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Education Act 1997

1997 CHAPTER 44

PART IV

BASELINE ASSESSMENTS AND PUPILS' PERFORMANCE

CHAPTER I

BASELINE ASSESSMENTS

15 Introductory.

In this Chapter—

“baseline assessment scheme” means a scheme designed to enable pupils at a maintained primary school to be assessed for the purpose of assisting the future planning of their education and the measurement of their future educational achievements;

“designated” means designated by the Secretary of State; and

“maintained primary school” means a primary school which is—

- (a) [^{F1}a community, foundation or voluntary school, or
- (b) a community or foundation special school (other than one established in a hospital),]

or (in relation only to Wales) a maintained nursery school.

Textual Amendments

F1 S. 15: in definition of “maintained primary school” paras. (a)(b) substituted (1.9.1999) for paras. (a)-(c) by 1998 c. 31, s. 140(1), **Sch. 30 para. 209** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

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16 Adoption of baseline assessment schemes.

- (1) The governing body of each maintained primary school with pupils who are required to be assessed under section 17 shall adopt a baseline assessment scheme for the school in accordance with the following provisions of this section; but subsections (2) to (5) below have effect subject to subsection (6).
- (2) A baseline assessment scheme may be so adopted if (and only if) the scheme has been accredited by a designated body in accordance with criteria determined with the approval of the Secretary of State, and published, by that body.
- (3) A local education authority may prepare, and seek accreditation of, a baseline assessment scheme with a view to its being adopted by the governing bodies of primary schools maintained by the authority.
- (4) Each local education authority shall select an accredited baseline assessment scheme which they consider suitable to be so adopted (and which may be a scheme prepared by them under subsection (3)).
- (5) However, in the case of any particular maintained primary school, the baseline assessment scheme which is to be adopted for the school under this section by its governing body shall be such scheme to which subsection (2) applies as is chosen—
 - (a) by the head teacher after consulting the governing body; or
 - (b) if such a scheme is not so chosen by him within a reasonable time, by the governing body;
 and, when choosing the scheme to be adopted for [^{F2}a maintained primary school,] the head teacher or (as the case may be) the governing body shall ensure that the scheme selected by the authority under subsection (4) is considered (whether on its own or with any other schemes).
- (6) The Secretary of State may by order require the governing body of each maintained primary school with pupils who are required to be assessed under section 17 to adopt for their school such baseline assessment scheme as is referred to in the order; and so long as any such order is in force subsections (2) to (5) above shall not apply.

Textual Amendments

- F2** Words in s. 16(5) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.210** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

Modifications etc. (not altering text)

- C1** S. 16: functions of a local education authority made exercisable (E.) (1.4.2002) by authorised persons by **Contracting Out (Local Education Authority Functions) (England) Order 2002 (S.I. 2002/928)**, art. 3, **Sch. 3(h)**

Commencement Information

- II** S. 16 wholly in force at 1.4.1999; s. 16 not in force at Royal Assent see s. 58(3); s. 16(2)(3)(6) in force at 1.11.1997 and s.16(4) in force at 1.11.1997 in its application to England by **S.I. 1997/1468**, art. 2, **Sch. 1 Pt. IV**; s. 16(1)(5) in force at 1.4.1998 to the extent to which those subsections apply to England and s. 16(4) in force at 1.11.1998 to the extent to which that subsection applies to Wales and s. 16(1)(5) in force at 1.4.1999 to the extent to which those subsections apply to Wales by **S.I. 1998/386**, art. 2, **Sch. 1 Pts. II, V, VI**

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17 Assessment of pupils in accordance with scheme.

- (1) Subject to subsections (3) and (4), all pupils at a maintained primary school who are at the relevant stage of their education must be assessed in accordance with a baseline assessment scheme adopted for the school under section 16.
- (2) The assessment must be completed before the end of the prescribed period.
- (3) Subsection (1) does not apply to a pupil if it appears to the head teacher from a record of a previous assessment under that subsection that such an assessment has already been carried out in relation to the pupil at another school.
- (4) Regulations may enable a head teacher of a maintained primary school, in such cases or circumstances and subject to such conditions as may be prescribed, to direct—
 - (a) that subsection (1) is not to apply to a particular registered pupil at the school, or
 - (b) that, for the purposes of the assessment under that subsection of a particular registered pupil at the school, the school's baseline assessment scheme is to have effect with such modifications as are specified in the direction.
- (5) Where the head teacher gives such a direction he shall notify—
 - (a) the governing body, and
 - [^{F3}(b) the local education authority by whom the school is maintained,]of the matters set out in subsection (6); and he shall take such steps as are prescribed to notify a parent of the pupil concerned of those matters.
- (6) The matters referred to in subsection (5) are—
 - (a) the fact that the head teacher has given the direction in question and his reasons for doing so;
 - (b) in the case of a direction under subsection (4)(b), the effect of the modifications specified in the direction; and
 - (c) whether the direction is to have permanent effect (and, if not, the period for which it is to have effect).
- (7) In relation to any maintained primary school—
 - (a) the governing body and ^{F4} . . . the local education authority shall exercise their functions with a view to securing, and
 - (b) the head teacher shall secure,that subsection (1) is complied with.
- (8) Regulations shall prescribe the circumstances in which a pupil is to be regarded as being at the relevant stage of his education for the purposes of subsection (1), and any such circumstances may be framed by reference to, or to matters which include, the pupil's age.

Textual Amendments

F3 S. 17(5)(b) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 211(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

F4 Words in s. 17(7)(a) omitted (1.9.1999) by virtue of 1998 c. 31, s. 140(1), **Sch. 30 para. 211(b)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

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Commencement Information

- I2** S. 17 wholly in force at 1.9.1999; s. 17 not in force at Royal Assent see s. 58(3); s. 17(4)(8) in force at 1.11.1997 by [S.I. 1997/1468](#), [art. 2](#), [Sch. 1 Pt. IV](#); s. 17(1)-(3),(5)-(7) in force at 1.8.1998 to the extent that those subsections apply to England and in force at 1.9.1999 to the extent that those subsections apply to Wales by [S.I. 1998/386](#), [art. 2](#), [Sch. 1 pts. III, VII](#)

18 Regulations for purposes of this Chapter.

- (1) The Secretary of State may by regulations confer or impose such functions—
- (a) on the governing body and the head teacher of a maintained primary school,
 - (b) ^{F5} . . . on a local education authority, and
 - (c) on a designated body,
- as appear to him to be required in connection with any provision of this Chapter.
- (2) Regulations under this section may in particular make provision requiring—
- (a) the local education authority, or ^{F6} . . . a designated body, to be notified—
 - (i) of the baseline assessment scheme for the time being adopted for any maintained primary school with pupils who are required to be assessed under section 17, and
 - (ii) where any assessment has been carried out under that section at any such school, that it has been so carried out;
 - (b) the results of any assessments carried out under that section to be recorded and notified—
 - (i) to such persons as are specified in the regulations, and
 - (ii) where the pupils in question transfer to other schools, to those other schools.
- (3) Regulations under this section may also make provision requiring a local education authority—
- (a) to notify a designated body of any assessments notified to the authority in pursuance of regulations under subsection (2)(a)(ii); and
 - (b) to collect other information relating to assessments carried out under section 17 at schools maintained by the authority and to forward such information to a designated body.

Textual Amendments

- F5** Words in s. 18(1)(b) repealed (1.9.1999) by [1998 c. 31](#), s. 140(1)(3), [Sch. 30 para.212\(a\)](#), [Sch. 31](#) (with [ss. 138\(9\)](#), [144\(6\)](#)); [S.I. 1999/2323](#), [art. 2\(1\)](#), [Sch.1](#)
- F6** Words in s. 18(2)(a) repealed (1.9.1999) by [1998 c. 31](#), s. 140(1)(3), [Sch. 30 para.212\(b\)](#), [Sch. 31](#) (with [ss. 138\(9\)](#), [144\(6\)](#)); [S.I. 1999/2323](#), [art. 2\(1\)](#), [Sch.1](#)

Modifications etc. (not altering text)

- C2** S. 18: functions of a local education authority made exercisable (E.) (1.4.2002) by authorised persons by [Contracting Out \(Local Education Authority Functions\) \(England\) Order 2002 \(S.I. 2002/928\)](#), [art. 3](#), [Sch. 3\(i\)](#)

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CHAPTER II

PUPILS’ PERFORMANCE

19 School performance targets.

- (1) The Secretary of State may by regulations make such provision as the Secretary of State considers appropriate for requiring the governing bodies of maintained schools to secure that annual targets are set in respect of the performance of pupils—
- (a) in public examinations or in assessments for the purposes of the National Curriculum, in the case of pupils of compulsory school age; or
 - (b) in public examinations or in connection with the attainment of other external qualifications, in the case of pupils of any age over that age.
- (2) Regulations under this section may require—
- (a) such targets, and
 - (b) the past performance of pupils in the particular examinations or assessments, or in connection with the attainment of the particular qualifications, to which such targets relate,
- to be published in such manner as is specified in the regulations.
- [^{F7}(3) In this section “maintained school” means—
- (a) a community, foundation or voluntary school, or
 - (b) a community or foundation special school (other than one established in a hospital).]

Textual Amendments

- F7** S. 19(3) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.213** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch.1**

20 Provision of information about individual pupils’ performance.

After section 537 of the ^{M1}Education Act 1996 there shall be inserted—

“537A Provision of information about individual pupils’ performance.

- (1) The Secretary of State may by regulations make provision requiring—
- (a) the governing body of every school which is—
 - (i) maintained by a local education authority, or
 - (ii) a grant-maintained school, or
 - (iii) a special school which is not maintained by a local education authority, and
 - (b) the proprietor of each independent school,
- to provide to the Secretary of State such individual performance information relating to pupils or former pupils at the school as may be prescribed.
- (2) In this section “individual performance information” means information about the performance of individual pupils (identified in the prescribed manner)—

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- (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.
- (3) The Secretary of State may provide any information received by him by virtue of subsection (1)—
- (a) to any prescribed body or person, or
 - (b) to any body or person falling within a prescribed category.
- (4) Any body or person holding any individual performance information may provide that information to any body to which this subsection applies; and any body to which this subsection applies—
- (a) may provide any information received by it under this subsection—
 - (i) to the Secretary of State, or
 - (ii) to the governing body or proprietor of the school attended by the pupil or pupils to whom the information relates; and
 - (b) may, at such times as the Secretary of State may determine, provide to any prescribed body such information received by it under this subsection as may be prescribed.
- (5) Subsection (4) applies to 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—
- (a) in any assessment or examination falling within subsection (2)(a), (b) or (d), or
 - (b) in connection with the attainment of any qualification falling within subsection (2)(c) or (d).
- (6) No individual performance information received under or by virtue of this section shall be published in any form which includes the name of the pupil or pupils to whom it relates.
- (7) References in this section to the attainment of a qualification of any description include references to the completion of any module or part of a course leading to any such qualification.”

Marginal Citations

M1 1996 c. 56.

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