EXPLANATORY MEMORANDUM TO

THE EDUCATION (SCHOOL PERFORMANCE TARGETS) (ENGLAND) (AMENDMENT) REGULATIONS 2005

2005 No. 2449

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 This Statutory Instrument is being amended to delete the requirement for governing bodies of maintained schools to publish performance targets and pupils' attainment results in the Governors' Annual Report (GAR), consequent on the repeal of the GAR by the Education Act 2005. A second technical amendment is also required as secondary schools will not need to amend any of the targets set in the previous school year.

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) require governing bodies of maintained schools in England to publish performance targets alongside pupils' results as part of other information within the Governors' Annual Report (GAR). Section 103 of the Education Act 2005 has abolished the requirement to produce a GAR and replaced it with a requirement to publish a School Profile under section 104. The Education (School Performance Targets) (England) Regulations 2004 are therefore being amended to remove the references to publication of targets and results in the GAR. The Education (Local Education Authorities Performance Targets) (England) Regulations 2005, which are being laid along with this instrument, will require local education authorities to provide the information obtained under these regulations to the Secretary of State along with the LEA's own targets.

5. Extent

5.1 This instrument applies to England only.

6. European Convention on Human Rights

6.1 No statement is required.

7. Policy background

7.1 These are technical amendments which remove reference to the GAR which has been repealed by the Education Act 2005 and also ensure that secondary schools cannot amend targets set in the previous school year. In 2004 secondary schools were

able to revise the targets they had set for performance at Key Stage 3 and Key Stage 4 in the 2003 school year because the Government had decided that school targets should no longer be linked to LEA targets. Previously school targets were set after LEA targets were agreed which resulted in some schools setting targets which they felt were unrealistic. The policy intention is that once a target has been set it should not be changed unless the Secretary of State determines otherwise.

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

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