

1999 No. 1178

EDUCATION, ENGLAND AND WALES

**The Education (School Performance Information) (England)
Regulations 1999**

<i>Made</i> - - - -	<i>15th April 1999</i>
<i>Laid before Parliament</i>	<i>16th April 1999</i>
<i>Coming into force</i>	<i>7th May 1999</i>

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In exercise of the powers conferred on the Secretary of State by sections 408, 537, 537A(1) and (2) and 569(4) and (5) of the Education Act 1996(a) and after consulting with those persons with whom consultation appeared to him to be desirable, the Secretary of State for Education and Employment hereby makes the following Regulations:

PART I

GENERAL

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (School Performance Information) (England) Regulations 1999 and shall come into force on 7th May 1999.

(2) These Regulations apply in relation to schools in England.

Interpretation

2.—(1) In these Regulations, except where the context otherwise requires—

“the 1996 Act” means the Education Act 1996;

“assessment” in relation to a maintained school means assessment pursuant to orders made under section 356 of the 1996 Act(b) and “level” shall be construed in accordance with the provisions of such orders and in relation to a CTC means assessment pursuant to an agreement with the Secretary of State made under section 482 of the 1996 Act;

“assessment term” means the term in which assessment is completed;

“attainment targets” has the meaning given by section 353 of the 1996 Act;

(a) 1996 c. 56. Section 408 applies in relation to grant-maintained special schools not established in a hospital and their governing bodies by virtue of S.I. 1994/653, which continues to have effect by virtue of paragraph 1 of Schedule 39 to the Education Act 1996. By the same S.I., section 537(7) is applied in relation to grant-maintained special schools and their governing bodies. Section 537A was substituted by paragraph 153 of Schedule 30 to the School Standards and Framework Act 1998 (c. 31) as from 20th November 1998 by virtue of S.I. 1998/2791 and is modified so as to apply to grant-maintained schools by virtue of S.I. 1998/2916. For the meaning of “prescribed” and “regulations” see section 579(1) of the Education Act 1996.

(b) The orders currently in force are the Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 1) (England) Order 1995 (S.I. 1995/2071, amended by S.I. 1996/2114, 1997/1931 and 1997/2176), the Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 2) (England) Order 1995 (S.I. 1995/2072, amended by S.I. 1996/2115 and 1997/2176) and the Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (England) Order 1996 (S.I. 1996/2116, amended by S.I. 1997/2176).

“authority”, in relation to a school maintained by a local education authority(**a**), means that authority and, in relation to a non-maintained special school or an independent school, means the local education authority in whose area the school is situated;

“external marking agency” means a body nominated by the Qualifications and Curriculum Authority(**b**) and approved by the Secretary of State to mark NC tests;

“CTC” means city technology college and city college for the technology of the arts;

“core subject” means any of the following subjects, English, mathematics or science;

“GCE ‘A’ level examinations” and “GCE ‘AS’ examinations” means General Certificate of Education advanced level examinations and General Certificate of Education advanced supplementary examinations respectively;

“GCSE” means General Certificate of Secondary Education;

“GNVQ” means a General National Vocational Qualification;

“maintained school” means—

(i) in relation to the period before 1st September 1999,

(a) any county, voluntary or grant-maintained school; or

(b) any maintained special or grant-maintained special school which is not established in a hospital;

(ii) in relation to the period on and after that date,

(a) any community, foundation or voluntary school, or

(b) any community or foundation special school which is not established in a hospital(**c**)

but excludes any nursery school;

“middle deemed secondary school” means a middle school deemed to be a secondary school by virtue of the Education (Middle Schools) Regulations 1980(**d**);

“NC tests” means National Curriculum tests administered to pupils for the purpose of assessing the level of attainment which they have achieved in any core subject being tests laid down in provisions made by the Secretary of State under the appropriate order made under section 356 of the 1996 Act in force when those tests were administered(**e**);

“non-maintained special school” means a special school which is not maintained by an authority;

“public examination” means a public examination which is for the time being prescribed by regulations made under section 453 of the 1996 Act(**f**);

“reporting school year” means the school year immediately preceding the school year in which information provided to the Secretary of State under these Regulations is to be published by him or, as the case may be, local education authorities;

“school day” has the meaning given by section 579(1) of the 1996 Act;

“school year” has the meaning given by section 579(1) of the 1996 Act;

“special educational needs” has the meaning given by section 312(1) of the 1996 Act;

“special school” has the meaning given by section 337 of the 1996 Act;

(a) Grant-maintained and grant-maintained special schools are, as from 1st April 1999, maintained by local education authorities by virtue of regulation 2 of S.I. 1998/2670.

(b) The Qualifications and Curriculum Authority was established under section 21 of the Education Act 1997 (c. 44).

(c) The categories of maintained schools referred to in relation to the period on and after 1st September 1999 are the new categories of maintained schools which are to apply on and after that date by virtue of section 20 of the School Standards and Framework Act 1998; the new categories will replace the existing categories referred to in relation to the period before that date.

(d) S.I. 1980/918, amended by S.I. 1994/581.

(e) For the tests administered in the school year ending before 12th August 1999, the relevant orders are the Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 2) (England) Order (S.I. 1995/2072, amended by S.I. 1996/2176) and the Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (England) Order 1996 (S.I. 1996/2116, amended by S.I. 1997/2176).

(f) The current regulations are the Education (Prescribed Public Examination) Regulations 1989 (S.I. 1989/377).

“unauthorised absence” means an occasion on which a pupil is recorded as absent without authority pursuant to the Education (Pupil Registration Regulations) 1995(a) and “authorised absence” shall be construed accordingly; and

“unit”, in relation to a vocational qualification, means a module or part of a course leading to that qualification which, when successfully completed, can be counted together with other modules or parts towards obtaining that qualification.

(2) In these Regulations, except where the context otherwise requires—

- (a) references to pupils of a particular age are to pupils who attained that age during the period of twelve months ending on the day immediately preceding the commencement of the reporting school year and who were registered pupils at the school on the third Thursday in January in the reporting school year;
- (b) references to examinations for which pupils at the school were entered include examinations for which they were entered otherwise than in pursuance of section 402 of the 1996 Act;
- (c) references to key stages are references to the periods set out in section 355(1) of the 1996 Act; and
- (d) references to a grant-maintained special school or to any other school maintained by an authority do not include such a school which is established in a hospital.

(3) Particulars to which these Regulations apply may be made available in the form of data from which the particulars are capable of being extracted by computer.

(4) For the purposes of these Regulations any examination for the GCSE for which a pupil aged 15 was entered during a previous school year shall be treated as such an examination for which the pupil was entered during the reporting school year.

(5) Information relating to authorised or unauthorised absences shall not include any information relating to any period after the Friday before the last Monday in May in the reporting school year.

(6) In calculating the number of GCE ‘A’ level examinations for which a pupil was entered, a GCE ‘AS’ examination shall be treated as the equivalent of half a GCE ‘A’ level examination.

(7) In these Regulations, unless the context otherwise requires, any reference to a numbered regulation or Schedule is a reference to the regulation or Schedule bearing that number in these Regulations and any reference in a regulation or Schedule to a numbered paragraph is to the paragraph in that regulation or Schedule bearing that number.

Qualification of duties

3. The duties imposed on governing bodies, authorities and proprietors by virtue of these Regulations in respect of the making available, provision or publication of information apply only to the extent that that information is available to the governing body, authority or proprietor in time for it to be reasonably practicable to make available, provide or publish the information before the latest occasion on which the information is required to be made available, provided or published, as the case may be.

Revocations and savings

4.—(1) Subject to paragraph (2), the Education (School Performance Information) (England) Regulations 1998(b) and the Education (School Performance Information) (England) (Amendment) Regulations 1998(c) are hereby revoked.

(2) The revocation of the Education (School Performance Information) (England) Regulations 1998 shall not relieve any person of any duty under those Regulations to make available, provide or publish information which has not been performed before the date that these Regulations come into force.

(a) S.I. 1995/2089, amended by S.I. 1997/2624.

(b) S.I. 1998/1929.

(c) S.I. 1998/3260.

PART II
PROVISION OF INFORMATION BY HEAD TEACHER

Provision of information by head teacher to governing body

5. The head teacher of every maintained school shall each year make available to the governing body information about the matters mentioned in Schedules 1 to 7 for the purpose of enabling the governing body to comply with their obligations under these Regulations in respect of those matters.

PART III
**PROVISION OF INFORMATION TO THE SECRETARY OF STATE AND
LOCAL EDUCATION AUTHORITIES**

Provision of first key stage assessment results to the Secretary of State and local education authorities

6.—(1) The governing body of every maintained school except any grant-maintained or grant-maintained special school which, in the assessment term of the reporting school year, has registered pupils who are at or near the end of the final year of the first key stage, shall each year, by the end of that term, provide to the authority the information relating to assessment referred to in Schedule 1.

(2) The governing body of every grant-maintained or grant-maintained special school which, in the assessment term of the reporting school year, has registered pupils who are at or near the end of the final year of the first key stage, shall on or before 15th July 1999, provide to the Secretary of State the information relating to assessment referred to in Schedule 1.

Provision of information about second key stage assessment results to the Secretary of State

7. The governing body of every maintained primary or middle deemed secondary school, except a special school, shall, within two weeks of receiving a written request from the Secretary of State, provide him with the information for the reporting school year referred to in Schedule 2.

Provision of results of school examinations and of courses leading towards vocational qualifications to the Secretary of State

8. The governing body of every maintained school and the proprietor of every non-maintained special school or independent school with pupils aged 15, 16, 17 or 18 shall, within two weeks of receiving a written request from the Secretary of State, provide him with such particulars relating to public examinations and courses leading to vocational qualifications or units for which registered pupils at the school were entered, and such other information as are referred to—

- (a) in the case of a school providing information in respect of pupils aged 15, in Part I of Schedule 3;
- (b) in the case of a school providing information in respect of pupils aged 16, 17 or 18, in Part II of Schedule 3.

Provision of information about authorised and unauthorised absence to the local education authority

9.—(1) Subject to paragraph (3), the governing body of every school maintained by an authority shall make available to that authority information for the reporting school year about the matters referred to in Schedule 4, for the purpose of enabling the authority to comply with its obligations under paragraph (2).

(2) Subject to paragraph (3), every authority, in respect of each school which it maintains and the proprietor of every non-maintained special school or independent school shall, within two weeks of receiving a written request from the Secretary of State, provide him with information for the reporting school year about the matters referred to in Schedule 4.

(3) This regulation does not apply in respect of a school providing education for boarding pupils only.

Provision of general information about secondary schools to the Secretary of State

10. The governing body of every maintained secondary school, except a middle deemed secondary school, and the proprietor of every non-maintained special school or independent

school with pupils aged 15 shall, within two weeks of receiving a written request from the Secretary of State, provide him with the general information about the school for the reporting school year referred to in Schedule 5.

Provision of general information about primary schools to the Secretary of State

11. The governing body of every maintained primary or middle deemed secondary school, except a special school, shall, within two weeks of receiving a written request from the Secretary of State, provide him with the general information about the school for the reporting school year referred to in Schedule 6.

PART IV

PROVISION OF INFORMATION

Provision of information about second and third key stage assessment results to the National Data Collection Agency

12.—(1) The governing body of every maintained school which, in the assessment term of the reporting school year, has registered pupils who are at or near the end of the final year of the second key stage, shall, each year, on or before 11th July, provide to the National Data Collection Agency **(a)** the information relating to assessment referred to in Part I of Schedule 7.

(2) The governing body of every maintained school and the proprietor of every CTC which, in the assessment term of the reporting school year, has registered pupils who are at or near the end of the final year of the third key stage, or in the case of a CTC has registered pupils aged 14, shall each year, on or before 11th July, provide to the National Data Collection Agency the information relating to assessment referred to in Part II of Schedule 7.

Provision of information about second and third key stage assessments to the external marking agency

13.—(1) The governing body of every maintained school which, in the assessment term of the reporting school year, has registered pupils who are at or near the end of the final year of the second key stage, shall each year, as soon as reasonably practicable after the last school day on which NC tests are administered to those pupils in each subject, provide the information referred to in Part III of Schedule 7 to the external marking agency determined by the Qualifications and Curriculum Authority and notified by them to the head teacher of the school pursuant to article 5(3) of the Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 2) (England) Order 1995 **(b)**.

(2) The governing body of every maintained school which, in the assessment term of the reporting school year, has registered pupils who are at or near the end of the final year of the third key stage, shall each year, as soon as reasonably practicable after the last school day on which NC tests are administered to those pupils in each subject, provide the information referred to in Part IV of Schedule 7 to the external marking agency determined by the Qualifications and Curriculum Authority and notified by them to the head teacher of the school pursuant to article 10(3) of the Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (England) Order 1996 **(c)**.

PART V

PUBLICATION OF INFORMATION

Publication of performance information about primary schools by local education authorities

14.—(1) Each authority shall publish the information about schools in its area referred to in paragraphs (2) and (3), together with the supplementary information referred to in paragraph (4), in the form and manner referred to, respectively, in paragraphs (5) and (6).

(a) The National Data Collection Agency is a body which, for the purposes of or in connection with the functions of the Secretary of State relating to education, is responsible for collating information relating to pupils.

(b) S.I. 1995/2072, amended by S.I. 1996/2155 and 1997/2176.

(c) S.I. 1996/2116, amended by S.I. 1997/2176.

(2) The information to be published is information for the reporting school year provided to the Secretary of State under these Regulations consisting of, in respect of each maintained primary or middle deemed secondary school (existing after 1st January 1999), except a special school, in the area of the authority which has registered pupils at or near the end of the final year of the second key stage, the following—

- (a) the number of registered pupils at or near the end of the final year of the second key stage; and
- (b) in the case of each such school which has eleven or more registered pupils at or near the end of the final year of the second key stage—
 - (i) the percentage of such pupils who, in respect of each core subject, achieved level 4 or above of the National Curriculum level scale as determined by NC tests and by teacher assessment;
 - (ii) the percentage of such pupils who, in respect of each core subject, failed to achieve a level on the National Curriculum level scale because they were exempted from an NC test under section 364 or 365 of the 1996 Act or were absent on the day that the test was administered; and
 - (iii) the percentage of such pupils who, in respect of each core subject, failed to achieve a level on the National Curriculum level scale because they were exempted from teacher assessment under section 364 or 365 of the 1996 Act or there is no teacher assessment result available because of their absence.

(3) The information to be published is the information for the reporting school year referred to in Schedule 6 and provided to the Secretary of State under these Regulations by the governing body of every maintained primary or middle deemed secondary school, except a special school.

(4) The supplementary information to be published consists of the following—

- (a) information calculated by the Secretary of State giving the average percentage of pupils at or near the end of the final year of the second key stage in the reporting school year at, respectively—
 - (i) all maintained schools providing primary education in the area of the authority; and
 - (ii) all maintained schools providing primary education in Englandwho, in respect of each core subject, achieved level 4 or above of the National Curriculum level scale as determined by the results of NC tests and by teacher assessment;
- (b) whether, in respect of each maintained primary or middle deemed secondary school, except a special school, in the area of the authority—
 - (i) the school is the holder of a Charter Mark awarded by the Citizen's Charter Unit^(a);
 - (ii) no information, or only some information, under paragraph (2) is published pursuant to paragraph (1) for the school because the governing body of the school failed to provide the information concerned to the Secretary of State;
 - (iii) no information under paragraph (2) is published pursuant to paragraph (1) for the school because the governing body of the school were unable to provide the information to the Secretary of State for reasons beyond their control;
 - (iv) no information under paragraph (2) is published pursuant to paragraph (1) for the school because the school had 10 or fewer registered pupils at or near the end of the final year of the second key stage in the reporting school year;
 - (v) the governing body of the school failed to confirm to the Secretary of State that they have checked the information referred to in paragraph (2); or
 - (vi) the governing body of the school failed to confirm to the Secretary of State that they have checked the information referred to in Schedule 6.

(5) The information referred to in paragraphs (2) to (4) shall be published in the form specified in Schedule 8, or a form to like effect, provided that the information referred to in paragraph (4)(a) shall be included on every printed page so published.

(a) The Citizen's Charter Unit forms part of the Office of Public Services in the Cabinet Office and a Charter Mark is an award for excellence in public services.

- (6) (a) The information referred to in paragraphs (2) to (4) shall be published in the following manner.
- (b) The information shall be published without charge before 24th February in each year by—
- (i) providing three copies of a document and a computer disk containing the information to the Secretary of State;
 - (ii) providing copies of the document containing the information to the governing body of every maintained school and the proprietor of every CTC in the area of the authority;
 - (iii) providing a copy of the document containing the information to any person providing nursery education, other than at a school, in the area of the authority; and
 - (iv) making available copies of the document containing the information at each public library in the area of the authority.

15th April 1999

Charles Clarke
Parliamentary Under Secretary of State,
Department for Education and Employment

SCHEDULE 1

Regulation 6

PROVISION OF INFORMATION TO THE SECRETARY OF STATE AND LOCAL EDUCATION AUTHORITIES: FIRST KEY STAGE RESULTS

1.—(1) In respect of each registered pupil at or near the end of the final year of the first key stage, the pupil's gender, date of birth and surname followed by the first name or, if more than one, each first name.

(2) In respect of each such pupil, the following information, as appropriate, in respect of each core subject—

- (a) the level of the National Curriculum level scale achieved by the pupil;
- (b) whether the pupil was assessed as working towards level 1;
- (c) whether the pupil was exempted from assessment under section 364 or 365 of the 1996 Act;
- (d) whether the result of any such standard task assessment is not available because of the pupil's absence; or
- (e) whether a teacher assessment result is not available because of the pupil's absence.

(3) Where such a pupil has been assessed both by standard task assessment in accordance with article 5 of the Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 1) (England) Order 1995^(a) and by a teacher, both results shall be given.

SCHEDULE 2

Regulation 7

PROVISION OF INFORMATION TO THE SECRETARY OF STATE: SECOND KEY STAGE RESULTS

1. The number of registered pupils at or near the end of the final year of the second key stage.

2. The number or percentage of such pupils who, in respect of each core subject, achieved level 4 or above of the National Curriculum level scale both as determined by the results of NC tests and by teacher assessment.

3. The number or percentage of such pupils who, in respect of each core subject, failed to achieve a level on the National Curriculum level scale because they were exempted from an NC test under section 364 or 365 of the 1996 Act or were absent on the day the NC test was administered.

4. The number or percentage of such pupils who, in respect of each core subject, failed to achieve a level on the National Curriculum level scale because they were exempted from teacher assessment under section 364 or 365 of the 1996 Act or there is no teacher assessment result available because of their absence.

5.—(1) In respect of each registered pupil at or near the end of the final year of the second key stage, the pupil's gender, date of birth and surname followed by first name or, if more than one, each first name.

(2) In respect of each such pupil, the following information, as appropriate, in respect of each core subject—

- (i) the level of the National Curriculum level scale achieved by the pupil both as determined by the results of NC tests and by teacher assessment;
- (ii) whether the pupil was assessed by a teacher as working towards level 1;
- (iii) whether an NC test result is not available for the pupil because, in the opinion of the head teacher, he was working below level 3 of the National Curriculum level scale and an NC test was not administered to the pupil;

(a) S.I. 1995/2071, amended by S.I. 1996/2114, 1997/1931 and 1997/2176.

- (iv) whether the pupil failed to achieve a level on the National Curriculum level scale in an NC test for a reason other than absence from the test;
- (v) whether the pupil was exempted from an NC test or teacher assessment under section 364 or 365 of the 1996 Act;
- (vi) whether an NC test result is not available because the pupil was absent on the day the NC test was administered; or
- (vii) whether a teacher assessment result is not available because of the pupil's absence.

SCHEDULE 3

Regulation 8

PROVISION OF INFORMATION TO THE SECRETARY OF STATE: EXAMINATION AND VOCATIONAL QUALIFICATION RESULTS

PART I

PUPILS AGED 15

1. The number of registered pupils aged 15.
2. In the case of each such pupil as is referred to in paragraph 1 who was entered for one or more GCSE subjects during the reporting school year or any of the school years preceding that year—
 - (a) the pupil's gender, date of birth and surname followed by first name or, if more than one, each first name;
 - (b) the GCSE subjects taken and the grades achieved; and
 - (c) the school year in which he was entered for each subject and the name of the body awarding grades in the GCSE subjects in question.
3. In the case of each such pupil as is referred to in paragraph 1 who, during the reporting school year or any of the school years preceding that year, achieved—
 - (a) a Part One GNVQ;
 - (b) an Intermediate GNVQ;
 - (c) a Foundation GNVQ; or
 - (d) a GNVQ Language Unit,
 awarded by the EDEXCEL Foundation, the City and Guilds of London Institute or the Royal Society of Arts Examination Board and approved by the Secretary of State under section 400 of the 1996 Act, the following information—
 - (i) the pupil's gender, date of birth and surname followed by first name or, if more than one, each first name;
 - (ii) the GNVQ subjects achieved; and
 - (iii) in the case of a Part One GNVQ and a GNVQ Language Unit, whether the qualification was at Intermediate level or Foundation level.
4. The number of such pupils as are referred to in paragraph 1 who, during the reporting school year, were registered for or studying towards—
 - (a) units of a GNVQ referred to in paragraph 3(a) to (c) awarded by the EDEXCEL Foundation, the City and Guilds of London Institute or the Royal Society of Arts Examination Board and approved by the Secretary of State under section 400 of the 1996 Act;
 - (b) a National Vocational Qualification, or units of such a qualification, awarded by the City and Guilds of London Institute, the Royal Society of Arts Examination Board, the Pitman Examination Institute or the London Chamber of Commerce and Industry

Examination Board and approved by the Secretary of State under section 400 of the 1996 Act;

- (c) the Diploma of Vocational Education of the City and Guilds of London Institute approved by the Secretary of State under section 400 of the 1996 Act; or
- (d) the Initial Awards of the Royal Society of Arts Examination Board approved by the Secretary of State under section 400 of the 1996 Act.

5. The number of such pupils as are referred to in paragraph 4 who, during the reporting school year, achieved, as the case may be, the units of a GNVQ referred to in paragraph 3(a) to (c), the National Vocational Qualification (or all units studied for in relation to it), the Diploma or the Initial Awards for which they were entered.

PART II

PUPILS AGED 16, 17 or 18

6. The number of registered pupils aged 16, 17 or 18 who, during the reporting school year–
- (a) were entered for fewer than two GCE ‘A’ level examinations or the equivalent; and
 - (b) were entered for two or more GCE ‘A’ level examinations or the equivalent.

7. In the case of each registered pupil aged 16, 17 or 18 who, during the reporting school year, was entered for one or more GCE ‘A’ level examination or GCE ‘AS’ examination, 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 subjects taken and whether as GCE ‘A’ level examinations or GCE ‘AS’ examinations and the grades achieved; and
- (c) the name of the body awarding grades in the GCE ‘A’ level examinations or GCE ‘AS’ examinations in question.

8. During the reporting school year–

- (a) the number of registered pupils aged 16, 17 or 18 who were in the final year of study of a course leading to–
 - (i) the National Certificate or Diploma of the EDEXCEL Foundation;
 - (ii) the Diploma of Vocational Education of the City and Guilds of London Institute at national level;
 - (iii) an Intermediate GNVQ awarded by the EDEXCEL Foundation, the City and Guilds of London Institute or the Royal Society of Arts Examination Board;
 - (iv) the First Certificate or Diploma of the EDEXCEL Foundation; or
 - (v) the Diploma of Vocational Education of the City and Guilds of London Institute at intermediate level; and
- (b) the number of those pupils achieving the qualifications referred to in sub-paragraph (a)(i) to (v) wholly or partly on the basis of work done in that year.

9. In the case of each registered pupil aged 16, 17 or 18 who, during the reporting school year, was in the final year of study of a course leading to the Advanced GNVQ awarded by the EDEXCEL Foundation, the City and Guilds of London Institute or the Royal Society of Arts Examination Board–

- (a) the pupil’s gender, date of birth and surname followed by first name or, if more than one, each first name;
- (b) the subjects entered for and the grades achieved; and
- (c) the name of the body awarding the grades in the Advanced GNVQ in question.

10. During the reporting school year–

- (a) the number of registered pupils aged 16, 17 or 18 who were entered for the International Baccalaureate Diploma; and
- (b) the number of those pupils who achieved this qualification.

SCHEDULE 4

Regulation 9

PROVISION OF INFORMATION TO THE SECRETARY OF STATE: AUTHORISED AND UNAUTHORISED ABSENCE

- 1.—(1) The number of pupils of compulsory school age registered at any time on or before the Friday before the last Monday in May during the reporting school year.
(2) For the purposes of this Schedule, a pupil is of compulsory school age unless before 1st September in the reporting school year—
 - (a) he has not attained the age of five years; or
 - (b) he has attained the age of sixteen years.
2. The total number of morning and afternoon sessions in the reporting school year.
3. The number of registered pupils in respect of whom at least one authorised or unauthorised absence has been recorded during the reporting school year.
4. The number of—
 - (a) authorised absences; and
 - (b) unauthorised absences,during the reporting school year.
5. For the purposes of this Schedule “pupil” does not include a boarding pupil.

SCHEDULE 5

Regulation 10

PROVISION OF GENERAL INFORMATION TO THE SECRETARY OF STATE: SECONDARY SCHOOLS (EXCLUDING MIDDLE DEEMED SECONDARY SCHOOLS)

1. The name, address and telephone number of the school.
2. The number of registered pupils on the third Thursday in January in the reporting school year.
3. The age range of pupils at the school, and the number of registered pupils (if any) aged 16, 17 or 18.
4. The number of registered pupils who have special educational needs but in respect of whom no statement of special educational needs is maintained under section 324 of the 1996 Act.
5. The number of registered pupils aged 15 for whom a statement of special educational needs is maintained under section 324 of the 1996 Act.
6. The total number of registered pupils for whom a statement of special educational needs is maintained under section 324 of the 1996 Act.
7. The classification of the school as—
 - (a) community, foundation, voluntary controlled, voluntary aided, special (non-maintained), community special, foundation special, CTC, independent school approved by the Secretary of State under section 347(1) of the 1996 Act (independent schools suitable for children with statements), or other independent school;

(b) boys' single sex, girls' single sex, or mixed.

8. In the case of a school—

(a) which is not a special school; and

(b) which is not an independent school other than a CTC,

whether the school is—

(i) comprehensive (admitting pupils wholly or mainly without reference to ability or aptitude or to whether they have been selected for a place at a selective school);

(ii) selective (admitting pupils wholly or mainly with reference to ability or aptitude); or

(iii) modern (admitting pupils wholly or mainly—

– without reference to ability or aptitude; and

– who have not been selected for a place at a selective school).

9. In the case of an independent school other than a CTC, whether the school is selective.

SCHEDULE 6

Regulations 11 and 14

PROVISION OF GENERAL INFORMATION TO THE SECRETARY OF STATE: PRIMARY SCHOOLS AND MIDDLE DEEMED SECONDARY SCHOOLS

1. The name, address and telephone number of the school.
2. The number of registered pupils on the third Thursday in January in the reporting school year.
3. The number of registered pupils aged 10.
4. The age range of pupils at the school.
5. The number of registered pupils for whom a statement of special educational needs is maintained under section 324 of the 1996 Act.
6. The number of registered pupils who have special educational needs but in respect of whom no statement of special educational needs is maintained under section 324 of the 1996 Act.
7. The classification of the school as community, foundation, voluntary controlled or voluntary aided.

SCHEDULE 7

Regulations 12 and 13

PROVISION OF INFORMATION TO THE NATIONAL DATA COLLECTION AGENCY AND THE EXTERNAL MARKING AGENCY

PART I

SECOND KEY STAGE RESULTS: NATIONAL DATA COLLECTION AGENCY

1.—(1) In respect of each registered pupil at or near the end of the final year of the second key stage, the pupil's gender, date of birth and surname followed by first name or, if more than one, each first name.

(2) In respect of each such pupil, the following information, as appropriate, in respect of each core subject–

- (a) the level of the National Curriculum level scale achieved by the pupil as determined by teacher assessment;
- (b) whether the pupil was assessed by a teacher as working towards level 1;
- (c) whether the pupil was exempted from teacher assessment under section 364 or 365 of the 1996 Act; or
- (d) whether a teacher assessment result is not available because of the pupil’s absence.

PART II

THIRD KEY STAGE RESULTS: NATIONAL DATA COLLECTION AGENCY

2.—(1) In respect of each registered pupil at or near the end of the final year of the third key stage, the pupil’s gender, date of birth and surname followed by the first name or, if more than one, each first name.

(2) In respect of each such pupil, the following information in history, geography, design and technology, information technology, a modern foreign language and each core subject–

- (a) the level of the National Curriculum level scale achieved by the pupil as determined by teacher assessment;
- (b) whether the pupil was assessed by a teacher as working towards level 1;
- (c) whether the pupil was assessed by the teacher as being at the level of the National Curriculum level scale entitled “Exceptional Performance”;
- (d) whether the pupil was exempted from teacher assessment under section 364 or 365 of the 1996 Act; and
- (e) whether a teacher assessment result is not available because of the pupil’s absence.

PART III

SECOND KEY STAGE ASSESSMENTS: EXTERNAL MARKING AGENCY

3. In respect of each registered pupil at or near the end of the final year of the second key stage, the pupil’s gender, date of birth and surname followed by first name or, if more than one, each first name.

4. In respect of each such pupil, the following information, in respect of each core subject–

- (a) whether in the opinion of the head teacher the pupil was working below level 3 and NC tests were not administered to him;
- (b) whether the pupil was exempted from NC tests under section 364 or 365 of the 1996 Act; or
- (c) whether an NC test result is not available because the pupil was absent on the day the NC test was administered.

PART IV

THIRD KEY STAGE ASSESSMENTS: EXTERNAL MARKING AGENCY

5. In respect of each registered pupil at or near the end of the final year of the third key stage, the pupil’s gender, date of birth and surname followed by first name or, if more than one, each first name.

6. In respect of each such pupil, the following information, in respect of each core subject–

- (a) whether, in the opinion of the head teacher, the pupil was working below level 3 in mathematics and science and NC tests were not administered to him;

- (b) whether, in the opinion of the head teacher, the pupil was working below level 4 in English and NC tests were not administered to him;
- (c) whether the pupil was exempted from an NC test under section 364 or 365 of the 1996 Act; or
- (d) whether an NC test is not available because the pupil was absent on the day the NC test was administered.

SCHEDULE 8

Regulation 14(5)

FORM IN WHICH INFORMATION IS TO BE PUBLISHED BY LOCAL EDUCATION AUTHORITIES

School	Charter Mark Holder	Classification of school as county, voluntary controlled, voluntary aided, special agreement or grant-maintained	Age Range	Failed to confirm performance information	Failed to confirm general information	Number of pupils at or near the end of the final year of the second key stage	English		Mathematics		Science		Total number of pupils on roll	Number of registered pupils aged 10	Total number of pupils with special educational needs	
							Test	Teacher Assessment	Test	Teacher Assessment	Test	Teacher Assessment			with statements	without statements
Name, address and telephone number of school							% (achieving level 4 or above) % (Absent or exempted)	% (achieving level 4 or above) % (Absent or exempted)	% (achieving level 4 or above) % (Absent or exempted)	% (achieving level 4 or above) % (Absent or exempted)	% (achieving level 4 or above) % (Absent or exempted)	% (achieving level 4 or above) % (Absent or exempted)				
Average for schools in area of local education authority							%	%	%	%	%	%				
Average for schools in England							%	%	%	%	%	%				

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, made under sections 408, 537 and 537A of the Education Act 1996, apply in relation to schools in England. They consolidate with amendments the Education (School Performance Information) (England) Regulations 1998 (“the 1998 Regulations”) as amended, which are revoked.

The Regulations relate to the collection and publication of information about the performance of schools.

Part I of the Regulations comprises general provisions. There is a new definition of “maintained schools”, which reflects the changes to the categories of schools which are to take effect on 1st September 1999, pursuant to section 20 of the School Standards and Framework Act 1998 (*regulation 2(1)*).

Part II imposes duties on head teachers of maintained schools to make available information to governing bodies for the purpose of enabling them to comply with their obligations under these Regulations (*regulation 5*).

Part III contains detailed provisions relating to the provision of information to the Secretary of State and to local education authorities.

Requirements are imposed on governing bodies of maintained schools under section 537A of the Education Act 1996 (provision of “individual pupil information”) as substituted by paragraph 153 of Schedule 30 to the School Standards and Framework Act 1998 with effect from 20th November 1998. The “individual pupil information” to be provided by governing bodies of grant-maintained and grant-maintained special schools to the Secretary of State and, in the case of governing bodies of maintained schools other than those, to the local education authority, relates to pupils at or near the end of the final year of the first key stage (mostly seven year olds) (*regulation 6(1) and (2) and Schedule 1*). This replaces the requirements for first key stage assessment results information under regulation 6 of the 1998 Regulations.

Governing bodies of maintained primary or middle deemed secondary schools, except special schools, must provide the Secretary of State with information about second key stage assessment results (*regulation 7 and Schedule 2*).

Governing bodies of maintained schools and proprietors of non-maintained special schools and independent schools with pupils aged 15, 16, 17 or 18 must provide the Secretary of State with specified information about their results (*regulation 8 and Schedule 3*).

Governing bodies of maintained schools and the proprietors of independent and non-maintained special schools (not providing education for boarders only) must provide the Secretary of State with information about authorised and unauthorised absence (*regulation 9 and Schedule 4*). Local education authorities are no longer required to provide this information for schools they maintain.

Governing bodies of maintained secondary schools and the proprietors of secondary independent and non-maintained special schools must provide the Secretary of State with general information about the school (*regulation 10 and Schedule 5*).

Governing bodies of maintained primary schools (including middle-deemed secondary schools but excluding special schools) must also provide the Secretary of State with general information about the school (*regulation 11 and Schedule 6*).

Part IV is new and requires governing bodies of maintained schools to provide, respectively, the National Data Collection Agency (a body which collates information about pupils’ National Curriculum assessment results) and the external marking agency (a body which marks pupils’ responses to National Curriculum tests) with individual pupil information relating to pupils who are at or near the end of the final year of, as the case may be, the second or third key stage (*regulations 12 and 13 and Schedule 7*).

Part V contains provisions relating to the publication of information. Local education authorities are required to publish certain information about the performance of pupils in

National Curriculum assessments in the final year of the second key stage at maintained primary or middle-deemed secondary schools, excluding special schools, in their area and other general information relating to those schools. They are also required to provide certain supplementary information about schools, including information about average percentage figures for the performance of pupils in National Curriculum assessments in the final year of the second key stage at all maintained schools providing primary education in the area of the local education authority and at all such schools in England. Copies of the document containing the information to be published by the local education authority are to be provided to the Secretary of State, and governing bodies of all maintained schools and providers of nursery education in the authority's area. They are also to be made available in public libraries in the area of the local education authority (*regulation 14 and Schedule 8*).

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