

**EXPLANATORY MEMORANDUM TO  
THE EDUCATION (SCHOOL PERFORMANCE INFORMATION) (ENGLAND)  
(AMENDMENT) (NO. 2) REGULATIONS 2005**

**2005 No. 2338**

1. This explanatory memorandum has been prepared by the Department for Education and Skills and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Select Committee on Statutory Instruments.

2. **Description**

- 2.1 This statutory instrument amends the Education (School Performance Information) (England) Regulations 2001 for the purpose of requiring schools to provide additional information to the Secretary of State concerning their pupils' achievements; including in particular the reporting the results of pupils when they reach the end of Key Stage 4; and the inclusion of all qualification approved Post-16.

3. **Matters of special interest to the Select Committee on Statutory Instruments**

- 3.1 None

4. **Legislative Background**

- 4.1 These amending regulations reflect final decisions made by the Secretary of State for Education and Skills on the content of the 2005 Achievement and Attainment Tables. The main amendments update the information that schools are required to provide the Secretary of State in order to calculate various indicators published in the tables.

- 4.2 End of Key Stage 4 reporting - In the past, the secondary tables reported the achievements of pupils at the end of compulsory schooling – i.e. those aged 15 at the beginning of the school year. The results of pupils who take examinations early are reported in the tables when they reach this age. The 14-19 Education and Skills White Paper announced our commitment to reporting the results of pupils at the end of the Key Stage. These amendments will require schools to provide the Secretary of State with information on all pupils, regardless of age who have reached the end of Key Stage 4.

- 4.3 Cumulative reporting - The amendments made will require schools to report the results of pupils who take one or two National Curriculum tests early and the year in which they take them.

- 4.4 Post-16 – The amendment made will require maintained schools, non-maintained special schools and independent schools to provide information on

students in all Post-16 qualifications approved under section 98 of the Learning and Skills Act 2000 for the purposes of section 96 of that Act..

4.5 Academies – Primary sector academies will be required to provide details and results of each pupil at the end of Key Stage to be published in the Key Stage 2 Tables.

4.6 Excluded pupils – This amendment requires schools to provide detail on excluded pupils to the Secretary of State within 2 weeks of a written request. The request will neither be in January nor requested by Local Education Authorities.

## **5. Extent**

5.1 This instrument applies to England

## **6. European Convention on Human Rights**

No statement is required.

## **7. Policy background**

7.1 The school achievement and attainment tables are published annually and contain information on the achievements of schools and colleges. The indicators published in the tables are based on information schools are required to provide to the Secretary of State through these regulations.

7.2 The regulations themselves are updated regularly in the light of decisions taken by the Secretary of State on the content of the tables in a particular year.

7.3 The biggest change to the tables this year is the introduction of stage –based reporting. Following a commitment in the 14-19 Green Paper to report results at the end of KS4, we conducted a pilot in 2004, known as the ‘Pace and Progression’ pilot, to test and evaluate the feasibility of reporting the achievements of students when they reach the end of KS4, regardless of their age. Evaluation of the pilot results with schools and LEAs found overwhelming support for change to stage-based reporting, and confirmed that data and systems can support this change from 2005. The 14-19 White Paper endorsed change to stage-based reporting this year.

7.4 Once the Tables’ basis changes, we expect to see many pupils completing KS4 younger, and even more completing KS4 older. This is a good thing, because pupils on a slower track will be likely to get more attention and have greater chances of achieving 5 good GCSEs or equivalent.

7.5 The 14-19 White Paper paved the way for some of the proposed changes, and all have been developed in close consultation with schools and LEAs.

## **8. Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

## **9. Contact**

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