STATUTORY INSTRUMENTS

2007 No. 2324

EDUCATION, ENGLAND

The Education (School Performance Information) (England) Regulations 2007

Made - - - -	*7th August 2007*
Laid before Parliament	*15th August 2007*
Coming into force - -	*10th September 2007*

The Secretary of State for Children, Schools and Families makes the following Regulations in exercise of the powers conferred by sections 29(3), 408, 537, 537A and 569(4) and (5) of the Education Act 1996(**a**).

In accordance with section 408(5) of that Act the Secretary of State has consulted with those persons with whom consultation appeared to him to be desirable.

PART 1

General

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (School Performance Information) (England) Regulations 2007 and come into force on 10th September 2007.

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

Interpretation

2.—(1) In these Regulations—

"the 1996 Act" means the Education Act 1996;

"the 2002 Act" means the Education Act 2002(**b**);

"assessment" —

(**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 29 was last amended by the Education Act 2002 (c. 32), Schedule 21, paragraph 35. Section 408 was last amended by the Education Act 2002, Schedule 21, paragraph 46. Section 537 was last amended by the Education Act 2002, Schedule 7, Part 2 and Schedule 22, Part 3. Section 537A was substituted by the School Standards and Framework Act 1998 (c. 31), Schedule 30, paragraph 153.)

(**b**) 2002 c. 32.

(i) in relation to a maintained school, means assessment pursuant to orders made or having effect as if made under section 87 of the 2002 Act(**a**) and "level" is to be construed in accordance with the provisions of such orders; and

(ii) in relation to an Academy or a CTC, means assessment pursuant to an agreement made under section 482 of the 1996 Act(**b**);

"assessment term" means the term in which assessment is completed;

"attainment target" has the meaning given by section 76 of the 2002 Act;

"authority" means—

(i) in relation to a school maintained by a local education authority, that authority; and

(ii) in relation to a non-maintained special school or an independent school, means the local education authority in whose area the school is situated;

"a child looked after by a local authority" is to be interpreted in accordance with section 22(1) of the Children Act 1989(**c**);

"CTC" means city technology college or city college for the technology of the arts;

"core subject" means English, mathematics or science;

"the Document" means the document entitled "Foundation Stage and Key Stage 1 Assessment and Reporting Arrangements" published by the Qualifications and Curriculum Authority pursuant to section 87(11) of 2002 Act and article 9 of the Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004(**d**);

"external marking agency" means a body nominated by the Qualifications and Curriculum Authority and approved by the Secretary of State to mark NC tests;

"maintained school" means—

(i) any community, foundation or voluntary school; or

(ii) any community or foundation special school which is not established in a hospital

but excludes any nursery school;

"middle deemed secondary school" means a middle school deemed to be a secondary school by virtue of the Education (Middle School) (England) Regulations 2002(**e**);

"National Data Collection Agency" means a person appointed by the Qualifications and Curriculum Authority for the purpose of collating information about pupils' National Curriculum assessment results.

"NC tests" means National Curriculum tests administered to pupils for the purposes of assessing the level of attainment which they have achieved in any core subject being tests laid down in provisions made by the Secretary of State under the appropriate order made or having effect as if made under section 87 of the 2002 Act in force when those tests were administered;

"non-maintained special school" means a special school which is not maintained by a local education authority;

"P-level" means, for those pupils with special educational needs, the National Curriculum level of attainment below level 1 as specified by the Secretary of State in an order made or having effect as if made under section 87 of the 2002 Act;

"reporting school year" means the school year immediately preceding the school year in which information provided to the Secretary of State is to be published by him or, as the case may be, by the authority;

(**a**) Section 87 has been prospectively amended by sections 48 and 102 of, and Schedule 1 and 3 to, the Childcare Act 2006 c. 47.

(**b**) Section 482 was inserted by section 65(1) of the Education Act 2002 c. 32.

(**c**) 1989 c. 89. Section 22(1) has been amended by section 107 of, and schedule 5 to, the Local Government Act 2000 c. 22; section 2 of the Children (Leaving Care) Act 2000 c. 35; and section 116 of the Adoption and Children Act 2002 c. 38.

(**d**) S.I. 2004/2783.

(**e**) S.I. 2002/1983.

"school action" means the action referred to in paragraphs 5.43 to 5.49, in relation to primary schools, and paragraphs 6.50 to 6.57, in relation to secondary schools, of the Special Educational Needs Code of Practice;

"school action plus" means the action referred to in paragraphs 5.54 to 5.61 in relation to primary schools and paragraphs 6.62 to 6.69 in relation to secondary schools of the Special Educational Needs Code of Practice;

"school day" has the meaning given by section 579(1) of the 1996 Act;

"school year" has the meaning given by section 579(1) of the 1996 Act(**a**);

"special educational needs" has the meaning given by section 312(1) of the 1996 Act(**b**);

"Special Educational Needs Code of Practice" means the Code of Practice of that title issued under section 313 of the 1996 Act(**c**) in November 2001;

"special school" has the meaning given by section 337 of the 1996 Act(**d**);

"unauthorised absence" means an occasion on which a pupil is recorded as absent without authority pursuant to the Education (Pupil Registration) (England) Regulations 2006(**e**) and "authorised absence" is to be construed accordingly.

(2) Except in regulation 13 and paragraph 1(3) of Schedule 5, in these Regulations references to pupils of a particular age are to pupils who attained that age during the period of twelve months ending on the 31st August preceding the commencement of the reporting school year, where the reporting school year begins after that date, or the 31st August which falls within the reporting school year, where the reporting school year begins on or before that date, and who were registered pupils at the school on the third Thursday in the reporting school year.

(3) In these Regulations references to key stages are references to the periods set out in section 82(1) of the 2002 Act.

(4) Particulars to which these Regulations apply may be made available in the form of data from which the particulars are capable of being extracted by a computer.

(5) For the purposes of these Regulations any examination for which a pupil aged 15 was entered during a previous school year is to be treated as such an examination for which the pupil was entered during the reporting school year.

(6) Information relating to authorised or unauthorised absences must not include any information relating to any period after the Friday before the last Monday in May in the reporting school year.

Qualification of Duties

3. The duties of governing bodies, authorities and proprietors to make available, provide or publish information apply only to the extent that the information is available to them in time for it to be reasonably practicable for them to make available, provide or publish that information before the latest occasion on which that information is required to be made available, provided or published.

(**a**) The definition of "school year" was inserted by section 57(1) of, and Schedule 7 to, the Education Act 1997 c. 44.
(**b**) Section 312 was last amended by section 6(2) of, and Schedule 1 to, the Education and Inspections Act 2006 c. 40.
(**c**) Section 313 was last amended, in relation to England, by section 215 of and schedule 21 to, the Education Act 2002 c. 32.
(**d**) Section 337 was substituted by section 140 of, and Schedule 30 to, the School Standards and Framework Act 1998 c. 31.
(**e**) S.I. 2006/1751. Regulation 10 of S.I. 2006/1751 has been amended by S.I. 2007/603.

PART 2

Provision of Information by Head Teacher

Provision of information by head teacher to governing body

4. The head teacher of every maintained school must each year make available to the governing body information about the matters mentioned in Schedules 1 to 7 for the purposes of enabling the governing body to comply with their obligations in respect of those matters.

PART 3

Provision of Information to the Secretary of State and Local Authorities

Provision of information about first key stage assessment results to local authorities

5. The governing body of every maintained school which, in the assessment term of the reporting school year, has registered pupils who are at or near the end of the final year of the first key stage must each year, by the end of that term, provide to the authority the information relating to assessment referred to in Schedule 1.

Provision of information about second key stage assessment results to the Secretary of State

6. The governing body of every maintained primary or middle deemed secondary school and the proprietor of every Academy must, within two weeks of receiving a written request from the Secretary of State, provide him with the information for the reporting school year referred to in Schedule 2.

Provision of information about third key stage assessment results to the Secretary of State

7. The governing body of every maintained secondary school and the proprietor of every Academy or CTC must, within two weeks of receiving a written request from the Secretary of State, provide him with the information for the reporting school year referred to in Schedule 3.

Provision of information about fourth key stage results to the Secretary of State

8. The governing body of every maintained school and the proprietor of every non-maintained special school or independent school which has registered pupils who are at or near the end of the final year of the fourth key stage or who are aged 15 but are not at or near the end of the final year of the fourth key stage must, within two weeks of receiving a written request from the Secretary of State, provide him with the information specified in Part 1 of Schedule 4.

Provision of information about the results of pupils aged 16, 17 and 18 to the Secretary of State

9. The governing body of every maintained school and the proprietor of every non-maintained special school or independent school which has registered pupils who are aged 16, 17 or 18, must, within two weeks of receiving a written request from the Secretary of State, provide him with the information specified in Part 2 of Schedule 4.

Provision of information about authorised and unauthorised absence to the Secretary of State

10.—(1) Subject to paragraph (2), the governing body of every maintained school and the proprietor of every Academy, CTC and non-maintained special school must, within two weeks of

receiving a written request by the Secretary of State, provide him with the information for the reporting year specified in Schedule 5.

(2) This regulation does not apply in respect of a school providing education for boarding pupils only.

Provision of general information about secondary schools to the Secretary of State

11. The governing body of every maintained secondary school and the proprietor of every non-maintained special school or independent school with pupils aged 15 must, within two weeks of receiving a written request from the Secretary of State, provide him with the general information about the school for the reporting school year referred to in Schedule 6.

Provision of general information about primary schools to the Secretary of State

12. The governing body of every maintained primary or middle deemed secondary school and the proprietor of every Academy with pupils aged 10 years, must, within two weeks of receiving a written request from the Secretary of State, provide him with the general information about the school for the reporting school year referred to in Schedule 7.

PART 4

Provision of Information to the National Data Collection Agency and the External Marking Agency

Provision of information about second and third key stage assessment results to the National Data Collection Agency

13.—(1) The governing body of every maintained school and the proprietor of every Academy which, in the assessment term of the reporting school year, has registered pupils who are at or near the end of the final year of the second key stage or, in the case of an Academy has registered pupils aged 11 years, must, each year, on or before 11th July, provide to the National Data Collection Agency the information relating to assessment referred to in Part 1 of Schedule 8.

(2) The governing body of every maintained school and the proprietor of every Academy or CTC which, in the assessment term of the reporting school year, has registered pupils who are at or near the end of the final year of the third key stage or, in the case of an Academy or a CTC has registered pupils aged 14, must each year, on or before 11th July, provide to the National Data Collection Agency the information relating to assessment referred to in Part 2 of Schedule 8.

Provision of information about second and third key stage assessments to the external marking agency

14.—(1) The governing body of every maintained school which, in the assessment term of the reporting school year, has registered pupils who are at or near the end of the final year of the second key stage, must each year, as soon as reasonably practicable after the last school day on which NC tests are administered to those pupils in each subject, provide the information referred to in Part 3 of Schedule 8 to the external marking agency determined by the Qualifications and Curriculum Authority and notified by them to the head teacher of the school pursuant to article 5(3) of the Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003(**a**).

(2) The governing body of every maintained school which, in the assessment term of the reporting school year, has registered pupils who are at or near the end of the final year of the third key stage, must each year, as soon as reasonably practicable after the last school day on which NC tests are administered to those pupils in each subject, provide the information referred to in Part 4

(**a**) S.I. 2003/1038.

of Schedule 8 to the external marking agency determined by the Qualifications and Curriculum Authority and notified by them to the head teacher of the school pursuant to article 8(3) of the Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (England) Order 2003(**a**).

PART 5

Revocations

Revocations and Savings

15.—(1) Subject to paragraph (2), the Regulations referred to in Schedule 9 are revoked.

(2) The revocation of the Regulations referred to in Schedule 9 does not relieve any person of any duty to make available, provide or publish information which has not been performed before the date that these Regulations come into force.

Andrew Adonis
Parliamentary Under Secretary of State
Department for Children, Schools and Families

7th August 2007

SCHEDULE 1

Regulation 5

PROVISION OF INFORMATION TO LOCAL EDUCATION AUTHORITIES: FIRST KEY STAGE RESULTS

1.—(1) In respect of each registered pupil at or near the end of the final year of the first key stage, the pupil's gender, date of birth and surname followed by the first name or, if more than one, each first name.

(2) In respect of each such pupil, the information required by the Document in respect of each core subject and each attainment target in relation to each core subject.

SCHEDULE 2

Regulation 6

PROVISION OF INFORMATION TO THE SECRETARY OF STATE: SECOND KEY STAGE RESULTS

1. The number of registered pupils at or near the end of the final year of the second key stage.

2.—(1) In respect of each registered pupil at or near the end of the final year of the second key stage, the pupil's gender, date of birth and surname followed by first name or, if more than one, each first name and the date of registration at the school.

(2) In respect of each such pupil, the following information, as appropriate, in respect of each core subject—

(**a**) S.I. 2003/1039.

(a) the level on the National Curriculum level scale and the NC test results, including the marks awarded for each component element of those tests where available, achieved by the pupil in the second key stage;

(b) the level on the National Curriculum scale and the NC test results, including the marks awarded for each component of those tests where available, achieved by the pupil in the first key stage;

(c) whether an NC test result is not available for the pupil because, in the opinion of the head teacher, he was working below level 3 of the National Curriculum level scale and an NC test was not administered to the pupil;

(d) whether the pupil failed to achieve a level on the National Curriculum level scale in an NC test for a reason other than absence from the test;

(e) whether the pupil was exempted from an NC test under section 92 or 93 of the 2002 Act(**a**);

(f) whether an NC test result is not available because the pupil was absent on the day the NC test was administered; and

(g) whether an NC test result relates to a test taken prior to the final year of the second key stage and the school year in which it was taken.

3. In respect of any pupil referred to in paragraph 2(1) who has special educational needs and is working below level 1 of the National Curriculum, the P-level achieved by the pupil in each core subject or, as the case may be, the relevant attainment target as determined by teacher assessment.

4.—(1) In respect of each pupil referred to in paragraph 2(1), the following information—

(a) the date of the pupil's admission to the school;

(b) the pupil's ethnic group;

(c) the pupil's first language;

(d) the postcode of the home where the pupil normally resides;

(e) whether, pursuant to sections 512(3) and 512ZB of the 1996 Act(**b**), the pupil has applied for and been found eligible for free school meals;

(f) whether the pupil has special educational needs and, where applicable, the type of special educational needs that pupil has, the primary and secondary ranking of those types if there is more than one type, and which SEN provision type forming part of the graduated approach adopted pursuant to The Special Educational Needs Code of Practice is being made for the pupil;

(g) whether the pupil is or has been at any time whilst registered at the school, to the knowledge of the governing body or, where appropriate, the proprietor, a child looked after by a local authority.

5.—(1) In respect of each registered pupil in the second key stage other than those referred to in paragraph 2(1), who has taken any NC test early, the pupil's gender, date of birth and surname followed by first name or, if more than one, each first name and the date of registration at the school.

(2) In respect of each such pupil, the level on the National Curriculum level scale achieved by the pupil as determined by the results of the NC tests taken early, including the marks awarded for each component element of those tests where available.

(**a**) Section 93 has been prospectively amended by sections 48 and 103 of, and Schedules 1 and 3 to, the Childcare Act 2006 c. 21

(**b**) Section 512 was substituted by, and section 512ZB inserted by, section 201 of the Education Act 2002 c. 32.

SCHEDULE 3

Regulation 7

PROVISION OF INFORMATION TO THE SECRETARY OF STATE: THIRD KEY STAGE RESULTS

1. The number of registered pupils at or near the end of the final year of the third key stage.

2.—(1) In respect of each registered pupil at or near the end of the final year of the third key stage, the pupil's gender, date of birth and surname followed by first name or, if more than one, each first name.

(2) In respect of each pupil, the following information, as appropriate, in respect of each core subject—

(a) the level on the National Curriculum level scale and the NC test results, including the marks awarded for each component element of those tests where available, achieved by the pupil in the third key stage;

(b) the level on the National Curriculum level scale and the NC test results, including the marks awarded for each component element of those tests where available, achieved by the pupil in the second key stage;

(c) whether an NC test result is not available for the pupil because, in the opinion of the head teacher, he was working below level 3 of the National Curriculum level scale in mathematics or science and below level 4 of the National Curriculum level scale in English and an NC test was not administered to the pupil;

(d) whether the pupil failed to achieve a level on the National Curriculum level scale in an NC test for a reason other than absence from the test;

(e) whether the pupil was exempted from an NC test under section 92 or 93 of the 2002 Act;

(f) whether an NC test result is not available because the pupil was absent on the day the NC test was administered; and

(g) whether an NC test result relates to a test taken prior to the final year of the third key stage and the school year in which it was taken.

3. In respect of any pupil referred to in paragraph 2(1) who has special educational needs and is working below level 1 of the National Curriculum, the P-level achieved by the pupil in each core subject or, as the case may be, the relevant attainment target as determined by teacher assessment.

4.—(1) In respect of each pupil referred to in paragraph 2(1), the following information—

(a) the date of the pupil's admission to the school;

(b) the pupil's ethnic group;

(c) the pupil's first language;

(d) the postcode of the home where the pupil normally resides;

(e) whether, pursuant to sections 512(3) and 512ZB of the 1996 Act, the pupil has applied for and been found eligible for free school meals;

(f) whether the pupil has special educational needs and, where applicable, the type of special educational needs that pupil has, the primary and secondary ranking of those types if there is more than one type, and which SEN provision type forming part of the graduated approach adopted pursuant to The Special Educational Needs Code of Practice is being made for the pupil;

(g) whether the pupil is or has been at any time whilst registered at the school, to the knowledge of the governing body or, where appropriate, the proprietor, a child looked after by a local authority.

5.—(1) In respect of each registered pupil in the third key stage other than those referred to in paragraph 2, who has taken one or two NC tests early, the pupil's gender, date of birth and

surname followed by first name or, if more than one, each first name and the date of registration at the school.

(2) In respect of each such pupil, the level on the National Curriculum level scale achieved by the pupil as determined by the results of the NC tests taken early, including the marks awarded for each component element of those tests where available.

SCHEDULE 4

Regulations 8 and 9

PROVISION OF INFORMATION TO THE SECRETARY OF STATE: FOURTH KEY STAGE RESULTS AND RESULTS FOR PUPILS AGED 16, 17 AND 18

PART 1

Ref

Pupils in the Fourth Key Stage

1.—(1) The number of registered pupils who are at or near the end of the final year of the fourth key stage.

(2) The number of registered pupils aged 15 who are not at or near the end of the final year of the fourth key stage.

2.—(1) In the case of each such pupil referred to in paragraph 1—

(a) the pupil's gender, date of birth, and surname followed by first name or, if there are more than one, each first name;

(b) whether the pupil 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(**a**) for the purposes of section 96 of that Act and, where applicable, the following—

(i) the external qualification taken;

(ii) the name of the awarding body for the external qualification;

(iii) the school year in which the pupil was entered for the external qualification; and

(iv) the grade or level achieved.

(c) except where the pupil is registered at an independent school other than an Academy or CTC, the level on the National Curriculum scale and the NC test results, including the marks awarded for each component of those tests where available, achieved by the pupil in the third key stage;

(d) except where the pupil is registered at an independent school other than an Academy or CTC, the level on the National Curriculum scale and the NC test results, including the marks awarded for each component of those tests where available, achieved by the pupil in the second key stage;

(e) except where the pupil is registered at an independent school other than an Academy or CTC, the following—

(i) the date of the pupil's admission to the school;

(ii) the pupil's ethnic group;

(iii) the pupil's first language;

(iv) the postcode of the home where the pupil normally resides;

(**a**) 2000 c. 21.

(v) whether, pursuant to sections 512(3) and 512ZB of the 1996 Act, the pupil has applied for and been found eligible for free school meals;

(vi) whether the pupil has special educational needs and, where applicable, the type of special educational needs that pupil has, the primary and secondary ranking of those types if there is more than one type, and which SEN provision type forming part of the graduated approach adopted pursuant to The Special Educational Needs Code of Practice is being made for the pupil;

(vii) whether the pupil is or has been at any time whilst registered at the school, to the knowledge of the governing body or, where appropriate, the proprietor, a child looked after by a local authority.

PART 2

Ref

Pupils Aged 16, 17 or 18

1.—(1) The number of registered pupils aged 16, 17 or 18 who, during the reporting school year or any of the school years preceding that year, were entered for an external level 3 qualification approved for use by pupils who are over compulsory school age but have not attained the age of 19 under section 98 of the Learning and Skills Act 2000 for the purposes of section 96 of that Act.

(2) In the case of each such pupil referred to in sub-paragraph (1), the following information—

(a) the pupil's gender, date of birth and surname followed by first name or, if more than one, each first name;

(b) the external level 3 qualification taken and the grade or, where applicable, the level achieved; and

(c) the school year in which he was entered for the external level 3 qualification and the awarding body for that qualification.

SCHEDULE 5

Regulation 10

PROVISION OF INFORMATION TO THE SECRETARY OF STATE: AUTHORISED AND UNAUTHORISED ABSENCE

1.—(1) In relation to any maintained primary or middle deemed secondary school, the number of pupils of compulsory school age registered at any time on or before the Friday before the last Monday in May during the reporting school year.

(2) In relation to any Academy or CTC with registered pupils aged 15 years and any maintained secondary school, the number of pupils of compulsory school age registered at any time on or before the second Monday in April during the reporting school year.

(3) For the purposes of this Schedule, a pupil is of compulsory school age unless before 1st September in the reporting school year—

(a) he has not attained the age of five years; or

(b) he has attained the age of sixteen years.

2. The total number of morning and afternoon sessions in the reporting school year.

3. The number of registered pupils in respect of whom at least one authorised or unauthorised absence has been recorded during the reporting school year.

4. The number of—

(a) authorised absences; and

(b) unauthorised absences,

during the reporting school year.

5. For the purposes of this Schedule "pupil" does not include a boarding pupil.

SCHEDULE 6

Regulation 11

PROVISION OF GENERAL INFORMATION TO THE SECRETARY OF STATE: SECONDARY SCHOOLS

1. The name, address and telephone number of the school.

2. The number of registered pupils on the third Thursday in January in the reporting school year.

3. The number of registered pupils aged 13.

4. The age range of pupils at the school, and the number of registered pupils (if any) aged 16, 17 or 18.

5. The classification of the school as—

(a) community, foundation, voluntary controlled, voluntary aided, special (non-maintained), community special, foundation special, an Academy or CTC, independent school approved by the Secretary of State under section 347(1) of the 1996 Act (independent schools suitable for children with statements), or other independent school;

(b) boys' single sex, girls' single sex, or mixed.

6. In the case of a school—

(a) which is not a special school; and

(b) which is not an independent school other than an Academy or a CTC;

whether the school is—

(i) a grammar school (a school which, for the purposes of section 104 of the School Standards and Framework Act 1998(**a**) ("the 1998 Act"), admits pupils wholly or mainly with reference to ability);

(ii) modern (a school to which pupils who have not been selected for a place at a grammar school are admitted wholly or mainly without reference to ability or aptitude); or

(iii) comprehensive (all other schools, including schools with admission arrangements falling within section 101 of the 1998 Act).

7. In the case of an independent school other than an Academy or a CTC, whether the school is selective.

8. In the case of a school which has been approved by the Secretary of State as a specialist school, which specialism or specialisms apply to that school

9. The number of registered pupils at or near the end of the final year of the third key stage who have special educational needs to whom support is provided by means of school action plus or in respect of whom a statement is maintained under section 324 of the 1996 Act(**b**).

10. The number of registered pupils at or near the end of the final year of the third key stage who have special educational needs to whom support is provided by means of school action but in

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(**a**) c. 31. Section 104 was last amended by section 54 of the Education and Inspections Act 2006 c. 40.
(**b**) Section 324 was last amended by section 9 of the Special Educational Needs and Disability Act 2001 c. 10.

respect of whom a statement of special educational needs is not maintained under section 324 of the 1996 Act.

11. The number of registered pupils at or near the end of the final year of the fourth key stage who have special educational needs to whom support is provided by means of school action plus or in respect of whom a statement of special educational needs is maintained under section 324 of the 1996 Act.

12. The number of registered pupils at or near the end of the final year of the fourth key stage who have special educational needs to whom support is provided by means of school action but in respect of whom a statement of special educational needs is not maintained under section 324 of the 1996 Act.

13. The total number of registered pupils who have special educational needs to whom support is provided by means of school action but in respect of whom a statement of special educational needs is not maintained under section 324 of the 1996 Act.

14. The total number of registered pupils to whom support is provided by means of school action plus or for whom a statement of special educational needs is maintained under section 324 of the 1996 Act.

SCHEDULE 7

Regulation 12

PROVISION OF GENERAL INFORMATION TO THE SECRETARY OF STATE: PRIMARY SCHOOLS AND MIDDLE DEEMED SECONDARY SCHOOLS

1. The name, address and telephone number of the school.

2. The number of registered pupils on the third Thursday in January in the reporting school year.

3. The number of registered pupils aged 10.

4. The age range of pupils at the school.

5. The classification of the school as community, foundation, voluntary controlled, voluntary aided, community special or foundation special.

6. The number of registered pupils at or near the end of the final year of the second key stage who have special educational needs to whom support is provided by means of school action plus or in respect of whom a statement of special educational needs is maintained under section 324 of the 1996 Act.

7. The number of registered pupils at or near the end of the final year of the second key stage who have special educational needs to whom support is provided by means of school action but in respect of whom a statement of special educational needs is not maintained under section 324 of the 1996 Act.

8. The total number of registered pupils to whom support is provided by means of school action plus or for whom a statement of special educational needs is maintained under section 324 of the 1996 Act.

9. The total number of registered pupils who have special educational needs to whom support is provided by means of school action but in respect of whom a statement of special educational needs is not maintained under section 324 of the 1996 Act.

SCHEDULE 8

Regulations 13 and 14

PROVISION OF INFORMATION TO THE NATIONAL DATA COLLECTION AGENCY AND THE EXTERNAL MARKING AGENCY

PART 1

Second Key Stage Results: National Data Collection Agency

1.—(1) In respect of each registered pupil at or near the end of the final year of the second key stage, the pupil's gender, date of birth and surname followed by the first name or, if more than one, each first name.

(2) In respect of each such pupil, the following information, as appropriate, in respect of each core subject—

(a) the level of the National Curriculum level scale achieved by the pupil as determined by teacher assessment;

(b) whether the pupil was assessed by a teacher as working below level 1 and, where applicable, the P-level achieved by the pupil as determined by teacher assessment;

(c) whether the pupil was exempted from teacher assessment under section 92 or 93 of the 2002 Act; or

(d) whether a teacher assessment result is not available because of the pupil's absence.

PART 2

Third Key Stage Results: National Data Collection Agency

1.—(1) In respect of each registered pupil at or near the end of the final year of the third key stage, the pupil's gender, date of birth and surname followed by the first name or, if more than one, each first name.

(2) In respect of each such pupil, the following information, as appropriate, in history, geography, art and design, design and technology, information and communication technology, a modern foreign language and each core subject—

(a) the level of the National Curriculum level scale achieved by the pupil as determined by teacher assessment;

(b) whether the pupil was assessed by a teacher as working below level 1 and, where applicable, the P-level achieved by the pupil as determined by teacher assessment;

(c) whether the pupil was assessed by the teacher as being at the level of the National Curriculum level scale entitled "Exceptional Performance";

(d) whether the pupil was exempted from teacher assessment under section 92 or 93 of the 2002 Act; and

(e) whether a teacher assessment result is not available because of the pupil's absence.

PART 3

Second Key Stage Assessments: External Marking Agency

1. In respect of each registered pupil at or near the end of the final year of the second key stage, the pupil's gender, date of birth and surname followed by the first name or, if more than one, each first name.

2. In respect of each such pupil, the following information, in respect of each core subject—

(a) whether in the opinion of the head teacher the pupil was working below level 3 and NC tests were not administered to the pupil;

(b) whether the pupil was exempted from NC tests under section 92 or 93 of the 2002 Act; or

(c) whether an NC test result is not available because the pupil was absent on the day the NC test was administered.

PART 4

Third Key Stage Assessments: External Marking Agency

1. In respect of each registered pupil at or near the end of the final year of the third key stage, the pupil's gender, date of birth and surname followed by the first name or, if more than one, each first name.

2. In respect of each such pupil, the following information—

(a) whether, in the opinion of the head teacher, the pupil was working below level 3 in mathematics and science and NC tests were not administered to the pupil;

(b) whether, in the opinion of the head teacher, the pupil was working below level 4 in English and NC tests were not administered to the pupil;

(c) whether, in respect of each core subject, the pupil was exempted from an NC test under section 92 or 93 of the 2002 Act; or

(d) whether, in respect of each core subject, an NC test is not available because the pupil was absent on the day the NC test was administered.

SCHEDULE 9

Regulation 15

REVOCATIONS

Number	Regulations Revoked	Reference
1	The Education (School Performance Information) (England) Regulations 2001	S.I 2001/3446
2	The Education (School Performance Information) (England) (Amendment) Regulations 2002	S.I. 2002/2017
3	The Education (School Performance Information) (England) (Amendment) Regulations 2003	S.I 2003/2135
4	The Education (School Performance Information) (England) (Amendment) Regulations 2004	S.I. 2004/2141
5	The Education (School Performance Information) (England) (Amendment) Regulations 2005	S.I. 2005/51
6	The Education (School Performance Information) (England) (Amendment) (No.2) Regulations 2005	S.I.2005/2338
7	The Education (School Performance Information) (England) (Amendment) Regulations 2006	S.I. 2006/2896

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, made under sections 29(3), 408, 537, 537A and 569(4) of the Education Act 1996, apply in relation to schools in England. They consolidate with amendments the Education (School Performance Information) (England) Regulations 2001 ("the 2001 Regulations") as amended, which are revoked.

The Regulations relate to the collection and publication of information about the performance of schools.

Part 1 of the Regulations comprises general provisions. A copy of the Special Educational Needs Code of Practice which was issued in November 2001 and is referred to in Regulation 2 (interpretation) and in various Schedules to the Order can be accessed at this weblink:

www.teachernet.gov.uk/docbank/index.cfm?id=3724

Part 2 imposes duties on head teachers of maintained schools to make available information to governing bodies for the purpose of enabling them to comply with their obligations under these Regulations (regulation 4).

Part 3 contains detailed provisions relating to the provision of information to the Secretary of State and to local authorities.

Governing bodies of maintained schools must provide local authorities with information about first key stage assessment results (regulation 5 and Schedule 1).

Governing bodies of maintained primary or middle deemed secondary schools, and the proprietor of every Academy, must provide the Secretary of State with information about second key stage assessment results (regulation 6 and Schedule 2).

Governing bodies of maintained secondary schools, and the proprietor of every Academy or CTC, must provide the Secretary of State with information about third key stage assessment results (regulation 7 and Schedule 3).

Governing bodies of maintained schools and proprietors of non-maintained special schools and independent schools (which includes Academies and CTCs) with pupils at the end of the fourth key stage or pupils aged 15 years who are not at that stage, must provide the Secretary of State with specified information about the results of external qualifications (regulation 8 and Schedule 4, Part 1).

Governing bodies of maintained schools and proprietors of non-maintained special schools and independent schools with pupils aged 16, 17 or 18 years, must provide the Secretary of State with specified information about the results of external qualifications (regulation 9 and Schedule 4, Part 2).

Governing bodies of maintained schools and the proprietors of Academies, CTCs and non-maintained special schools (not providing education for boarders only) must provide the Secretary of State with information about authorised and unauthorised absences (regulation 10 and Schedule 5).

Governing bodies of maintained secondary schools and the proprietors of independent and non-maintained special schools with pupils aged 15 must provide the Secretary of State with general information about the school (regulation 11 and Schedule 6).

Governing bodies of maintained primary schools (including middle-deemed secondary schools and special schools) and the proprietor of every Academy with pupils aged 10 years must also provide the Secretary of State with general information about the school (regulation 12 and Schedule 7).

Part 4 requires individual pupil information relating to pupils who are at or near the end of the final year of, as the case may be, the second or third key stage to be provided to respectively, the National Data Collection Agency (a body which collates information about pupils' National Curriculum assessment results) (regulation 13 and Schedule 8 Parts 1 and 2) and the external marking agency (a body which marks pupils' responses to National Curriculum tests) (regulation 14 and Schedule 8 Parts 1 and 2). Regulation 13 applies to governing bodies of maintained schools and proprietors of Academies and where relevant CTCs. Regulation 14 applies to governing bodies of maintained schools.

Part 5 revokes the previous regulations which required the provision of information now provided for in these regulations. This revocation does not relieve persons of any duty which they had failed to perform before these regulations came into force (regulation 15).

The principal changes made in this instrument concern the provision of information to the Secretary of State about second and third key stage results. Schools are required to provide additional information about pupils at or near the end of the final year of those key stages. Further, schools are required to provide the marks awarded for the component elements of NC tests taken by pupils in the relevant and earlier key stages, where these are available. Additionally, schools are required to provide to the Secretary of State and the National Data Collection Agency information about P-level assessments of the attainment of pupils with SEN who are working below level 1 of the National Curriculum (Schedules 2, 3 and 8).

A full regulatory impact assessment has not been produced for this instrument as it imposes no extra costs on business or the voluntary sector.

£3.00

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Stationery Office and Queen's Printer of Acts of Parliament.

E1228 8/2007 171228T 19585