

EXPLANATORY MEMORANDUM TO
THE EDUCATION (SCHOOL PERFORMANCE INFORMATION) (ENGLAND)
(AMENDMENT) (No.2) REGULATIONS 2008

2008 No. 1727

- 1.** This explanatory memorandum has been prepared by the Department for Children, Schools and Families and is laid before Parliament by Command of Her Majesty.

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

2. Description

2.1 These Regulations require schools to provide additional information for the production of the Achievement & Attainment Tables. They also make minor amendments to clarify definitions of school admission arrangements used in the Regulations and they remove the requirement for schools to report absence information to the Secretary of State. They do not impose any additional burden on schools as the Department obtains data electronically from existing data-sets.

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

3.1 The regulations are updated regularly in the light of decisions taken by the Secretary of State on the content of the Tables in a particular year. Details of changes made for the academic year 2008/9 are set out in paragraphs 7.2 to 7.4.

4. Legislative Background

4.1 These Regulations amend The Education (School Performance Information) (England) Regulations 2007. The Regulations govern information that is to be provided to the National Data Collection Agency, the external marking agency and, on request, to the Secretary of State. The information is used by the Secretary of State to construct the content of the Achievement and Attainment Tables. The amendments made this year update the information that schools are required to provide the Secretary of State in order to calculate various indicators published in the tables.

5. Territorial Extent and Application

5.1 This instrument applies to England only.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

7.1 The Achievement and Attainment Tables (which can be found at www.dcsf.gov.uk/performance/tables/), formerly referred to as “performance tables”, are

published annually and give 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. 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. Main changes are as follows:

7.2 Post-16 Tables - The *14-19 Education and Skills* White Paper committed the Department to introducing improved measures in the Post-16 Tables, with a particular focus on value added, as a means of encouraging schools and colleges to raise attainment post-16. Contextual Value Added (CVA) measures progress based on prior attainment, but also adjusts for the impact of certain factors which are known to affect performance. In 2006, we piloted a Key Stage 4 to Post-16 Contextual Value Added (CVA) measure involving 200 schools and colleges, extending this in 2007 to allow further development in response to stakeholder feedback. Evaluation among stakeholders (including pilot institutions, local authorities and other representative bodies) produced near unanimous support for including the CVA measure in the Post-16 Tables nationally from 2008. Regulation 4 will require schools and colleges to provide data relating to Key Stage 4 attainment which is needed to calculate CVA.

7.3 Definitions of admission arrangements – Regulation 5 clarifies the definitions of particular admission arrangements, and makes them more consistent with those used elsewhere in legislation e.g. it clarifies that a grammar school must be designated as such, and that “selective” admission arrangements refers only to selection on the basis of high ability or aptitude.

7.4 School absence information – the requirement in Regulation 10 of the 2007 Regulations for a school to provide absence information (as set out in Schedule 5 of the 2007 Regulations) on request has been removed as absence data is no longer collected at school level. The Education (Information About Individual Pupils) (England) Regulations 2006 (S.I. No. 2601) contain provisions to collect unauthorised and authorised absence data at pupil level from Local Authorities.

8. Impact

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

8.2 The amendments place no additional burdens on schools, as the data used to produce the Achievement and Attainment Tables is already readily available, without any additional input by them, and the Department obtains it electronically. Schools are given the opportunity to see and check the data before publication, and to highlight any errors or omissions.

9. Contact

Neil Lawson at the Department for Children, Schools and Families (telephone 0207 925 6014 or e-mail neil.lawson@dscf.gsi.gov.uk) can answer any queries regarding the instrument.