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STATUTORY INSTRUMENTS

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**2000 No. 2832**

**EDUCATION, ENGLAND**

**The Education (School Performance Information)  
(England) (Amendment No. 3) Regulations 2000**

<i>Made</i>	- - - -	<i>17th October 2000</i>
<i>Laid before Parliament</i>		<i>18th October 2000</i>
<i>Coming into force</i>	- -	<i>8th November 2000</i>

In exercise of powers conferred on the Secretary of State by sections 537(6) and 569(4) and (5) of the Education Act 1996<sup>(1)</sup> the Secretary of State for Education and Employment hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Education (School Performance Information) (England) (Amendment No. 3) Regulations 2000 and shall come into force on 8th November 2000.

**Amendment**

2. The Education (School Performance Information) (England) Regulations 1999<sup>(2)</sup> shall be amended as follows.

3. At the beginning of regulation 14 there shall be inserted the words “Subject to regulation 15”.

4. After regulation 14 there shall be added the following regulation—

**“Treatment of registered pupils at the end of the final year of the second key stage whose first language is not English**

15.—(1) In the circumstances set out in paragraph (2) below, an authority shall publish the information required by regulation 14(2), (3) and (3A)<sup>(3)</sup> in accordance with paragraph (3) below (information in respect of those registered pupils at or near the end of the second key stage excluding pupils whose first language is not English).

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(1) 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. For the meaning of “prescribed” and “regulations” see section 579(1) of the Act.

(2) S.I. 1999/1178, amended by S.I. 1999/2158, 1999/2387, 1999/2937, 2000/1089 and 2000/2116.

(3) Regulation 14(3A) was inserted by S.I. 2000/2116.

(2) The circumstances referred to in paragraph (1) are where the Secretary of State, on application from the school in question, has directed the authority, for the purposes set out in paragraph (3), not to count registered pupils at that school whose first language is not English, as defined for the purpose of this regulation in paragraph (4).

(3) An authority shall not count registered pupils whose first language is not English when—

- (a) under regulation 14(2)(a), publishing information about the number of registered pupils at or near the end of the final year of the second key stage;
- (b) under regulation 14(2)(b), determining whether a school has eleven or more registered pupils at or near the end of the final year of the second key stage;
- (c) under regulation 14(2)(b)(i) and (ii), publishing information about the percentages of registered pupils at or near the end of the final year of the second key stage;
- (d) under paragraph 8 of Schedule 6(4), publishing information about the number of registered pupils at or near the end of the final year of the second key stage who have special educational needs;
- (e) under regulation 14(3A)(5), publishing information about the number of registered pupils at or near the end of the final year of the second key stage who have special educational needs determined under paragraph 8 of Schedule 6 expressed as the percentage of the number of registered pupils at or near the end of the final year of the second key stage.

(4) For the purposes of this regulation, a pupil whose first language is not English is a registered pupil who—

- (a) first became a registered pupil at a school in England on or after the start of the school year immediately preceding the reporting school year;
- (b) prior to first becoming such a pupil, was resident outside the United Kingdom; and
- (c) has a first language other than English.”.

5. For Schedule 8 (form in which information is to be published by local education authorities) there shall be substituted the Schedule set out in the Schedule to these Regulations.

17th October 2000

*Jacqui Smith*  
Parliamentary Under-Secretary of State,  
Department for Education and Employment

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(4) Paragraph 8 was substituted by S.I. [2000/2116](#).  
(5) Regulation 14(3A) was inserted by S.I. [2000/2116](#).

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

THE SCHEDULE

Regulation 5

“SCHEDULE 8

Regulation 14(5)

FORM IN WHICH INFORMATION IS TO BE PUBLISHED BY LOCAL EDUCATION AUTHORITIES

School Name, address and telephone number of school	Chart Mark Hold as community foundation voluntary controlled or voluntary aided	Class Range	Attained to confirms performance information	Failed to confirm principal information	Total number of pupils registered of roll	Total number of pupils with special educational needs	Number of pupils near the end of the final year of the second key stage with special educational needs	Number and percentage of pupils at the end of the second key stage with special educational needs	English percentage	Maths percentage	Sciences percentage	Sums of percentages showing measure of improvement	1997	1998	1999	2000
									% (achieving level 4 or above)	% (achieving level 4 or above)	% (achieving level 4 or above)					
									% (Absent or exempted)	% (Absent or exempted)	% (Absent or exempted)					
Average for schools in area of local education authority									%	%	%					



school year, who, prior to becoming such a pupil, was resident outside the United Kingdom and who has a first language other than English.

Regulation 5 replaces Schedule 8 to the principal Regulations. The new Schedule, as substituted, amends the form in which information is to be published by local education authorities. The Education (School Performance Information) (England) (Amendment No. 2) Regulations 2000 (S.I.2000/2116) introduced a requirement for schools to publish information about the numbers of registered pupils who have special educational needs rather than statements of special educational needs. It also required the numbers of pupils with special educational needs to be expressed as a percentage of the number of registered pupils. The new Schedule 8 specifies the form (or the form to a like effect) in which this information is to be published.