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STATUTORY INSTRUMENTS

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**2007 No. 2324**

**The Education (School Performance Information) (England) Regulations 2007**

**PART 1**

**General**

**Citation, commencement and application**

**1.—(1)** These Regulations may be cited as the Education (School Performance Information) (England) Regulations 2007 and come into force on 10th September 2007.

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

**Interpretation**

**2.—(1)** In these Regulations—

“the 1996 Act” means the Education Act 1996;

“the 2002 Act” means the Education Act 2002<sup>(1)</sup>;

“assessment” —

(i) in relation to a maintained school, means assessment pursuant to orders made or having effect as if made under section 87 of the 2002 Act<sup>(2)</sup> and “level” is to be construed in accordance with the provisions of such orders; and

(ii) in relation to an Academy or a CTC, means assessment pursuant to an agreement made under section 482 of the 1996 Act<sup>(3)</sup>;

“assessment term” means the term in which assessment is completed;

“attainment target” has the meaning given by section 76 of the 2002 Act;

“authority” means—

(i) in relation to a school maintained by a local education authority, that authority; and

(ii) in relation to a non-maintained special school or an independent school, the local education authority in whose area the school is situated;

“a child looked after by a local authority” is to be interpreted in accordance with section 22(1) of the Children Act 1989<sup>(4)</sup>;

“CTC” means city technology college or city college for the technology of the arts;

“core subject” means English, mathematics or science;

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<sup>(1)</sup> 2002 c. 32.

<sup>(2)</sup> Section 87 has been prospectively amended by sections 48 and 102 of, and Schedule 1 and 3 to, the Childcare Act 2006 c. 47.

<sup>(3)</sup> Section 482 was inserted by section 65(1) of the Education Act 2002 c. 32.

<sup>(4)</sup> 1989 c. 41. Section 22(1) has been amended by section 107 of, and schedule 5 to, the Local Government Act 2000 c. 22; section 2 of the Children (Leaving Care) Act 2000 c. 35; and section 116 of the Adoption and Children Act 2002 c. 38.

“the Document” means the document entitled “Foundation Stage and Key Stage 1 Assessment and Reporting Arrangements” published by the Qualifications and Curriculum Authority pursuant to section 87(11) of 2002 Act and article 9 of the Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004<sup>(5)</sup>;

“external marking agency” means a body nominated by the Qualifications and Curriculum Authority and approved by the Secretary of State to mark NC tests;

“maintained school” means—

- (i) any community, foundation or voluntary school; or
- (ii) any community or foundation special school which is not established in a hospital but excludes any nursery school;

“middle deemed secondary school” means a middle school deemed to be a secondary school by virtue of the Education (Middle School) (England) Regulations 2002<sup>(6)</sup>;

“National Data Collection Agency” means a person appointed by the Qualifications and Curriculum Authority for the purpose of collating information about pupils’ National Curriculum assessment results.

“NC tests” means National Curriculum tests administered to pupils for the purposes of assessing the level of attainment which they have achieved in any core subject being tests laid down in provisions made by the Secretary of State under the appropriate order made or having effect as if made under section 87 of the 2002 Act in force when those tests were administered;

“non-maintained special school” means a special school which is not maintained by a local education authority;

“P-level” means, for those pupils with special educational needs, the National Curriculum level of attainment below level 1 as specified by the Secretary of State in an order made or having effect as if made under section 87 of the 2002 Act;

“reporting school year” means the school year immediately preceding the school year in which information provided to the Secretary of State is to be published by him or, as the case may be, by the authority;

“school action” means the action referred to in paragraphs 5.43 to 5.49, in relation to primary schools, and paragraphs 6.50 to 6.57, in relation to secondary schools, of the Special Educational Needs Code of Practice;

“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;

“school day” has the meaning given by section 579(1) of the 1996 Act;

“school year” has the meaning given by section 579(1) of the 1996 Act<sup>(7)</sup>;

“special educational needs” has the meaning given by section 312(1) of the 1996 Act<sup>(8)</sup>;

“Special Educational Needs Code of Practice” means the Code of Practice of that title issued under section 313 of the 1996 Act<sup>(9)</sup> in November 2001;

“special school” has the meaning given by section 337 of the 1996 Act<sup>(10)</sup>;

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(5) [S.I. 2004/2783](#).

(6) [S.I. 2002/1983](#).

(7) The definition of “school year” was inserted by section 57(1) of, and Schedule 7 to, the Education Act 1997 c. 44.

(8) Section 312 was last amended by section 6(2) of, and Schedule 1 to, the Education and Inspections Act 2006 c. 40.

(9) Section 313 was last amended, in relation to England, by section 215 of and schedule 21 to, the Education Act 2002 c. 32.

(10) Section 337 was substituted by section 140 of, and Schedule 30 to, the School Standards and Framework Act 1998 c. 31.

“unauthorised absence” means an occasion on which a pupil is recorded as absent without authority pursuant to the Education (Pupil Registration) (England) Regulations 2006(11) and “authorised absence” is to be construed accordingly.

(2) Except in regulation 13 and paragraph 1(3) of Schedule 5, in these Regulations references to pupils of a particular age are to pupils who attained that age during the period of twelve months ending on the 31st August preceding the commencement of the reporting school year, where the reporting school year begins after that date, or the 31st August which falls within the reporting school year, where the reporting school year begins on or before that date, and who were registered pupils at the school on the third Thursday in the reporting school year.

(3) In these Regulations references to key stages are references to the periods set out in section 82(1) of the 2002 Act.

(4) Particulars to which these Regulations apply may be made available in the form of data from which the particulars are capable of being extracted by a computer.

(5) For the purposes of these Regulations any examination for which a pupil aged 15 was entered during a previous school year is to be treated as such an examination for which the pupil was entered during the reporting school year.

(6) Information relating to authorised or unauthorised absences must not include any information relating to any period after the Friday before the last Monday in May in the reporting school year.

### **Qualification of Duties**

3. The duties of governing bodies, authorities and proprietors to make available, provide or publish information apply only to the extent that the information is available to them in time for it to be reasonably practicable for them to make available, provide or publish that information before the latest occasion on which that information is required to be made available, provided or published.