*Draft Regulations laid before Parliament under section 182(3)(aza) of the Education and Inspections Act 2006, for approval by resolution of each House of Parliament.*

DRAFT STATUTORY INSTRUMENTS

# 2016 No. 0000

# EDUCATION, ENGLAND

## The Coasting Schools (England) Regulations 2016

*Made - - - - 2016*

*Coming into force in accordance with regulation 1*

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by section 60B(2) and (3) and 181(2)(a) of the Education and Inspections Act 2006(**1**) and section 2B(5) of the Academies Act 2010(**2**).

In accordance with section 182(3)(aza) of the Education and Inspections Act 2006(**3**) a draft of this instrument has been laid before Parliament and approved by a resolution of each House of Parliament.

### Citation and commencement

**1.** These Regulations may be cited as the Coasting Schools (England) Regulations 2016 and come into force on the day on which section 1 of the Education and Adoption Act 2016 (coasting schools) comes into force for all remaining purposes.

### Interpretation

**2.** In these Regulations—

"downloadable" means made available for download via the internet by the Secretary of State(**4**) from time to time pursuant to section 537(3) of the Education Act 1996(**5**);

"KS2 education" means education for pupils in the second key stage, within the meaning given in section 82(1)(b) of the Education Act 2002(**6**);

(**1**) 2006 c.40. Section 60B was inserted by section 1(3) of the Education and Adoption Act 2016 (c.6).
(**2**) 2010 c.32. Section 2B was inserted by section 14 of the Education and Adoption Act 2016.
(**3**) Section 182(3)(aza) was inserted by section 1(4) of the Education and Adoption Act 2016.
(**4**) Available on the internet at https://www.compare-school-performance.service.gov.uk/download-data and 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.
(**5**) 1996 c.56.
(**6**) 2002 c.32.

"KS4 education" means education for pupils in the fourth key stage, within the meaning given in section 82(1)(d) of the Education Act 2002.

**Disapplication of coasting schools regime for certain descriptions of school and Academy**

**3.**—(1) Section 60B of the Education and Inspections Act 2006 does not apply to—

(a) a community or foundation special school(**7**); or

(b) a maintained nursery school(**8**).

(2) Section 2B of the Academies Act 2010 does not apply to—

(a) an Academy school specially organised to make special educational provision for pupils with special educational needs; or

(b) an alternative provision Academy.

**Coasting primary schools**

**4.**—(1) For the purposes of section 60B(1) of the Education and Inspections Act 2006 (coasting schools), a maintained school providing KS2 education is "coasting" if it meets the coasting criteria for each school year of the most recent three successive school years for which there is All England KS2 data.

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

(a) in relation to the school years 2013/2014 and 2014/2015, that—

(i) the attainment measure for the school is below 85%; and

(ii) each progress measure for the school, for the school year listed in column 1 of table 1, is below the percentage for the respective subject listed in the corresponding entry in column 2, 3 or 4 of the table(**9**);

**Table 1**

| *Column 1 – School year* | *Column 2 – Percentage for reading* | *Column 3 – Percentage for writing* | *Column 4 – Percentage for mathematics* |
|---|---|---|---|
| 2013/2014 | 94% | 96% | 93% |
| 2014/2015 | 94% | 97% | 93% |

(b) in relation to the school year 2015/2016 and subsequent school years, that—

(i) the attainment measure for the school is below 85%;

(ii) any progress measure for the school, for the school year listed in column 1 of table 2, is below the score for the respective subject listed in the corresponding entry in column 2, 3 or 4 of the table; and

(iii) as regards any progress measure which is below the figure mentioned in sub-paragraph (ii), the corresponding upper confidence limit is below zero.

(**7**) By virtue of section 187(5) of the Education and Inspections Act 2006, the expression "community or foundation special school" is a reference to such a school within the meaning of the School Standards and Framework Act 1998 (c.31).

(**8**) The expression "maintained nursery school" is defined in section 579(1) of the Education Act 1996 as having the meaning given by section 22(9) of the School Standards and Framework Act 1998. 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.

(**9**) These percentage figures represent the median of the progress percentage figures achieved by all primary schools in England.

**Table 2**

| *Column 1 – School year* | *Column 2 – Score for reading* | *Column 3 – Score for writing* | *Column 4 – Score for mathematics* |
|---|---|---|---|
| 2015/2016 or any subsequent year | -2.5 | -3.5 | -2.5 |

(3) In this regulation—

"All England KS2 data" means—

(a) the key stage 2 performance data for all of England which is downloadable in respect of the relevant school year(**10**) and identified in that data as being "Final key stage 2" data; or

(b) where the data in sub-paragraph (a) is not downloadable in respect of the relevant school year, the key stage 2 performance data for all of England which is downloadable in respect of the relevant school year and identified in that data as being "Revised key stage 2" data;

"attainment measure" means—

(a) in relation to the school years 2013/2014 and 2014/2015, the percentage shown in the "PTREADWRITTAMATX" column of the All England KS2 data(**11**); and

(b) in relation to the school year 2015/2016 and subsequent school years, the percentage of pupils at the school achieving the expected standard of attainment in reading, writing and mathematics as determined in accordance with the primary school accountability measure, being the percentage shown in the "PTRWM_EXP" column of the All England KS2 data;

"corresponding upper confidence limit" means the upper confidence limit score calculated in respect of each of the reading, writing and mathematics progress measures as determined in accordance with the primary school accountability measure, being—

(a) in relation to the score mentioned in paragraph (b)(i) of the definition of "progress measure", the figure shown in the "READPROG_UPPER" column of the All England KS2 data(**12**);

(b) in relation to the score mentioned in paragraph (b)(ii) of the definition of "progress measure", the figure shown in the "WRITPROG_UPPER" column of the All England KS2 data(**13**);

(c) in relation to the score mentioned in paragraph (b)(iii) of the definition of "progress measure", the figure shown in the "MATPROG_UPPER" column of the All England KS2 data(**14**);

"primary school accountability measure" means the progress calculation methodology set out in the document entitled "Primary progress measures: How the primary progress measures

(**10**) 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.
(**11**) This column shows the percentage of pupils achieving level 4 or above in reading and mathematics tests and writing teacher assessments.
(**12**) This column shows the upper confidence limit for the reading progress measure.
(**13**) This column shows the upper confidence limit for the writing progress measure.
(**14**) This column shows the upper confidence limit for the mathematics progress measure.