
STATUTORY INSTRUMENTS

2023 No. 380

EDUCATION, ENGLAND

The Education (Pupil Information and School Performance Information) (England) (Amendment) Regulations 2023

<i>Made</i>	- - - -	<i>28th March 2023</i>
<i>Laid before Parliament</i>		<i>30th March 2023</i>
<i>Coming into force</i>	- -	<i>1st September 2023</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 408, 537, 537A, 563 and 569(4) and (5) of the Education Act 1996⁽¹⁾.

The Secretary of State has consulted those persons with whom consultation appeared to the Secretary of State to be desirable in accordance with section 408(5) of that Act.

Citation, commencement and extent

1. These Regulations may be cited as the Education (Pupil Information and School Performance Information) (England) (Amendment) Regulations 2023 and come into force on 1st September 2023.
2. These Regulations extend to England and Wales.

Amendment to the Education (Pupil Information) (England) Regulations 2005

3. The Education (Pupil Information) (England) Regulations 2005⁽²⁾ are amended in accordance with regulations 4 to 6.

(1) 1996 c. 56. Section 408 was amended in relation to England by paragraph 30 of Schedule 7, and Schedule 8, to the Education Act 1997 (c. 44); paragraph 106 of Schedule 30, and Schedule 31, to the Schools Standards and Framework Act 1998 (c. 31); paragraphs 1 and 57 of Schedule 9 to the Learning and Skills Act 2000 (c. 21); paragraph 46 of Schedule 21, and Part 3 of Schedule 22, to the Education Act 2002 (c. 32); paragraphs 9 and 11 of Schedule 12 and Part 7 of Schedule 16 to the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22); paragraphs 5 and 7 of Schedule 8 to the Education Act 2011 (c. 21); and S.I. 2010/1158. Section 537 was amended by paragraph 37 of Schedule 7 to the Education Act 1997 (c. 44); paragraph 152 of Schedule 30, and Schedule 31, to the School Standards and Framework Act 1998 (c. 31); paragraph 60 of Schedule 9 to the Learning and Skills Act 2000 (c. 21); paragraph 6(5) of Schedule 7, and Part 3 of Schedule 22, to the Education Act 2002 (c. 32); paragraph 9(15) of Schedule 13 to the Education Act 2011 (c. 21); and S.I. 2010/1158. Section 537A was inserted by section 20 of the Education Act 1997 (c. 44) and amended by paragraph 153 of Schedule 30 to the School Standards and Framework Act 1998 (c. 31); S.I. 2012/976; and S.I. 2010/1158. Section 563 was amended by paragraph 172 of Schedule 30, and Schedule 31, to the School Standards and Framework Act 1998 and S.I. 2010/1158. There are amendments to section 569 but none are relevant to these Regulations.

(2) S.I. 2005/1437. Regulation 2 has been amended by S.I. 2010/677. Schedule 1 has been amended by S.I. 2007/3224, S.I. 2008/1747, S.I. 2010/1836, 2013/3212, S.I. 2015/902, S.I. 2018/688, S.I. 2020/599, S.I. 2020/844 and S.I. 2021/482.

4. In regulation 2 (interpretation), omit the definition of “the QCDA”.
- 5.—(1) Schedule 1 (information to be included in the head teacher’s annual report) is amended as follows.
- (2) For paragraph 2(1) substitute—
- “(1) The following information must be included in the report of every pupil at the end of the second key stage—
- (a) a brief commentary;
 - (b) the results of the teacher assessment of the pupil’s NC standards of attainment, excluding citizenship;
 - (c) particulars of any NC attainment targets or subjects from which the pupil is exempt;
 - (d) comparative information about the NC standards of attainment and scores of pupils of the same age in the school;
 - (e) comparative information about the NC standards of attainment and scores in the core subjects of pupils of the same age nationally;
 - (f) the results of the teacher assessment of his NC attainment targets in English;
 - (g) the results of the NC tests taken, by score; and
 - (h) a statement that the NC standards of attainment have been arrived at in accordance with the statutory arrangements.”
- (3) For paragraph 2(1A), substitute—
- “(1A) Sub-paragraph (1) is subject to sub-paragraphs (2A) and (2B)”.
- (4) Omit paragraph 2(2).
- (5) In paragraph 2(2B), for “the relevant key stage” in each place where it appears, substitute “the second key stage”.
- (6) In paragraph 3—
- (a) in the definition of “brief commentary”, for the words from “(and” to “NC tests results)” substitute “and the pupil’s NC tests results”; and
 - (b) in the definition of “comparative information”, for “the relevant key stage” substitute “the second key stage”.
- 6.—(1) Schedule 2 (information forming part of the common transfer file) is amended as follows.
- (2) After paragraph 6(2) insert—
- “(2A) Paragraphs 6(1)(a) and (b) do not apply in respect of teacher assessments carried out at the end of the first key stage, if the pupil was at the end of the first key stage in the school year 2023/24 or any later school year.”.
- (3) In paragraph 6(3), at the beginning, for “In” substitute “Subject to sub-paragraph (3A), in”.
- (4) After paragraph 6(3) insert—
- “(3A) Paragraph 6(3) does not apply if the pupil was at the end of the first key stage in the school year 2023/24 or any later school year.”.
- (5) In paragraph 7, for “the relevant key stage” in each place where it appears, substitute “the second key stage”.

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

7.—(1) The Education (School Performance Information) (England) Regulations 2007⁽³⁾ are amended as follows.

(2) In regulation 5 (provision of information about first key stage assessment results to local authorities), omit paragraph (1).

(3) In Schedule 1 (provision of information to local authorities: first key stage results), omit paragraph 1.

28th March 2023

Nick Gibb
Minister of State
Department for Education

(3) [S.I. 2007/2324](#). Regulation 5 has been amended by [S.I. 2012/1274](#) and [S.I. 2013/1759](#). Schedule 1 has been amended by [S.I. 2012/1274](#) and [S.I. 2013/1759](#).

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Pupil Information) (England) Regulations 2005 (the “Pupil Information Regulations”) and the Education (School Performance Information) (England) Regulations 2007 (the “School Performance Information Regulations”). The amendments in these Regulations are in consequence of amendments being made to the Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004 (the “Key Stage 1 Order”), to remove the statutory requirement for schools to carry out national curriculum assessments at the end of the first key stage.

The Pupil Information Regulations require the provision of information by governing bodies and head teachers of maintained schools about the educational achievements of their pupils. They also make provision for the transfer of information (the “common transfer file”) when a pupil moves from a maintained school to another school. Regulations 3 to 6 of these Regulations amend Schedules 1 and 2 to the Pupil Information Regulations and also make a minor correction to remove a redundant definition from regulation 2. The amendments to Schedule 1 remove requirements to include information on the results of national curriculum assessments at the end of the first key stage in the head teacher’s annual report. The amendments to Schedule 2 provide that, if a pupil completes the first key stage in or after the 2023/24 school year, a common transfer file for that pupil will no longer need to include results of teacher assessments at the end of the first key stage (or, in the case of pupils with special educational needs, their cumulative achievements in education at the end of the first key stage). Where a pupil has completed national curriculum assessments under the Key Stage 1 Order up to and including the 2022/23 school year, a common transfer file for that pupil will still need to include the results of those assessments.

The School Performance Information Regulations relate to the collection and publication of information about school performance. Regulation 7 of these Regulations amends regulation 5 of and Schedule 1 to the School Performance Information Regulations, to remove the requirement for governing bodies of maintained schools to provide information to local authorities about assessment results at the end of the first key stage.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private or voluntary sector is foreseen.

An Explanatory Memorandum is published alongside this instrument on www.legislation.gov.uk