EXPLANATORY MEMORANDUM TO THE EDUCATION (SCHOOL PERFORMANCE INFORMATION) (ENGLAND) (AMENDMENT) REGULATIONS 2005

2005 No. 51

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 Joint Committee on Statutory Instruments.

2. Description

2.1 This Statutory Instrument is an amendment to the Education (School Performance Information) (England) Regulations 2001. This Instrument defines what assessment information schools with registered pupils at or near the end of Key Stage 1 must pass to their Local Education Authority (LEA).

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

3.1 None.

4. Legislative Background

4.1 Under Section 408 of the Education Act 1996 the Secretary of State can require LEAs or schools to provide information regarding the educational achievements of their pupils. Under section 537A Education Act 2002, regulations may require schools to provide information about achievements at individual pupil level.

4.2 The Key Stage 1 Assessment Order 2004 (SI 2004/2783) specifies that pupils should be assessed in accordance with the assessment arrangements specified in the Assessment and Reporting Arrangements Document which has been issued to schools following consultation in accordance with the Secretary of State's powers pursuant to section 87(5) Education Act 2002.

4.3 These Regulations require that information about pupil attainment be reported in accordance with the requirements of the Document referred to in the Key Stage 1 Assessment Order.

5. Extent

5.1 This instrument applies to schools in England.

6. European Convention on Human Rights

Not applicable.

7. Policy background

7.1 The department carried out a trial where teachers used the outcomes of the task/test results to inform an overall teacher assessment level rather than simply relying on test/task results at Key Stage 1. The trial was successful and as a result changes were made to the national assessment arrangements through the Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004. This provides that schools must report the outcome of teacher assessment (informed by the task and test results as well as pupil performance throughout the key stage) instead of task and test results alone.

7.2 The detail of the new assessment arrangements is set out in the Assessment and Reporting Arrangements Document which has been issued pursuant to section 87(5) Education Act 2002.

7.3 Consequent amendment to the sections of the School Performance Information (England) Regulations 2001 relating to Key Stage 1 assessment is required to reflect the changes made to the assessment regime at Key Stage 1.

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

Brenda Gunter at the Department for Education and Skills Tel: 020 7925 6947 or e-mail: brenda.gunter@dfes.gsi.gov.uk can answer any queries regarding the instrument.