
STATUTORY INSTRUMENTS

1997 No. 2440

EDUCATION, ENGLAND AND WALES

**The Education (Individual Performance Information)
(Prescribed Bodies and Persons) Regulations 1997**

<i>Made</i>	- - - -	<i>9th October 1997</i>
<i>Laid before Parliament</i>		<i>10th October 1997</i>
<i>Coming into force</i>	- -	<i>31st October 1997</i>

In exercise of the powers conferred on the Secretary of State by sections 537A(3), (4)(b), 569(4) and (5) of the Education Act 1996(1), the Secretary of State for Education and Employment hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Individual Performance Information) (Prescribed Bodies and Persons) Regulations 1997 and shall come into force on 31st October 1997.

(2) These Regulations apply to individual performance information relating to pupils at schools (other than nursery schools) in England only.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Education Act 1996;

“individual performance information” means information within the meaning of section 537A(2) of the Act, namely, information about the performance in any of the assessments, examinations and qualifications referred to in that section of individual pupils identified in the prescribed manner(2);

“key stage” means any of the periods set out in paragraphs (a) to (d) respectively of section 355(1) of the Act and a reference to the first, second or third key stage is a reference to the periods set out respectively in paragraphs (a), (b) and (c) of the said section 355(1); and

(1) 1996 c. 56; section 537A was inserted by section 20 of the Education Act 1997 (c. 44); for the meaning of “prescribed” and “regulations” see section 579(1).
(2) The prescribed manner of identification of individual pupils is given in the Education (Individual Performance Information) (Identification of Individual Pupils) Regulations 1997 (S.I.1997/1489).

“the relevant local education authority” means the local education authority for the area in which the school, at which the pupil (in respect of whom any individual performance information provided relates) is or was registered, is situated.

(2) The reference in regulation 3(2) to “any body collating or checking performance information” is a reference to any body to which section 537A(4) of the Act applies, namely, any body which, for the purposes of or in connection with the functions of the Secretary of State relating to education, is responsible for collating or checking information relating to the performance of pupils in any assessment or examination falling within subsection (2)(a), (b) or (d) of that section, or in connection with the attainment of any qualification falling within subsection (2)(c) or (d) of that section.

3.—(1) For the purposes of section 537A(3) of the Act, the Secretary of State hereby prescribes as a body or person to whom he may provide individual performance information received by him by virtue of subsection (1)(3) of that section—

- (a) any body referred to in paragraph (3) below; and
- (b) any body or person, as the case may be, falling within the category referred to in paragraph (4) below.

(2) For the purposes of section 537A(4)(b) of the Act, the Secretary of State hereby prescribes that—

- (a) a body to which a body collating or checking performance information may provide individual performance information is any of the bodies referred to in paragraph (3) below; and
- (b) the individual performance information which a body collating or checking performance information may so provide, at such times as the Secretary of State may determine, is any such information received by it under section 537A(4) relating to the performance of individual pupils in any National Curriculum assessments of pupils at or near the end of the final year of the first, second or third key stage.

(3) The bodies referred to in paragraphs (1)(a) and (2)(a) above are—

- (a) the relevant local education authority;
- (b) the Office for Standards in Education(4);
- (c) the Qualifications and Curriculum Authority(5);
- (d) the Funding Agency for Schools(6);
- (e) the Teacher Training Agency(7);

(4) The category referred to in paragraph (1)(b) above is the category of bodies and persons conducting research into the educational achievements of pupils and who require individual performance information for that purpose.

(3) See S.I. [1997/2060](#) and [1997/2364](#), which amend the Education (School Performance) (England) Regulations 1996 (S.I. [1996/2577](#)). The effect of these Regulations is to allow the Secretary of State to require the provision of individual performance information to him which relates to: (a) the General Certificate of Secondary Education and General National Vocational Qualifications for pupils aged 15; (b) General Certificate of Education advanced level examinations and General Certificate of Education advanced supplementary examinations for pupils aged 16, 17 or 18; and (c) National Curriculum assessment results for pupils at the second key stage.

(4) The Office for Standards in Education is the non-ministerial government department which serves Her Majesty’s Chief Inspector of Schools in England.

(5) The Qualifications and Curriculum Authority was established under section 21(1) of the Education Act [1997 \(c. 44\)](#).

(6) The Funding Agency for Schools was established under section 3 of the Education Act 1993, which Act was repealed by Part I of Schedule 38 to the Education Act 1996. Section 20 of this Act provides for the continued existence of the Funding Agency for Schools.

(7) The Teacher Training Agency was established under section 1(1) of the Education Act [1994 \(c. 30\)](#).

10th October 1997

Andrew Smith
Minister of State,
Department for Education and Employment

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe which bodies and persons may be provided with “individual performance information” under section 537A(3) and (4)(b) of the Education Act 1996 (*regulation 3*).

“Individual performance information” is defined by section 537A(2) to mean

“information about the performance of individual pupils (identified in the prescribed manner)

- (a) in any assessment made for the purposes of the National Curriculum or in accordance with a baseline assessment scheme (within the meaning of Chapter I of Part IV of the Education Act 1997);
- (b) in any prescribed public examination;
- (c) in connection with the attainment of any vocational qualification; or
- (d) in any such other assessment or examination, or in connection with the attainment of any such other qualification, as may be prescribed”.

These Regulations also prescribe which individual performance information may be provided by those bodies which are responsible for collating or checking information relating to the performance of pupils. That information relates to any National Curriculum assessments of pupils at or near the end of the final year of the first, second or third key stage (*regulation 3*).