Needs Code of Practice;” and

(c) after the definition of “special educational needs” insert—

““Special Educational Needs Code of Practice” means the Code of Practice of that title issued under section 313 of the 1996 Act in November 2001.”.

4. Omit the following—

- (a) regulation 12 (provision of information about excluded pupils to local education authorities);
- (b) regulation 13 (provision of information about permanently excluded pupils to the Secretary of State);
- (c) Schedule 9 (provision of information to local education authorities about excluded pupils); and
- (d) Schedule 10 (provision of information to the Secretary of State about permanently excluded pupils).

5. In regulation 11 (provision of information about primary schools to the Secretary of State), after the words “secondary school” insert “and the proprietor of every Academy with pupils aged 10 years”.

6. In paragraph (1) of regulation 14 (provision of information about second and third key stage assessment results to the National Data Collection Agency)—

- (a) after the words “maintained school” insert “and the proprietor of every Academy”; and
- (b) after the words “second key stage” insert “or in the case of an Academy has registered pupils aged 11 years,”.

7. In Schedule 3 (provision of information to the Secretary of State: fourth key stage results and results of pupils aged 16, 17 and 18)—

(a) in Part I—

- (i) in paragraph 3(1), omit the words “who, during the reporting school year or any of the school years preceding that year, was entered for an external qualification approved for use by pupils of compulsory school age under section 98 of the Learning and Skills Act 2000(a), for the purposes of section 96 of that Act,”;
- (ii) in paragraph 3(2), after paragraph (a), insert the following—
 - “(za) whether the pupil was entered for an external qualification approved for use by pupils of compulsory school age under section 98 of the Learning and Skills Act 2000 for the purposes of section 96 of that Act and, where applicable, the following—
 - (i) the external qualification taken;
 - (ii) the name of the awarding body for the external qualification taken;
 - (iii) the grade or level achieved; and
 - (iv) the school year in which the pupil was entered for the external qualification.”;
- (iii) in paragraph 3(2)(d) for the words “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” substitute “and the results of NC tests, including the marks awarded for each component part of those tests where available, achieved by the pupil in the third key stage”;
- (iv) in paragraph 3(2)(e), for the words “achieved by the pupil in the second key stage as determined by the results of NC tests in any of the school years preceding the

(a) 2000 c.21.

reporting school year” substitute “and the results of the NC tests, including the marks awarded for each component part of those tests where available, achieved by the pupil in the second key stage”; and

(v) after paragraph 3(2)(e), insert—

“(f) except where the pupil is registered at an independent school other than an Academy or CTC, the following—

- (i) the date of the pupil’s admission to the school;
- (ii) the pupil’s ethnic group;
- (iii) the pupil’s first language;
- (iv) the postcode of the home where the pupil normally resides;
- (v) whether, pursuant to sections 512(3) and 512ZB of the 1996 Act, the pupil has applied for and been found eligible for free school meals;
- (vi) whether the pupil has special educational needs and, where applicable, the type of special educational needs the pupils has, the primary and secondary ranking of those types if there is more than one type, and which SEN provision type forming part of the graduated approach adopted pursuant to The Special Educational Needs Code of Practice is being made for him;
- (vii) whether the pupil has, to the knowledge of the governing body or, where appropriate, the proprietor, transferred between schools at any time other than during the months of July, August or September; and
- (viii) whether the pupil is, to the knowledge of the governing or, where appropriate, the proprietor, a child looked after by a local authority.”;

and

(b) in Part II—

- (i) omit paragraphs 6, 7 and 11; and
- (ii) in paragraph 8, after the word “external” insert the words “level 3”.

8. In Schedule 5—

(a) in paragraph 4, after the words “The number registered pupils who have special educational needs” insert the words “to whom support is provided by means of school action”;

(b) in paragraph 5—

- (i) for the words “aged 15” substitute the words “at or near the end of the final year of the fourth key stage”; and
- (ii) after the words “special educational needs” on the first occasion they occur, insert the words “to whom support is provided by means of school action plus or”;

(c) in paragraph 5A—

- (i) for the words “aged 15” substitute “at or near the end of the final year of the fourth key stage”; and
- (ii) immediately after the words “special educational needs” on the first occasion they occur, insert the words “to whom support is provided by means of school action”;

(d) in paragraph 6, after the words “registered pupils” insert the words “to whom support is provided by means of school action plus or”;

(e) in paragraph 11 after the words “special educational needs” insert the words “to whom support is provided by means of school action plus or”; and

(f) in paragraph 11A, after the words “special educational needs” on the first occasion they occur, insert the words “to whom support is provided by means of school action”.

9. In Schedule 6 (provision of general information to the Secretary of State: primary schools and middle deemed secondary schools)—

- (a) in paragraph 5, after the words “special educational needs” on the first occasion they occur, insert the words “to whom support is provided by means of school action plus or”;
- (b) in paragraph 5A, after the words “special educational needs” on the first occasion they occur, insert the words “to whom support is provided by means of school action”;
- (c) in paragraph 6, after the words “special educational needs” on the first occasion they occur, insert the words “to whom support is provided by means of school action”; and
- (d) in paragraph 8, after the word “needs” insert the words “to whom support is provided by means of school action plus or in respect of whom a statement of special educational needs is maintained under section 324 of the 1996 Act”.

1st November 2006

Andrew Adonis
Parliamentary Under Secretary of State
Department for Education and Skills

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations amend the Education (School Performance Information) (England) Regulations 2001 (S.I. 2001/3446) (“the principal Regulations”).

The principal amendments will—

- (a) insert additional definitions explaining the meaning of “looked after children”, “school action”, “school action plus”, and of the Special Educational Needs Code of Practice (regulation 3);
- (b) delete the regulations and schedules requiring the provision of information about excluded pupils to the local education authority and the provision of information about permanently excluded pupils to the Secretary of State (regulation 4);
- (c) extend to the proprietors of Academies who provide primary education the requirement to provide, upon request, general information about those primary schools to the Secretary of State (regulation 5);
- (d) extend to Academies the requirement to provide information about second key stage assessment results to the National Data Collection Agency (regulation 6);
- (e) require the provision of information about all fourth key stage pupils to the Secretary of State; the range of information which must be provided about fourth key stage pupils has been increased and now includes the information set out in regulation 7(a) of these Regulations - in addition to the pupil’s National Curriculum level being provided to the Secretary of State, these Regulations require the pupil’s National Curriculum test results and the marks awarded for each component part of the tests to be provided;
- (f) remove from Schedule 3 Part II of the principal Regulations a number of the individual provisions which related to pupils who had taken particular courses at age 16, 17 and 18 (a general requirement to provide information about pupils aged 16, 17 or 18 who are entered for any external qualification approved under section 98 of the Learning and Skills Act 2000 (approved qualifications for England) remains) (regulation 7(b)); and
- (g) cause information about pupils with Special Educational Needs and who are either supported by “School Action Plus” (as described in the Special Educational Needs Code of Practice) or the subject of a statement of Special Educational needs to be provided to the Secretary of State as one category; information will be provided to the Secretary of State about the category of pupils who have Special Educational Needs and are supported by “School Action” but in respect of whom a statement of Special Educational Needs has not been made (regulations 8 and 9).

The Code of Practice of Special Educational Needs published in November 2001 by the Secretary of State for Education and Skills may be viewed at the following link:

http://www.teachernet.gov.uk/_doc/3724/SENCodeOfPractice.pdf

2006 No. 2896

EDUCATION, ENGLAND

**The Education (School Performance Information) (England)
(Amendment) Regulations 2006**

£3.00

© Crown copyright 2006

Printed and published in the UK by The Stationery Office Limited
under the authority and superintendence of Carol Tullo, Controller of Her Majesty's
Stationery Office and Queen's Printer of Acts of Parliament.

E1360 11/2006 161360T 19585