EXPLANATORY MEMORANDUM TO
THE SCHOOL INFORMATION (ENGLAND) (AMENDMENT No. 2) REGULATIONS 2013

2013 No. 2912

1. This explanatory memorandum has been prepared by the Department for Education and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. Purpose of the instrument

2.1 The Department for Education publishes key stage 2 school performance tables every year. The School Information (England) Regulations 2008 (SI 2008/33093) ("the 2008 Regulations") require maintained primary schools to publish information on their end of key stage 2 performance in English and Maths, as published by the Department for Education. However, from December 2013, when the Department publishes the key stage 2 performance tables, it will no longer report on 'English' results, as this measure of performance has been replaced with separate ones for each of reading and writing. These Regulations amend the 2008 Regulations to ensure that the information which schools are required to publish is consistent with this change in performance measures published by the Department.

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

3.1 None

4. Legislative Context

4.1 Regulation 10 of the 2008 Regulations requires maintained schools to publish the information specified in Schedule 4 to those Regulations on their website. Paragraph 4 of that Schedule requires schools to publish information relating to their key stage 2 English results, as published on the Department for Education's website. These Regulations amend that requirement to ensure that the information which the Department publishes is reflected accurately on the websites of maintained schools.

5. Territorial Extent and Application

5.1 These Regulations apply in relation to England.

6. European Convention on Human Rights

6.1 As these Regulations are subject to negative resolution procedure and do not amend primary legislation, no statement is required.

7. Policy Background

7.1 In 2011, Lord Bew conducted a review of key stage 2 testing, assessment and accountability in schools. He reported his belief that 'measures across English as a whole subject are too broad to give a full picture of a school's performance' and recommended the publication of separate measures of reading and writing. In December 2011, the Government implemented these recommendations by publishing separate reading and writing performance measures in the 2011 school performance tables. These changes have led to the Department subsequently ceasing to produce an English level by combining reading and writing results (as there is no actual 'English' test at key stage 2), and to report on the individual subjects instead.

8. Consultation outcome

8.1 There has been no formal consultation on this minor change. Schools affected by the change from reporting English to reporting reading and writing separately are already well aware of this change from: their participation in, and media coverage of, the Bew Review; the publication of the Review itself and the Government response to its recommendations; the information provided in the 2013 Performance Tables Statement of Intent (at www.education.gov.uk/schools/performance); and the provisional performance data they received in September 2013 via the performance tables data checking exercise.

8.2 The Government implemented recommendations made by Lord Bew in his review in 2011 of key stage 2 testing, assessment and accountability to report separately on reading and writing. Lord Bew's review was completed after gathering evidence and views from schools and others with an interest in key stage 2 education. The Government also published its response to the review at www.gov.uk/government/publications/independent-review-of-key-stage-2-testing-assessment-and-accountability-government-response on 18 July 2011.

8.3 In addition, the 2013 Performance Tables Statement of Intent confirmed that the Department would no longer create an English level by combining reading tests and writing teacher assessment results, but would publish results for these subjects separately and replace the previous measure showing the proportion of pupils attaining level 4 or better in both English and maths with one relating to reading, writing and maths.

8.4 These Regulations do not impose additional burdens on schools since the data used to produce performance tables and which schools are required to place on their website is readily available to schools, without any additional input by them. Each year, before publication of the performance tables, the Department writes to schools to advise them of the publication date and how to access information relating to their own school. The Department is content that no additional preparation will be required from schools in

order to comply with these Regulations. For that reason, the Department has not thought it necessary to commence these Regulations on 1 September 2014 or to give schools a term in which to prepare for this amendment.

9. Guidance

9.1 The Department writes to all schools before publication of the performance tables to advise them where they can be found. This year's letter will remind them of their duty to publish this information and advise them of the change. Further information, in the form of frequently asked questions, is available on the Department's website at www.education.gov.uk/schools/toolsandinitiatives/cuttingburdens/a00208330/faqs-about-changes-to-school-information-regulations.

10. Impact

10.1 A full impact assessment has not been prepared for this instrument as it does not impact on the private or civil society sectors and the impact of the policy considered against the public sector threshold tests is negligible.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring and review

12.1 The Department monitors from time to time the information published by schools following the implementation of this amendment. The monitoring assesses the extent of schools' compliance, and the nature of the information published.

13. Contact

13.1 Lucy Cuppleditch at the Department for Education (tel: 020 7340 7119 or email: Lucy.cuppleditch@education.gsi.gov.uk) can answer any queries regarding the Regulations.