EXPLANATORY MEMORANDUM TO

THE EDUCATION (SCHOOL PERFORMANCE TARGETS) (ENGLAND) (AMENDMENT) REGULATIONS 2006

2006 No. 3151

AND

THE EDUCATION (LOCAL EDUCATION AUTHORITY PERFORMANCE TARGETS) (ENGLAND) (AMENDMENT) REGULATIONS 2006

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

2. Description

2.1 The regulations are being amended to require schools to set an additional target on the proportion of 15 year old pupils achieving the level 2 threshold of five or more A*-C GCSE (and equivalent) **including GCSEs in English and mathematics** and report the target to their local authority by the 15 January in that academic year. This new indicator will count all those pupils achieving at least a grade C English GCSE, and at least a grade C mathematics GCSE, and at least the equivalent of another three C+ GCSEs.

2.2 The regulations require local authorities (LAs) to send to the Secretary of State the targets sent to them by every maintained school in their area. They also require local authorities to set annual targets for the educational performance of children in maintained schools including minority ethnic groups, looked after children and school attendance.

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

3.1 None

4. Legislative Background

4.1 The Education (School Performance Targets) (England) Regulations 2004 (SI 2004/2858) and the Education (School Attendance Targets) (England) Regulations 2005 SI 2005/58) require governing bodies of maintained schools in England to make. These targets are reported to the relevant LEA, which in turn sets its own targets for the area and reports the targets to the Secretary of State. The targets are generally published alongside pupils' results, formerly as part of other information within the Governors' Annual Report (GAR). Section 103 of the Education Act 2005 abolished the requirement to produce a GAR and replaced it with a requirement to publish a School Profile under section 104. The regulations will require LAs to provide the information obtained under these regulations to the Secretary of State along with the LAs own targets.

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 Under statutory arrangements, schools and LAs are required to set annual educational performance targets at Key Stages 2, 3 and 4, which are submitted to the Secretary of State by LAs.

7.2 The White Paper "14-19 Education and Skills", published in February 2005 set out the government's commitment to encourage more young people to achieve the basics in English and mathematics at age 16. To reflect this, the School and College Achievement and Attainment Tables will include a new performance indicator showing the proportion of pupils achieving 5 or more A*-C GCSE grades (or their equivalent) **including GCSEs in English and mathematics**. This change was piloted in 2005, with a view to full inclusion in the Tables from 2006, alongside the existing five+A*-C GCSEs (or equivalent) indicator.

7.3 The amendment described here was included as part of a wider consultation on transforming secondary and post secondary education (14-19 Reform).

7.4 Guidance on target setting sent by the Department to all local authorities in August 2006 explained the way the regulations were expected to be amended – that guidance can be accessed on the DfES website

8. Impact

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as these are technical amendments and therefore have no impact on business, charities, voluntary bodies or the public sector.

9. Contact

Max Galla at the Department for Education and Skills Tel: 020 7925-6977 or e-mail: Max.Galla@dfes.gsi.gov.uk can answer any queries regarding the instrument.