

**EXPLANATORY MEMORANDUM TO THE
EDUCATION (AMENDMENTS TO REGULATIONS REQUIRING THE
PUBLICATION OF PUPIL PERFORMANCE INFORMATION) (ENGLAND)
REGULATIONS 2005**

2005 No. 845

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 amends the Education (Governors' Annual Reports) (England) Regulations 1999, as amended, and the Education (School Information) (England) Regulations 2002. This instrument amends the requirements to publish certain information about pupils' attainments at the end of Key Stage 1 in governors' annual reports and school prospectuses.

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

3.1 None

4. **Legislative Background**

4.1 The Education (Governors' Annual Reports) (England) Regulations 1999 and the Education (School Information) (England) Regulations 2002 specify the types of information that must be provided in these documents including that which relates to the educational achievement of a schools' pupils at the end of Key Stage 1.

4.2 Following the trial of new assessment and reporting arrangements and consultation this statutory instrument amends these two sets of regulations so that governors' annual reports and school prospectuses are no longer required to include the results of any national curriculum tasks and tests administered to pupils at the end of Key Stage 1. (The results of the teachers' assessments of the levels of attainment achieved by these pupils, which must be included, will, however, take into account any such results, in accordance with the new assessment and reporting arrangements.)

5. **Extent**

5.1 This instrument applies to England.

6. European Convention on Human Rights

Not applicable

7. Policy background

7.1 Head teachers' argued that teachers' overall, rounded assessment of a child's progress through the year, taking into account the regular tests and tasks that children do, was a more accurate guide to a child's progress at Key Stage 1 than their performance in any particular set of tests and tasks. In response, new arrangements for assessment and reporting at Key Stage 1 were trialled where participating schools administered teacher assessments and tasks and tests in reading, writing and maths. Teachers made one overall judgement on attainment in each of these subjects and reported these to parents, in place of the usual obligatory reporting of separate results by assessment and tasks and tests. Also reported were the results of teacher assessment in speaking and listening and science.

7.2 The trial was successful and a public consultation including parents' representatives and schools found a high level of agreement to the obligatory reporting and transfer of these overall assessments only in governors' annual reports and school prospectuses (87%). This statutory instrument enables all schools to follow these arrangements outlined above, rolled out nationally this school year, where they report on pupils' achievement at the end of Key Stage 1 in governors' annual report and school prospectuses. As under previous arrangements they will also provide the most recent national comparative data, and can decide to provide results by tasks and tests if they so choose.

7.3 These Regulations also remove references to "spelling" as this is no longer an attainment target.

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.

8.2 The impact on the public sector is negligible. For children at the end of Key Stage 1, schools will be required to report to parents only the results of pupils' overall assessments in reading, writing, and maths in place of the previous arrangements whereby results in these subjects were reported in respect of task/test results and teacher assessment. Schools will continue to teacher assess and report on speaking and listening and science.

9. Contact

Elizabeth Cornish at the Department for Education and Skills. Tel: 020 7273 1162 or e-mail: elizabeth.cornish@dfes.gsi.gov.uk can answer any queries regarding the instrument.