STATUTORY INSTRUMENTS

2004 No. 2141

EDUCATION, ENGLAND

The Education (School Performance Information) (England) (Amendment) Regulations 2004

Made - - - -	*13th August 2004*
Laid before Parliament	*23rd August 2004*
Coming into force - -	*23rd September 2004*

In exercise of the powers conferred upon the Secretary of State by sections 408, 537A(1) and (2) and 569(4) of the Education Act 1996(**a**) and after consulting those persons with whom consultation appeared to the Secretary of State to be desirable, the Secretary of State for Education and Skills hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (School Performance Information) (England) (Amendment) Regulations 2004 and shall come into force on 23rd September 2004.

(2) These Regulations shall apply only in relation to England.

Interpretation

2. In these Regulations any reference to—

(a) "the Principal Regulations" is a reference to the Education (School Performance Information) (England) Regulations 2001(**b**); and

(b) a numbered Schedule is a reference to the Schedule so numbered in the Principal Regulations.

Amendments to Principal Regulations

3. The Principal Regulations shall be amended in accordance with regulations 4 and 5.

4. At the end of paragraph 2(1) of Schedule 2 delete the full stop and insert the words "and the date of registration at the school.".

5.—(1) At the end of paragraph 2(a) of Schedule 3 delete the semi-colon and insert the words "and the date of registration at the school;".

(**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 sections are exercisable by the Secretary of State only in relation to England. Section 408 was amended by the Education Act 1997 (c.44), Sch 7, para 30 and Sch 8, the School Standards and Framework Act 1998 (c.31), Sch 30, paras 57 and 106 and Sch 31, and by the Learning and Skills Act 2000 (c.21), Sch 9, para 57. Section 537A was substituted by the School Standards and Framework Act 1998, Sch 30, para 153.)

(**b**) S.I. 2001/3446. (These Regulations were amended by S.I. 2002/2017, 2003/537 and 2003/2135.)

(2) At the end of paragraph 2(d) of Schedule 3 replace the full stop with "; and" and insert the following sub-paragraph—

> **"**(e) except where the pupil is registered at an independent school other than an Academy or a CTC, the level of the National Curriculum level scale achieved by the pupil in the second key stage as determined by the results of NC tests in any of the school years preceding the reporting school year.**".**

(3) Replace paragraph 3 of Schedule 3 with the following paragraph—

> **"3.**—(1) In the case of each such pupil referred to in paragraph 1 who, during the reporting school year or any of the school years preceding that year, was entered for an external qualification approved for use by pupils of compulsory school age under section 98 of the Learning and Skills Act 2000 (2000 c.21), for the purposes of section 96 of that Act, the information specified in sub-paragraph (2).
>
> (2) The information referred to in sub-paragraph (1) is—
>
> (a) the pupil's gender, date of birth and surname followed by first name or, if more than one, each first name; and
>
> (b) the subjects taken and the grades or, where applicable, the levels achieved.**".**

(4) In paragraph 4 of Schedule 3—

(a) delete the words "referred to in paragraph 3(a) to (c) and" in sub-paragraph (a);

(b) replace the words "a National Vocational Qualification, or units of such a qualification" in sub-paragraph (b) with the words "units of a National Vocational Qualification";

(c) replace the semi-colon at the end of sub-paragraph (d) with a full stop and delete the word "or"; and

(d) delete sub-paragraph (e).

(5) Replace paragraph 5 of Schedule 3 with the following paragraph—

> **"5.** The number of such pupils referred to in paragraph 4 who, during the reporting school year, achieved, as the case may be, units of a GNVQ, units of a National Vocational Qualification, the Diploma or the Initial Awards for which they were entered.**"**.

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

13th August 2004

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (School Performance Information) (England) Regulations 2001.

The principal amendments will—

(a) impose an additional requirement on the governing body of every maintained primary or middle deemed secondary school to provide to the Secretary of State, in relation to each registered pupil, the date of registration at the school, pursuant to regulation 7 of, and Schedule 2 to, the Principal Regulations *(regulation 4)*; and

(b) impose an additional requirement on the governing body of every maintained school and the proprietor of every non-maintained special school or independent school to provide to the Secretary of State, in relation to each registered pupil aged 15, the date of registration at the school and information concerning their achievements in external qualifications

approved under section 98 of the Learning and Skills Act 2000, pursuant to regulation 8 of, and Part 1 of Schedule 3 to, the Principal Regulations *(regulation 5)*.

Details of the external qualifications approved for use by pupils of compulsory school age under section 98 of the Learning and Skills Act 2000 can be accessed online at www.openquals.org.uk.

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