The Secretary of State makes these Regulations in exercise of the powers conferred by sections 408, 537, 537A and 569(4) of the Education Act 1996(a).

Citation and commencement

1. These Regulations may be cited as the Education (School Performance Information) (England) (Amendment) Regulations 2015 and come into force on 1st September 2015.

Amendments to the Education (School Performance Information) (England) Regulations 2007

2. The Education (School Performance Information) (England) Regulations 2007(b) are amended in accordance with regulation 3.

3. In Schedule 4—
   (a) in Part 1, for paragraph 2(e)(vi) substitute—
       "(vi) whether the student has special educational needs and, where applicable—
           (aa) the type of special educational needs that student has;
           (bb) the primary and secondary need of those types if there is more than one type;"
(cc) if the student has a statement of special educational needs(a) or an 
Education, Health and Care plan(b); and 
(dd) if special educational provision is being made through SEN support(c)

(b) In Part 2, for paragraph 1 substitute—

“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 a relevant entry 
level or level 1, 2, 3 qualification(d) approved 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 registered pupil aged 16, 17 or 18, 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 relevant entry level or level 1, 2, 3 qualification taken and the grade or, where 
applicable, the level achieved;

(c) the school year in which the pupil was entered for the relevant entry level or level 
1, 2, 3 qualification and the awarding body for that qualification;

(d) each approved relevant qualification taken by the pupil in the fourth key stage(e) 
and the grade or, where applicable, the level achieved by the pupil; and

(e) each course study taken by the pupil leading to a qualification to which Part 7 of 
the Apprenticeships, Skills, Children and Learning Act 2009 applies which is 
awarded or authenticated by a body which is recognised by the Office of 
Qualifications and Examinations Regulation under section 132 of that Act in 
respect of the qualification, including—

(i) the qualification identification number;

(ii) the date on which each course of study started;

(iii) the planned and actual end date of each course of study;

(iv) information on which course of study is identified as the core course of study;

(v) information on whether each course of study is or was eligible for funding by 
the Secretary of State;

(vi) the name of the educational institution, work-based learning provider or 
learning provider recording the course of study; and

(vii) the outcome of the course of study.”.

(a) See section 324(1) of the Education Act 1996 (c. 56) provides for the making and maintaining by a local authority of a 
statement of special educational needs in respect of a child. Section 324(1) was repealed in relation to England but remains 
in force by virtue of Article 11 Children and Families Act 2014 (Transitional and Saving Provisions) (No.2) Order 2014 
(S.I. 2014/2270).

(b) See section 37(2) of the Children and Families Act 2014 (c. 6) for the meaning of “Education, Health and Care plan”. Sub-
section (2) was amended by: the Care Act 2014 (c. 23) and Children and Families Act 2014 (Consequential Amendments) 

(c) As described in the ‘Special educational needs and disability code of practice: 0 to 25 years’, issued by the Secretary of 
State under section 77 of the Children and Families Act 2014 (c. 6).

(d) “a relevant qualification” is defined in section 96(5) of the Learning and Skills Act 2000 (c. 21). Sub-section (5) was 
substituted, for sub-sections (5)–(7) as originally enacted, by: sections 174 and 192 of, and paragraphs 26 and 27(1) and (4) 
of Schedule 12 to, the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22). “Entry level”, “level 1, 2 and 3” 
qualifications are described in Annex E of the Regulatory Arrangements for the Qualifications and Credit Framework, 
arrangements-qcf-august08.pdf

(e) “Key stage” is defined in section 76(1) of the Education Act 2002 (c. 32); “the fourth key stage” is defined in section 
82(1)(d) of the Education Act 2002 (c. 32).
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (School Performance Information) (England) Regulations 2007.

The effect of the amendments is to: (i) update the special educational needs information which schools must provide to the Secretary of State in respect of pupils in the fourth key stage; and (ii) require schools to provide the Secretary of State with additional information on qualifications below level 3 and courses of study, in relation to pupils aged 16, 17 or 18.

An impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sectors is foreseen.

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