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STATUTORY INSTRUMENTS

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**2008 No. 1727**

**EDUCATION, ENGLAND**

**The Education (School Performance Information)  
(England) (Amendment) (No.2) Regulations 2008**

<i>Made</i>	- - - -	<i>1st July 2008</i>
<i>Laid before Parliament</i>		<i>8th July 2008</i>
<i>Coming into force</i>	- -	<i>1st September 2008</i>

The Secretary of State for Children, Schools and Families, makes the following Regulations in exercise of the powers conferred by sections 408, 537, 537A and 569 of the Education Act 1996<sup>(1)</sup>. In accordance with section 408(5) of that Act he has consulted with those with whom consultation appeared to be desirable.

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Education (School Performance Information) (England) (Amendment) (No.2) Regulations 2008 and come into force on 1st September 2008.

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

**Amendment of regulations**

2. The Education (School Performance Information) (England) Regulations 2007<sup>(2)</sup> are amended as follows.

3. Regulation 10 and Schedule 5 are omitted.

4. In Part 2 of Schedule 4—

(a) omit “and” at the end of paragraph 1(2)(b);

(b) substitute “; and” for the full stop at the end of paragraph 1(2)(c); and

(c) after paragraph 1(2)(c), insert—

“(d) each approved external qualification taken by the pupil at Key Stage 4 and the grade or, where applicable, the level achieved by the pupil.

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(1) 1996 c. 56. See section 579(1) of the definition of “regulations”.

(2) S.I. 2007/2324, to which there are amendments not relevant to these Regulations.

(2) In paragraph 1(2)(d), the reference to an approved external qualification is to any qualification which has been approved for use by pupils of compulsory school age under section 98 of the Learning and Skills Act 2000<sup>(3)</sup> for the purposes of section 96 of that Act.”.

5. In paragraph 6 of Schedule 6, for sub-paragraph (b), and the words following that sub-paragraph, substitute—

“(b) which is not an independent school other than an Academy or a CTC;

whether the school is—

- (i) a grammar school as defined in section 104(7) of the School Standards and Framework Act 1998<sup>(4)</sup> (“the 1998 Act”);
- (ii) a modern school (that is to say a school in the area of a local education authority in which one or more grammar schools are situated and which admits pupils wholly or mainly without reference to ability or aptitude); or
- (iii) a comprehensive school (that is to say a school not falling within paragraph (i) or (ii) including a school which operates pupil banding admission arrangements falling within section 101 of the 1998 Act).”.

*Jim Knight*

Minister of State

Department for Children, Schools and Families

1st July 2008

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<sup>(3)</sup> 2000 c. 21

<sup>(4)</sup> 1998 c. 31. Section 101 of the 1998 Act was amended by section 54 of the [Education and Inspections Act 2006 \(c.40\)](#).

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## EXPLANATORY NOTE

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

These Regulations amend the Education (School Performance Information) (England) Regulations 2007 (“the 2007 Regulations”) which relate to the collection and publication of information about the performance of schools.

Regulation 3 omits regulation 10 of and Schedule 5 to the 2007 Regulations and so removes the requirement on the governing body of a maintained school and the proprietor of an Academy, CTC and non-maintained special school to provide, to the Secretary of State, school level information on absence.

Regulation 4 amends Part 2 of Schedule 4 to insert a requirement, in relation to pupils aged 16-18 inclusive, for the governing body or proprietor of the school to provide to the Secretary of State on request, information about each external qualification taken by the pupils at Key Stage 4, and the grade or level achieved.

Regulation 5 makes minor amendments to the general information provided by secondary schools to the Secretary of State under regulation 11 of and Schedule 6 to the 2007 Regulations.

A full impact assessment has not been produced for this instrument as it imposes no extra costs on business or the voluntary sector.