

# Illustrative regulations prepared by the Department for Education

*Illustrative Regulations prepared by the Department for Education to accompany passage of the Education and Adoption Bill through each House of Parliament. 29 June 2015*

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## STATUTORY INSTRUMENTS

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**2016 No. 0000**

### **EDUCATION, ENGLAND**

#### **The Coasting Schools (England) Regulations 2016**

*Made* - - - - [date]  
*Laid before Parliament* [date]  
*Coming into force* - - [date]

The Secretary of State for Education makes the following Regulations in exercise of the power conferred by section 60B of the Education and Inspections Act 2006(a).

#### **Citation and commencement**

1. These Regulations may be cited as the Coasting Schools (England) Regulations 2016 and come into force on [date].

#### **Interpretation**

2. In these Regulations—

“exam table” means the table headed “KS4 exam results” in the performance table;

“KS2 table” means the table headed “KS2 test results and performance table” in the performance table;

“performance table” means, in relation to the school year(b) listed in column 1 of table 1, the School and College Performance Table published by the Department for Education(c) on the date listed in the corresponding entry in column 2 of the table;

**Table 1**

<i>Column 1 – School year</i>	<i>Column 2 – Publication date</i>
2013/2014	[date]
2014/2015	[date]
2015/2016	[date]

“Progress 8 measure” means the secondary school accountability system detailed in the publication entitled “Progress 8 measure in 2016 and 2017. Guide for maintained secondary

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(a) 2006 c.40. Section 60B was inserted by section 1(3) of the Education and Adoption Act [2015] (c.[?]).

(b) The expression “school year” is defined in section 579(1) of the Education Act 1996 (c.56). By virtue of section 187(2) of the Education and Inspections Act 2006, Part 4 (schools causing concern: England) of that Act is to be read as though it were contained in the Education Act 1996.

(c) Available in hard copy by writing to Ministerial and Public Communications Division, Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD or by telephoning 0370 000 2288. It may also be viewed on the internet at <http://www.education.gov.uk/schools/performance/>

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schools, academies and free schools” and published by the Department for Education in March 2015(a);

“Progress 8 score” means the score in respect of a school calculated in accordance with the methodology set out in the Progress 8 measure; and

“progress table” means the table headed “KS4 pupil progress” in the performance table.

### Coasting primary schools

3.—(1) For the purposes of section 60B(1) of the Education and Inspections Act 2006 (coasting schools), a primary school(b) is “coasting” if it meets the coasting criteria for three successive school years.

(2) In paragraph (1), the “coasting criteria” are—

- (a) in relation to school years 2013/2014 and 2014/2015, that—
  - (i) the performance measure for the school is below the percentage specified in paragraph (3); and
  - (ii) each progress measure for the school is below the median of each of the progress measures for all primary schools in England for that year.
- (b) in relation to school year 2015/2016 or subsequent years, that—
  - (i) [attainment and progress measures based on the new key stage 2 accountability system planned to be introduced in 2016 fall below an attainment level of 85% meeting the new expected standard for attainment and a progress level to be announced once tests have been taken in 2016].

(3) For the purposes of paragraph (2), the specified percentage is, for the school year listed in column 1 of table 2, the percentage listed in the corresponding entry in column 2 of the table.

**Table 2**

<i>Column 1 – School year</i>	<i>Column 2 – Percentage</i>
2013/2014	[85%]
2014/2015	[85%]
2015/2016 or any subsequent year	[85%]

(4) In this regulation—

“performance measure” means the percentage shown in the “all pupils” column of the “percentage of pupils achieving level 4 or above in reading and maths test and writing TA” row in the KS2 table; and

“progress measure” means the percentage shown in the “all pupils” column of the KS2 table of each of the following rows in that table—

- (a) “percentage of pupils making at least 2 levels of progress in reading”;
- (b) “percentage of pupils making at least 2 levels of progress in writing TA”; and
- (c) “percentage of pupils making at least 2 levels of progress in maths”.

### Coasting secondary schools

4.—(1) For the purposes of section 60B(1) of the Education and Inspections Act 2006 (coasting schools), a secondary school(c) is “coasting” if it meets the coasting criteria for three successive school years.

(a) Publication reference DFE-00075-2015, available in hard copy by writing to Ministerial and Public Communications Division, Department for Education, Piccadilly Gate, Store Street, Manchester, M1 2WD or by telephoning 0370 000 2288, or on the internet at <https://www.gov.uk/government/publications/progress-8-school-performance-measure>

(b) The expression “primary school” is defined in section 5(1) of the Education Act 1996.

(c) The expression “secondary school” is defined in section 5(2) of the Education Act 1996.

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- (2) in paragraph (1), the “coasting criteria” are—
- (a) in relation to the school year 2013/2014 and the school year 2014/2015 that—
- (i) the performance measure for the school is below the percentage specified in paragraph (3); and
- (ii) each progress measure for the school is below the median of each of the progress measures for all secondary schools in England for that year.
- (b) in relation to school year 2015/2016 or subsequent years, that the school’s Progress 8 score is at or below the specified score.
- [to be set at a level above the floor standard of -0.5 for the Progress 8 measure planned to be introduced for all schools in 2016]*
- (3) For the purposes of paragraph (2)—
- (a) the specified percentage is, for the school year listed in column 1 of table 3, the percentage listed in the corresponding entry in column 2 of the table;

**Table 3**

<i>Column 1 – School year</i>	<i>Column 2 – Percentage</i>
2013/2014	[60%]
2014/2015	[60%]

- (b) the specified score is, for the school year listed in column 1 of table 4, the score listed in the corresponding entry in column 2 of the table.

**Table 4**

<i>Column 1 – School year</i>	<i>Column 2 – Score</i>
2015/2016 and any subsequent year	[-0.xx]

- (4) In this regulation—
- “performance measure” means the percentage shown in the “all pupils” column of the row “percentage achieving 5 A\*-C GCSEs (or equivalents) including English and maths GCSEs” in the exam table; and
- “progress measure” means the percentage shown in the “all pupils” column of the progress table of each of the following rows of that table—
- (a) “percentage of pupils making expected progress in English”; and
- (b) “percentage of pupils making expected progress in maths”.

[date]

*Name*  
Minister of State  
Department for Education

### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations define the concept of “coasting” for the purposes of section 60B of the Education and Inspections Act 2006 (c.40) and apply to maintained schools (as defined in section 59 of that Act).

Regulation 3 provides that a primary school will be a coasting school if it meets the coasting criteria for three successive years. The coasting criteria for 2014 and 2015 are based on the same school performance measures (i.e. attainment and progress) used to set standards in order to hold schools to account (also referred to as “floor standards” for primary and secondary schools). The

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coasting criteria for 2016 and successive years are based on [*a standard based on new key stage 2 accountability system planned to be introduced in 2016*].

Regulation 4 provides that a secondary school will be a coasting school if it meets the coasting criteria for three successive years. The coasting criteria for 2014 and 2015 are likewise based on the same school performance measures used to set the “floor standards” for secondary schools,. The secondary coasting standard for 2016 and successive years is based on [*a level above the floor standard of -0.5 for the Progress 8 measure planned to be introduced for all schools in 2016*].

### **Background information from the Department for Education (Sent to the Public Bill Committee 29 June 2015)**

Draft regulations have been provided to the Commons Committee outlining the way in which we propose to define “coasting”. The new measure will be introduced through the Education and Adoption Bill and sets out a clear definition of what a coasting school is.

Those schools, which have been deemed to be “coasting” for a number of years, will be offered help from the best education experts in the country to improve their results and will be required to produce a clear plan for improvement.

The policy is about capturing those schools which have, year on year, failed to push every pupil to reach their potential. The regulations therefore identify a group of schools which, as shown in three years of data, are performing below a reasonable level of attainment and progress. Those schools which are stretching their pupils sufficiently despite challenging intakes or who are on a path of improvement which has taken seen them go over the coasting level will not therefore be caught by this definition.

The Government’s Regional Schools Commissioners - eight education experts with in-depth local insight supported by elected head teacher boards from the local community - will then assess whether or not the school has a credible plan to improve sufficiently. Those that can improve will be supported to do so by our team of expert heads and those that cannot will be turned into academies under the leadership of our expert school sponsors.

Our accountability system already defines a floor standard, the standard below which we believe it is unacceptable for any school to fall even in one year and where immediate scrutiny and/or intervention may be needed. The new coasting levels are therefore proposed to be set at a higher level on the same measure as our floor standards in any given year. A school will be defined as coasting only where it has been below this level for three years. The draft regulations will apply for the first time in 2016. At this point a school will be coasting if it has fallen under the coasting criteria for all of the three years 2014, 2015 and 2016.

As the committee is already aware, the Government has already announced new accountability measures for both primary and secondary schools in 2016. The draft regulations therefore describe performance against coasting criteria

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based on the current accountability measures levels for 2014 and 2015. Once tests and examinations have been sat and verified in 2016, we will then use these regulations to set out the exact coasting level which will apply in that year, based on the accountability measures being introduced in 2016. The next sections describe exactly how we propose the criteria will apply in each of primary and secondary schools.

The Committee will want to note that the levels prescribed in draft regulations will not be applied to special schools which do come within the scope of the legislation. As part of our public consultation, described further below, we will consult on whether, and how, it is possible to capture special schools that are coasting. We will also consult on the possibilities around coasting alternative provision.

### **Primary schools:**

We have been clear that both attainment and progress are important at primary school. Children should be challenged to fulfil their potential, as well as leaving primary school having achieved the standard they need to access secondary education. That is why we have set the aspiration that 85% of pupils should achieve the new higher expected standard come 2016.

To be deemed coasting, a primary school must fall below the coasting level for all three of the years 2014, 2015 and 2016.

Our current headline accountability measure for 2014 and 2015 combines the percentage of pupils attaining level 4 and those making levels of expected progress. As with secondary schools, we propose to align the measure for the absolute floor standard and the coasting definition for these years, but set them at different levels.

### **Floor standard:**

A primary school is below the floor standard in 2014 and 2015 if fewer than 65% of pupils achieve level 4 or above in reading, writing and mathematics and below the median percentage of pupils make expected progress in reading, writing and maths.

2016 sees curriculum and assessment changes for primary schools and we have therefore already announced that we will be holding schools to account for the percentage of pupils achieving a new higher expected standard at the end of primary and against a new, value-added measure of progress.

A school will fall below our floor standard in 2016 where fewer than 65% of pupils achieve the expected standard and pupils do not make sufficient progress.

### **Coasting standard:**

For 2014 and 2015 a school will fall below the coasting level if fewer than 85% of its pupils achieve level 4 or above in reading, writing and mathematics and below the median percentage of pupils make expected progress.

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We propose a school will fall below the coasting standard in 2016 where fewer than 85% of pupils achieve the expected standard across reading, writing and mathematics and pupils do not make sufficient progress. The same progress measure will be used in both the floor and the coasting criteria, but a higher progress bar will be set for the coasting criteria. We will announce the exact levels of progress for both the floor and the coasting criteria once tests have been taken in 2016.

To reiterate, a primary school must fall below the coasting level for all three of the years 2014, 2015 and 2016 before it will be defined as coasting.

### **Secondary schools:**

The current headline accountability measure for secondary schools is based on a combination of attainment across 5A\*-C GCSEs or equivalents, including English and maths, and the percentage of pupils achieving expected levels of progress in English and maths.

Schools have long understood that this is the basis on which their performance will be measured so we are also proposing to use this measure for our coasting levels in 2014 and 2015.

#### **Floor standard:**

A secondary school is below the floor in 2014 and 2015 where fewer than 40% of a school's pupils achieve 5 A\*-C including English and maths and the school has a below median score for the percentage of pupils making expected progress.

In 2016, we will be moving to the Progress 8 measure, a measure of pupils' progress from the end of primary school to 8 qualifications at the end of secondary school compared to other pupils with the same starting point.

We have already announced that the absolute floor standard for 2016 will be -0.5 (where, on average, pupils in a school achieve half a grade less than those with similar starting points nationally).

#### **Coasting definition:**

For 2014 and 2015 the draft regulations propose that a school will fall within the coasting criteria if fewer than 60% of a school's pupils achieve 5 A\*-C including English and maths and the school has a below median score for the percentage of pupils making expected progress.

Once 2016 results are available, we will announce the level above the floor standard which will be the coasting level in that year.

A school will be defined as coasting, and become eligible for intervention, if it falls below the standard in 2016, and has already failed to meet the coasting standards specified above in 2014 and 2015.

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### **Action in these coasting schools:**

The draft regulations define the measure by which a pool of coasting schools will be identified in 2016.

These schools will be notified that they fall within the definition. Regional Schools Commissioners will look in more detail at the circumstances of any coasting school and any coasting school will be given the opportunity to demonstrate that they have the capacity to make sufficient improvement. The plan is not automatically to seek academy solutions for all schools which fall within the definition of coasting. We want to challenge and support these schools to improve sufficiently and it is only where the capacity or plan for sufficient improvement is not evident that intervention will follow.

### **Next steps:**

During the course of the Bill's passage through Parliament there will be a public consultation which will include taking views on the proposed coasting definition. The regulations will come into force from the end of 2016.

Department for Education

June 2015