
STATUTORY INSTRUMENTS

2020 No. 844

The Education (National Curriculum Assessment Arrangements, Attainment Targets and Programmes of Study) and (Pupil Information and School Performance Information) (Amendment) (England) Regulations 2020

PART 3

Pupil Information and School Performance Information Amendments

Amendment of the Education (School Performance Information) (England) Regulations 2007

6.—(1) The Education (School Performance Information) (England) Regulations 2007(1) are amended as follows.

(2) In regulation 2 (interpretation)—

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

““the engagement model” means the document published by the Department for Education on 23rd July 2020 entitled “The engagement model”;;”;

(b) after the definition of “external marking agency” insert—

““foundation subjects” means art and design, citizenship, design and technology, geography, history, information and communications technology, a modern foreign language, music, physical education and the core subjects;;”;

(c) after the definition of “National Data Collection Agency” insert—

““NC standards of attainment” means the National Curriculum standards of attainment described in any document (other than the pre-key stage standards document for key stage 1, the pre-key stage standards document for key stage 2 and the engagement model) published by the Department for Education pursuant to an order made under section 87(3)(a) or (b) of the 2002 Act for the foundation subjects, setting out any attainment targets and programmes of study for each of those subjects;;”;

(d) after the definition of “non-maintained special school” insert—

““the pre-key stage standards for key stage 1” means the standards set out in the document published by the Department for Education on 23rd July 2020 entitled “Pre-key stage 1: pupils working below the national curriculum assessment standard”;;

“the pre-key stage standards for key stage 2” means the standards set out in the document published by the Department for Education on 23rd July 2020

entitled “Pre-key stage 2: pupils working below the national curriculum assessment standard”.”;

(e) omit the definition of “P Scale”;

(f) for the definition of “reporting school year” substitute—

““reporting school year” means—

(i) in regulation 5(2), in relation to an assessment taken in the 2020-21 school year, the school year in which the assessment is taken; or

(ii) where paragraph (i) does not apply, the school year immediately preceding the school year in which information provided to the Secretary of State is to be published by the Secretary of State or, as the case may be, the authority;”.

(3) In Schedule 2 (provision of information to the Secretary of State: second key stage results), for paragraph 3 substitute—

“3.—(1) In respect of any pupil referred to in paragraph 2(1) who has special educational needs and—

(a) is working at a standard below the NC standards of attainment for the second key stage; and

(b) is engaged in the study of English reading, English writing or mathematics,

the pre-key stage standards for key stage 2 achieved by any such pupil in each subject referred to in paragraph (b) that that pupil is studying at the end of the second key stage.

(2) In respect of any pupil referred to in paragraph 2(1) who has special educational needs and—

(a) is working at a standard below the NC standards of attainment for the second key stage; and

(b) is not engaged in the study of English reading, English writing or mathematics,

whether the engagement model is being used for the purposes of specifying the achievements and progress of any such pupil in the areas of engagement identified in the engagement model at the end of the second key stage.”.

(4) In Schedule 8 (provision of information to the National Data Collection Agency and the External Marking Agency), in Part 1, in paragraph 1(2) for paragraph (b) substitute—

“(b) whether the pupil was assessed by a teacher using—

(i) the pre-key stage standards for key stage 2 and the standard achieved by that pupil;
or

(ii) the engagement model;”.