

EXPLANATORY MEMORANDUM TO
THE EDUCATION (SCHOOL PERFORMANCE INFORMATION) (ENGLAND)
REGULATIONS 2007

2007 No. 2324

- 1.** This explanatory memorandum has been prepared by the Department for Children, Schools and Families and is laid before Parliament by Command of Her Majesty.

2. Description

2.1 This statutory instrument consolidates amendments made, since 2001, to the Education (School Performance Information) (England) Regulations 2001 and includes amendments for 2007 for the purpose of requiring schools to provide additional information to the Secretary of State concerning certain personal characteristics of Key Stage 2 pupils' and their National Curriculum marks level data attained at Key Stage 1 and Key Stage 3 pupils' and their National Curriculum marks data attained at Key Stage 2. The amendments also make changes to the provision of information by secondary schools relating to attendance. Additionally, the Regulations provide for the provision of information concerning the performance of pupils with special educational needs who are working below Level 1 of the National Curriculum.

3. Matters of special interest to the Joint Committee on Statutory Instruments or the Select Committee on Statutory Instruments.

3.1 None.

4. Legislative Background

4.1 These regulations consolidate changes made to the Education (School Performance Information) (England) Regulations 2001 with some additional changes. These consolidating Regulations are introduced following a commitment given in response to a letter from the Select Committee on the Merits of Statutory Instruments in November 2006. The regulations govern information that is to be provided to the National Data Collection Agency, the external marking agency and, on request, to the Secretary of State. The information is used by the Secretary of State to construct the content of the Achievement and Attainment Tables. The amendments made this year update the information that schools are required to provide the Secretary of State in order to calculate various indicators published in the tables.

5. Extent

5.1 This instrument applies to England.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The school Achievement and Attainment Tables are published annually and contain information on the achievements of schools and colleges. The indicators published in the tables are based on information schools are required to provide to the Secretary of State through these regulations.

7.2 The regulations themselves are updated regularly in the light of decisions taken by the Secretary of State on the content of the tables in a particular year.

7.3 The main change in the Tables this year is the introduction of a KS1 – KS2 CVA measure in the Primary (KS2) Achievement and Attainment Tables and a KS2 – 3 CVA measure in the Secondary (KS3) Achievement and Attainment tables. We have also taken the opportunity to consolidate the amendments made to these regulations since 2001.

7.4 Contextual Value Added - in 2004 Ministers signalled the intention that a more sophisticated value added methodology be used for all Departmental and Ofsted purposes. A CVA measure has been developed which adjusts predicted achievement to take account of not only prior attainment, but also a range of other factors observed to impact on performance which are outside a school's control. Following the successful evaluation of a CVA pilot, which took place in 2006, and support from schools a KS1 – KS2 CVA measure and a KS2-3 CVA measure will be introduced in the Primary (KS2) tables and the Secondary (KS3) tables respectively.

7.5 A Key Stage 1- 2 Contextual Value Added (CVA) indicator is being introduced in to the Primary (KS2) Achievement and Attainment Tables and a Key Stage 2 – 3 CVA is being introduced in to the Secondary (KS3) Achievement and Attainment tables. These indicators measure the progress made by a pupil between each Key Stage (KS), The calculation of this measure requires detailed information about individual pupils and the marks supporting the pupil's National Curriculum test level. These amendments will require schools to provide the Secretary of State with information on all pupils, including those not entered for tests, and the National Curriculum test marks to enable the publication of CVA in the Achievement and Attainment Tables.

7.6 There will also be a change to accommodate the timing of the secondary absence census, there will now be a collection of absence information in the Autumn and Spring terms. The Secondary (KS4) Achievement and Attainment Tables will use the Spring absence information. The way in which the pupil absence data information is presented in the Primary (KS2) Achievement and Attainment Tables and the Secondary (KS4) Achievement and Attainment Tables will also change. The Tables will now show the percentage of total absence and the percentage of unauthorised absence for each maintained mainstream school.

7.7 The proposed changes to the 2007 Achievement and Attainment Tables were piloted with a selection of schools in 2006. The results of the pilot were widely published and schools and Local Authorities were invited to complete feedback questionnaires and attend evaluation conferences in January and February 2007. The Secretary of State's plans for the content of the 2007 tables were published in June 2007 on the Department's Achievement and Attainment Tables website and on the Teachernet website.

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

9.1 Maureen Boston at the Department for children, schools and families Tel: 020 7925 5754 or e-mail: Maureen.boston@dcsf.gsi.gov.uk can answer any queries regarding the instrument.