STATUTORY INSTRUMENTS

2004 No. 1076

EDUCATION, ENGLAND

The Education (Modifications to Requirements for Pupil Performance Information) (England) Regulations 2004

Made - - - -	*6th April 2004*
Laid before Parliament	*7th April 2004*
Coming into force - -	*1st May 2004*

In exercise of the powers conferred upon the Secretary of State by sections 408, 537, 563 and 569(4) of the Education Act 1996(**a**) and sections 30(1) and 210(7) of the Education Act 2002(**b**), the Secretary of State for Education and Skills hereby make the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Education (Modifications to Requirements for Pupil Performance Information) (England) Regulations 2004 and shall come into force on 1st May.

Interpretation

2. In these Regulations—

"assessed" means assessed pursuant to the Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2003(**c**), except that the provisions of article 7(2) and (3) shall not apply, and "assessment" shall be construed accordingly.

Application and extent

3.—(1) These Regulations apply only to England.

(2) These Regulations apply in relation to any pupil in the final year of the first key stage in the school year ending 2004 who is registered at one of the schools listed in Schedule 1 to the Direction made by the Secretary of State under section 90 of the Education Act 2002 on 29th March 2004.

(**a**) 1996 c.56. By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672), the powers conferred by these provisions are exercisable by the Secretary of State only in relation to England. Section 408 was amended by the Education Act 1997 (c 44), Schedule 7, paragraph 30(a) and Schedule 8, the School Standards and Framework Act 1998 (c 31), Schedule 30, paragraphs 57 and 106 and Schedule 31, and by the Learning and Skills Act 2000 (c 21), Schedule 9, paragraph 57. Section 537 was amended by the School Standards and Framework Act 1998, Schedule 30, paragraphs 57 and 152 and by the Learning and Skills Act 2000, Schedule 30, paragraph 153.

(**b**) 2002 c. 32. By virtue of the definition in section 212(1), regulations made by the Secretary of State under this Act apply only in relation to England.

(**c**) S.I. 2003/1037.

Modification of Regulations

4. The statutory instruments referred to in regulations 5 to 8 shall apply subject to the modifications set out therein, insofar as they impose requirements in relation to the reporting of information concerning the performance of any pupil referred to in regulation 3.

Modifications to the Education (Governors' Annual Reports) (England) Regulations 1999

5.—(1) In this regulation any reference to the Schedule is a reference to the Schedule to the Education (Governors' Annual Reports) (England) Regulations 1999(**a**).

(2) Any reference in paragraph 8 of the Schedule (Information to be Contained in Governors' Reports) to "assessed", "assessment" or "teacher assessment" in relation to the attainment levels in respect of mathematics, spelling or any of the attainment targets in English shall be construed in accordance with the definition of "assessed" in regulation 2 of these Regulations.

(3) Notwithstanding paragraph 8(3) of the Schedule, the information referred to in paragraph 8(2)(a) shall be given in respect of an assessment by the teacher only, in relation to mathematics, spelling and each of the attainment targets in English.

Modifications to the Education (Pupil Information) (England) Regulations 2000

6.—(1) In this regulation any reference to a numbered Schedule is a reference to the Schedule so numbered to the Education (Pupil Information) (England) Regulations 2000(**b**).

(2) Any reference in paragraph 1 of Schedules 1 to 3 and in paragraphs 1 and 2(2)(a) of Schedule 5 to "teacher assessment" in relation to the pupil's subject level in respect of mathematics or any of the attainment targets in English entitled 'Speaking and Listening', 'Reading' and 'Writing' shall be construed in accordance with the definition of "assessed" in regulation 2 of these Regulations.

(3) In paragraph 1 of Schedule 1 (Information about Individual Pupils)—

(a) the words after "science" in sub-paragraph (2) shall be disregarded; and

(b) the words after 'Writing' (where it appears for the first time) in sub-paragraph (3) shall be disregarded.

(4) In paragraph 1(1) of Schedule 2 (Information about Pupils at the School), the words after "assessment" in paragraphs (a) and (d) shall be disregarded.

(5) In paragraph 1 of Schedule 3 (Information about Pupils at Schools in England)—

(a) the words after "assessment" in sub-paragraph (2)(a) and (c) shall be disregarded; and

(b) sub-paragraph (5) shall not apply.

(6) In Schedule 5 (Common Transfer Information)—

(a) paragraph 1(4) shall not apply;

(b) paragraph 2(2)(b) to (e) shall not apply;

(c) paragraph 3(2)(c) shall not apply;

(d) in paragraphs 3(2)(a) and 4(2)(a) the reference to the information set out in paragraph 2(2)(a) shall be to the information set out therein, as modified by paragraph (2) of this Regulation; and

(e) paragraph 4(2)(d) shall not apply.

(**a**) S.I. 1999/2157 as amended by S.I. 2002/1171 and S.I. 2002/2214.
(**b**) S.I. 2000/297 as amended by S.I. 2001/1212, S.I. 2002/1680 and S.I. 2003/1006.

Modifications to the Education (School Performance Information) (England) Regulations 2001

7. In paragraph 1 of Schedule 1 (Provision of Information to Local Education Authorities: First Key Stage Results) to the Education (School Performance Information) (England) Regulations 2001(**a**)—

(a) any reference to "assessed" or "teacher assessment" in relation to the pupil's level of attainment in respect of any core subject, other than science, or in respect of any of the attainment targets of these core subjects, shall be construed in accordance with the definition of "assessed" in regulation 2 of these Regulations;

(b) sub-paragraph (2)(d) shall not apply; and

(c) notwithstanding sub-paragraph (3), only the results of the assessment by the teacher shall be given in relation to mathematics and each of the attainment targets in English.

Modifications to the Education (School Information) (England) Regulations 2002

8. In paragraph 9 of Schedule 3 (Information to be Published by Governing Bodies) to the Education (School Information) (England) Regulations 2002(**b**)—

(a) any reference to "assessed" or "assessment" in relation to the attainment levels in respect of mathematics, spelling or any of the attainment targets in English shall be construed in accordance with the definition of "assessed" in regulation 2 of these Regulations; and

(b) notwithstanding sub-paragraph (7), the information referred to in sub-paragraph (2)(a) and (b) and sub-paragraph (4) shall be given in respect of an assessment by the teacher only, in relation to mathematics, spelling and each of the attainment targets in English.

Stephen Twigg
Parliamentary Under Secretary of State
Department for Education and Skills

6th April 2004

(**a**) S.I. 2001/3446 as amended by S.I. 2002/2017 and S.I. 2003/537.

(**b**) S.I. 2002/2897.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply only to England.

They apply in relation to the performance of pupils in their final year of the first key stage in the school year ending 2004 who are registered at any of the schools listed in Schedule 1 to the Direction issued by the Secretary of State on 29th March 2004 *(regulation 3)*.

A copy of the Direction is available for inspection at the Head Quarters of every Local Education Authority, one or more of whose schools are listed in Schedule 1 thereto. It is also available for inspection online at www.teachernet.gov.uk.

These Regulations modify—

(c) the Education (Governors' Annual Reports) (England) Regulations 1999; as amended *(regulation 5)*;

(d) the Education (Pupil Information) (England) Regulations 2000, as amended *(regulation 6)*;

(e) the Education (School Performance Information) (England) Regulations 2001, as amended *(regulation 7)*; and

(f) the Education (School Information) (England) Regulations 2002 *(regulation 8)*,

so as to modify the requirements for the reporting of teacher assessments and disapply those provisions which would otherwise require these schools to report the results of any National Curriculum tasks and tests administered to these pupils.

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