

This Statutory Instrument has been made in consequence of defects in S.I.1993/1503 and is being issued free of charge to all known recipients of that Statutory Instrument.

STATUTORY INSTRUMENTS

1993 No. 2077

EDUCATION, ENGLAND AND WALES

The Education (School Performance Information) (England) (No. 2) Regulations 1993

<i>Made</i>	- - - -	<i>18th August 1993</i>
<i>Laid before Parliament</i>		<i>19th August 1993</i>
<i>Coming into force</i>	- -	<i>6th September 1993</i>

In exercise of the powers conferred on the Secretary of State by sections 22 and 232(5) and (6) of the Education Reform Act 1988(1), and sections 16 and 19(3) of the Education (Schools) Act 1992(2), and after consulting with those persons with whom consultation appeared to him to be desirable, the Secretary of State for Education 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) (No. 2) Regulations 1993 and shall come into force on 6th September 1993.

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

Interpretation

2.—(1) In these Regulations, except where the context otherwise requires—
“the 1988 Act” means the Education Reform Act 1988;

(1) 1988 c. 40. Section 22 was amended by paragraph 6 of Schedule 4 to the Education (Schools) Act 1992. For matters to be prescribed, see section 235(7) of the 1988 Act and section 114(1) of the Education Act 1944 (c. 31), and for the transfer of functions to the Secretary of State see S.I. 1964/490.

(2) 1992 c. 38.

“assessment” means assessment pursuant to orders made under section 4 of the 1988 Act⁽³⁾ and “level” shall be construed in accordance with the provisions of such orders;

“attainment targets” have the meaning given by section 2 of the 1988 Act;

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

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

“GCE `A` level examinations” and “GCE `AS` examinations” mean General Certificate of Education advanced level and advanced supplementary examinations respectively;

“GCSE” means General Certificate of Secondary Education;

“maintained school” means—

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

but excludes nursery schools;

“middle deemed secondary school” means a middle school deemed to be a secondary school by virtue of the Education (Middle Schools) Regulations 1980⁽⁴⁾;

“prescribed public examination” means a public examination which is for the time being prescribed by regulations made under section 106 of the 1988 Act⁽⁵⁾;

“previous school year” means a school year preceding the reporting school year;

“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;

“special class” means a class so designated by the authority (in the case of a school maintained by the authority), governing body (in the case of a grant-maintained school) or proprietor (in the case of a non-maintained special school or an independent school), in which all or the majority of pupils have special educational needs;

“summer term” means the term in which assessment takes place;

“unauthorised absence” means an occasion on which a pupil is recorded as absent without authority pursuant to the Pupils' Registration Regulations 1956⁽⁶⁾; 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 31st August 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;

(3) The regulations currently in force are the Education (National Curriculum) (Assessment Arrangements for English, mathematics, science, technology, history and geography) (Key Stage 1) Order 1992, S.I. [1992/1857](#) and the Education (National Curriculum) (Assessment Arrangements for English, mathematics, science and technology) (Key Stage 3) Order 1992, S.I. [1992/1858](#).

(4) S.I. [1980/918](#).

(5) The current regulations are the Education (Prescribed Public Examination) Regulations 1989 (S.I. [1989/377](#)).

(6) S.I. [1956/357](#); these regulations have been amended by the Education (Pupils' Attendance Records) Regulations 1991 (S.I. [1991/1582](#)).

- (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 117 of the 1988 Act;
- (c) references to key stages are references to the periods set out in section 3(3) of the 1988 Act.
- (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 unauthorised absences for any term which begins before 28th May and finishes after that date shall not include any information relating to any date after 28th May.
- (6) In calculating the number of 'A' levels a pupil is entered for, one 'AS' shall be treated as the equivalent of half an 'A' level.
- (7) For the purpose of determining point scores in GCE 'A' level and GCE 'AS' examinations the following grades of achievement equate to the following points, namely:
- GCE 'A' level: grade A = 10 points; grade B = 8 points; grade C = 6 points; grade D = 4 points; and grade E = 2 points.
- GCE 'AS': grade A = 5 points; grade B = 4 points; grade C = 3 points; grade D = 2 points; and grade E = 1 point.
- (8) In these Regulations, unless the context otherwise requires, any reference to a numbered regulation is a reference to the regulation bearing that number in these Regulations, any reference to a numbered paragraph is to the paragraph of that regulation bearing that number, any reference in a paragraph to a sub-paragraph is a reference to a sub-paragraph of that paragraph and any reference to a Schedule is to a Schedule to these Regulations.

Qualification of duties

3. The duties imposed on governing bodies and local education authorities by virtue of these Regulations in respect of provision or publication of information apply only to the extent that that information is available to the governors or the authority before the latest occasion on which the information is required to be provided or published, as the case may be.

Revocation

4. The Education (School Performance Information) (England) Regulations 1993(7) are revoked.

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 the Schedules, for the purpose of enabling the governing body to comply with their obligations under these Regulations.

PART III

PROVISION OF INFORMATION TO THE SECRETARY OF STATE

Provision of assessment results to the Secretary of State

6.—(1) The governing body of every school maintained by an authority which, in the summer 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 20th September, submit to the authority the information relating to assessment referred to in Part I of Schedule 1.

(2) Every authority which, pursuant to paragraph (1), receives information from schools which it maintains shall, on or before 1st October, submit to the Secretary of State that information for each such school.

(3) The governing body of every grant-maintained school which, in the summer 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 20th September, submit to the Secretary of State the information relating to assessment referred to in Part I of Schedule 1.

(4) The governing body of every maintained school and the proprietor of every CTC which, in the summer 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, by 15 September, submit to the Secretary of State the information derived from the statutory assessments referred to in Part II of Schedule 1.

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

7. 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, make available to him such particulars relating to public examinations and courses leading to vocational qualifications or units for which registered pupils at the school were entered during the reporting school year, 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 2;
- (b) in the case of a school providing information in respect of pupils aged 16, 17 or 18, in Part II of Schedule 2.

Provision of information about unauthorised absence to the Secretary of State

8.—(1) Subject to paragraph (3), the governing body of a school maintained by an authority shall make available to that authority information for the reporting school year about the matters mentioned in Schedule 3, 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, the governing body of every grant-maintained school and the proprietor of every independent school and non-maintained special 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 mentioned in Schedule 3.

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

Provision of general information to the Secretary of State

9. The governing body of every maintained secondary school (except a middle deemed secondary school), the proprietor of every independent and non-maintained special school with pupils aged 15 and the proprietor of every CTC 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 4.

PART IV

PUBLICATION OF INFORMATION

Publication of local and national performance information about secondary schools by governing bodies

10.—(1) The governing body of every maintained secondary school (except a middle deemed secondary school) shall provide the information referred to in paragraph (2) in the form and manner and to the persons specified in paragraph (3).

(2) That information is information for the reporting school year provided to the Secretary of State under these Regulations or (in the case of average figures) calculated by him from such information and published by him under section 16(6) of the Education (Schools) Act 1992 consisting of—

- (a) the results in public examinations and courses leading to vocational qualifications or units achieved by pupils at secondary schools in the area of the relevant authority;
- (b) the rates of unauthorised absence of pupils at secondary schools in the area of the relevant authority;
- (c) the information referred to in Schedule 4 relating to secondary schools in the area of the relevant authority; and
- (d) the average results in public examinations and courses leading to vocational qualifications or units and of rates of unauthorised absence for pupils at secondary schools in the area of the relevant authority and in England.

(3) The information shall be provided by copies of the document in which the information was published by the Secretary of State being made available at the school for reference by parents and other persons.

(4) The governing body of every maintained primary school providing education for pupils in the final year of the second key stage and every maintained middle deemed secondary school shall provide the information referred to in paragraph (2) by distributing the document without charge to parents of pupils who are in their final year at the school before transfer to a secondary school and by making copies of the document available at the school for reference by parents and other persons.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

SCHEDULE 1

Regulation 6

PROVISION OF INFORMATION TO THE SECRETARY OF STATE— ASSESSMENT RESULTS

PART I

FIRST KEY STAGE RESULTS

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

2.—(1) The number of such pupils who in the following subjects—

- (a) English;
- (b) mathematics;
- (c) science;
- (d) technology;
- (e) history; and
- (f) geography

and in respect of each constituent attainment target of those subjects and, in the case of technology, in respect of each constituent profile component—

- (i) reached each level of the 10 level scale;
- (ii) were assessed as working towards level 1; or
- (iii) were exempted from assessment under section 18 or 19 of the 1988 Act.

(2) Where a pupil has been assessed both by a teacher and by the administration of a test, both results shall be given.

3. The number of pupils who were first registered at the school later than the start of the reporting school year.

4. The number of pupils who had spent fewer than six full terms in full-time education in primary schools (including first schools) up to and including the summer term of the reporting school year.

PART II

THIRD KEY STAGE RESULTS

5. The number of registered pupils at or near the end of the final year of the third key stage.

6.—(1) The number of such pupils who in the following subjects—

- (a) English;
- (b) mathematics;
- (c) science; and
- (d) technology

and in respect of each constituent attainment target of those subjects and, in the case of technology, in respect of each constituent profile component—

- (i) reached each level of the 10 level scale;
 - (ii) were assessed as working towards level 1;
 - (iii) were exempted from assessment under section 18 or 19 of the 1988 Act;
 - (iv) failed to register a level because they missed the assessment by reason of unauthorised absence;
or
 - (v) failed to register a level on being assessed.
- (2) Where a pupil has been assessed both by a teacher and by the administration of a test, both results shall be given.
7. The number of pupils who were first registered at the school later than the start of the reporting school year.

SCHEDULE 2

Regulation 7

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

PART I

PUPILS AGED 15

1. The number of pupils aged 15.
2. The percentage of pupils aged 15 who, during the reporting school year,
 - (a) achieved grade A, B or C at GCSE in five or more subjects;
 - (b) achieved any grade from A to G at GCSE in five or more subjects;
 - (c) achieved any grade from A to G at GCSE in one or more subjects.
3. The number of pupils aged 15 who, during the reporting school year, were registered for or studying towards vocational qualifications or units of qualifications validated by the City and Guilds of London Institute or the Royal Society of Arts and approved by the School Examinations and Assessment Council under section 5 of the 1988 Act.
4. The percentage of the pupils mentioned in paragraph 3 who, during the reporting school year, obtained all the qualifications or units for which they were entered.

PART II

PUPILS AGED 16, 17 OR 18

5. The number of pupils aged 16, 17 or 18 who, during the reporting school year—
 - (a) were entered for fewer than two 'A' levels or the equivalent and their average number of points;
 - (b) were entered for two or more 'A' levels or the equivalent and their average number of points.
6. During the reporting school year—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) the number of pupils aged 16, 17 or 18 who were in the final year of study of a course leading to the National Certificate or Diploma of the Business and Technology Education Council or the Diploma of Vocational Education of the City & Guilds of London Institute at National level; and
 - (b) the percentage of those pupils achieving those qualifications wholly or partly on the basis of work done in that year.
7. During the reporting school year—
- (a) the number of pupils aged 16, 17 or 18 who were entered for the International Baccalaureate Diploma; and
 - (b) the percentage of those pupils who achieved this qualification.

SCHEDULE 3

Regulation 8

INFORMATION ABOUT UNAUTHORISED ABSENCE

- 1.—(1) The number of registered pupils of compulsory school age in each year group at the start of each term in the reporting school year.
- (2) For the purposes of this Schedule, a pupil is of compulsory school age unless—
- (a) he has not attained the age of five years before the commencement of the term to which the information relates; or
 - (b) he has attained the age of sixteen years before the first day in the month of September in the reporting school year.
2. The number of sessions for each such year group in each term in the reporting school year.
3. The number of registered pupils in each such year group in respect of whom at least one unauthorised absence has been recorded during each such term.
4. The number of unauthorised absences for each such year group during each such term.

SCHEDULE 4

Regulation 9

PROVISION OF INFORMATION TO THE SECRETARY OF STATE

1. The name, address and telephone number of the school.
2. The number of registered pupils at the school.
3. The age range of pupils at the school, and the number of pupils (if any) aged 16 or over.
4. Whether the school has one or more special classes.
5. The total number of registered pupils for whom a statement of special educational needs is maintained under section 7 of the Education Act 1981.
6. The classification of the school as—
 - (a) county; voluntary controlled; special agreement; voluntary aided; special (maintained by an authority); special (not so maintained); grant-maintained; CTC; independent school approved by the Secretary of State under section 11(3) of the Education Act 1981 (schools

- suitable for children for whom statements are maintained under section 7 of that Act); or other independent school;
- (b) boys' single sex, girls' single sex, or mixed.
7. 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 comprehensive (admitting pupils wholly or mainly without reference to ability or aptitude), and, if it is not comprehensive, whether it is selective (admitting pupils wholly or mainly with reference to ability or aptitude) or modern (admitting pupils not selected for a place at a selective school).
8. In the case of an independent school other than a CTC—
- (a) whether the school is selective; and
- (b) whether the school participates in the Assisted Places Scheme⁽⁸⁾.

18th August 1993

Emily Blatch
Minister of State,
Department for Education

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, made under section 22 of the Education Reform Act 1988 and section 16 of the Education (Schools) Act 1992, apply in relation to schools in England. They correct several defects in and make changes to the Education (School Performance Information) (England) Regulations 1993, 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 only.

Part II imposes duties on head teachers to provide 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.

The governing bodies of schools maintained by a local education authority with pupils at or near the end of the final year of the first key stage (mostly seven year olds) must provide information about the results of statutory National Curriculum assessments to that authority which then transmits that information to the Secretary of State (regulation 6(1) and (2) and Part I of Schedule 1). Grant-maintained schools with pupils in this age group transmit their results to the Secretary of State directly (regulation 6(3)). The governing bodies of all maintained schools and CTCs with pupils at

⁽⁸⁾ The scheme for assisted places at independent schools which was required to be established by section 17 of the Education Act 1980 (c. 20); the regulations currently governing the operation of the scheme are the Education (Assisted Places) Regulations 1989 (S.I. 1989/1235), as amended.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

or near the end of the final year of the third key stage (mostly fourteen year olds) provide specified information about their results to the Secretary of State (regulation 6(4) and Part II of Schedule 1).

The governing bodies of maintained schools and the 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 7 and Schedule 2).

Local education authorities, the governing bodies of grant-maintained schools and the proprietors of independent schools (not providing education for boarders only) must provide the Secretary of State with information about unauthorised absence (regulation 8 and Schedule 3). 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 9 and Schedule 4).

Part IV contains provisions relating to the publication of information.

The governing bodies of secondary schools and primary schools with pupils in the final year of the second key stage are under a duty to provide parents and others with information about secondary school performance (regulation 10).