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STATUTORY INSTRUMENTS

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**1993 No.2194**

**EDUCATION, ENGLAND AND WALES**

**The Education (School Performance  
Information) (Wales) Regulations 1993**

<i>Made</i>	- - - -	<i>1st September 1993</i>
<i>Laid before Parliament</i>		<i>13th September 1993</i>
<i>Coming into force</i>	- -	<i>4th October 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 Wales 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) (Wales) Regulations 1993 and shall come into force on 4th October 1993.

(2) These Regulations apply in relation to schools in Wales only.

**Revocation**

2. The Education (School Performance Information) (Wales) Regulations 1992(3) are revoked.

**Interpretation**

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

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(1) 1988 c. 40. Section 22 as 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, S.I. 1970/1536 and S.I. 1978/274.  
(2) 1992 c. 38.  
(3) S.I. 1992/2274.

“CoE” means Certificate of Education;

“Corresponding local figure” means the mean figure for all maintained schools providing secondary education, other than special schools established in hospitals, in the area of the relevant authority;

“Corresponding national figure” means the mean figure of all maintained schools and independent schools in Wales providing secondary education, other than special schools established in hospitals;

“the Document” means the Document published by the Secretary of State containing information provided in accordance with regulations 7 and 8 of these Regulations for the area of each local education authority in Wales;

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

“GCSE” means General Certificate of Secondary Education;

“Independent school” means any school at which full time education is provided for five or more pupils over the age of 14 (whether or not such education is also provided for pupils under that age) not being a school maintained by a local education authority, a grant-maintained school or a special school not maintained by a local education authority;

“Maintained secondary school” means—

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

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

“public examination” means a public examination which is for the time being prescribed by regulations under section 106 of the 1988 Act<sup>(4)</sup>;

“relevant authority” in relation to a maintained school, means the local education authority which maintains the school and, in relation to a grant-maintained school or independent school, means the local authority in whose area the school is situated;

“reporting school year” means the school year immediately preceding the school year in which information is required to be provided to the Secretary of State pursuant to regulations 7 and 8;

“Schools' Census enumeration date” means the date on which the Secretary of State requires information relating to the school pursuant to Section 92 of the Education Act 1944<sup>(5)</sup>.

(2) In these Regulations, unless the context otherwise requires, a 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.

(3) In regulation 10 the reference to the date by which parents may express a preference for a school is a reference to the date by which, in accordance with arrangements made by the relevant authority under section 6(1) of the Education Act 1980<sup>(6)</sup>, a parent wishing education to be provided for his child in the exercise of the authority’s functions should express such a preference.

(4) In Part III of Schedule 1 the selected subject areas at GCSE level are those which are based upon the classification of the School Examinations and Assessment Council (SEAC).

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<sup>(4)</sup> The current regulations are the Education (Prescribed Public Examination) Regulations 1989 (S.I. [1989/377](#)).

<sup>(5)</sup> 1944 c. 31.

<sup>(6)</sup> 1980 c. 20.

(5) In these Regulations, unless the context otherwise requires, a reference to publication by the governing body of a school includes a reference to publication on behalf of the governors by the relevant authority by virtue of section 8(6) of the Education Act 1980(7).

(6) In these Regulations references to pupils of a specified age registered at a school are references to pupils who were of that age on the 31st August immediately preceding the commencement of the reporting school year and who were pupils registered at the school on the Schools' Census enumeration date in the reporting school year.

(7) In these Regulations references to public examinations for which pupils registered at the school were entered include references to examinations for which they were entered otherwise than in pursuance of section 117 of the 1988 Act.

(8) In these Regulations references to key stages are references to the periods set out in section 3(3) of the 1988 Act.

(9) For the purposes of these Regulations any public examination for which a pupil aged 15 during the reporting school year was entered during any previous year after 1990 shall be treated as such an examination for which the pupil was entered during the reporting school year.

(10) For the purposes of these Regulations references to public examinations for which pupils aged 16, 17 or 18 were entered in the reporting school year are references to those examinations the results of which are given in the August at the end of the reporting school year.

(11) Where a percentage which is required to be calculated by virtue of these Regulations is not a whole number it shall be rounded to the nearest whole number, the fraction of one half being rounded upwards to the next whole number.

#### **Determination of examination results**

4.—(1) The provisions of this regulation have effect for the purpose of determining the examination results referred to in Schedules 1 and 2.

(2) In the case of the results of examinations for pupils aged 15, 16, 17 or 18 the subjects shall be placed in alphabetical order and shall be shown separately for male pupils, female pupils and all pupils.

(3) If a pupil has been entered for two or more examinations in the same subject in the same school year, or in different school years which are treated as the same school year by virtue of regulation 3(9), only the examination in which the higher or highest grade was achieved shall be taken into account.

(4) In the case of an examination leading to the award of the GCSE in two subjects, a pupil shall be included only once in the number of pupils entered for the examination and taken into account only once in calculating the relevant percentage but each grade awarded shall be treated as having been awarded in a separate subject.

(5) For GCE 'A' level or GCE 'AS' level examinations the following grades 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' level: grade A = 5 points; grade B = 4 points; grade C = 3 points; grade D = 2 points; and grade E = 1 point.

### **Qualification of duties**

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

## **PART II**

### **PROVISION OF INFORMATION BY HEAD TEACHER**

#### **Provision of information by head teacher to governing body**

6. The head teacher of every maintained secondary school shall each year make available to the governors information about the matters relating to the school mentioned in Schedules 1 and 2 to these Regulations for the purpose of enabling the governors to comply with their obligations under these Regulations.

## **PART III**

### **PROVISION OF INFORMATION TO THE SECRETARY OF STATE**

#### **Provision of background information relating to schools to the Secretary of State**

7. The governing body of every maintained secondary school and the proprietor of every non-maintained special school and the proprietor of every independent school shall, within two weeks of receiving a written request from the Secretary of State, provide him with such background information relating to the school as is referred to in Part VI of Schedule 1.

#### **Provision of results of school examinations to the Secretary of State**

8. The governing body of every maintained secondary school and the proprietor of every non-maintained special school and the proprietor of every independent school shall, within two weeks of receiving a written request from the Secretary of State provide him with the information relating to public examinations for which pupils aged 15, 16, 17 or 18 registered at the school were entered during the reporting school year together with the other information which is referred to—

- (a) in the case of information being provided in respect of pupils aged 15, in Parts I, III and IV of Schedule 1; and
- (b) in the case of information being provided in respect of pupils aged 16, 17 or 18, in Parts II and V of Schedule 1.

## PART IV

### PUBLICATION OF INFORMATION

#### **Information to be provided by Governing Body and Proprietor to parents**

9.—(1) The governing body of every maintained secondary school and the proprietor of every non-maintained special school and the proprietor of every independent school shall provide to parents on request such information as is referred to in Part I of Schedule 3.

(2) The governing body of every maintained secondary school and the proprietor of every non-maintained special school or independent school shall provide in the school prospectus such information as is referred to in Part II of Schedule 3.

#### **Maintained secondary schools prospectus: Examination results information**

10. Where the information relating to public examination results which is published by the governing body of a maintained secondary school pursuant to section 58(5)(j) of the 1988 Act does not relate to examinations of the reporting school year, the governing body shall as soon as practicable after the information in question for the reporting school year is made available to them publish that information as a supplement to the school prospectus in the manner required by the school's articles of government for publication of the prospectus provided that the information shall be published not later than two weeks before the date by which an application should be made for admission to the school in the school year following the school year in which the information relating to the reporting school year should be published.

#### **Provision of local and national performance information relating to pupils aged 15, 16, 17 and 18 by governing bodies and by local education authorities**

11.—(1) The governing body of every maintained secondary school with pupils aged 15, 16, 17 and 18, the governing body of every maintained primary school providing education for pupils in the final year of the second key stage and the relevant authority shall provide the Document in the manner and to the persons specified in paragraph (2).

(2) The Document shall be provided—

- (a) by copies of the Document being made available by the governing body of the maintained secondary school at the maintained secondary school for reference by parents and other persons on request;
- (b) by copies of the Document being distributed without charge by the governing body of the maintained secondary school to parents of pupils in the final year of the fourth key stage;
- (c) by copies of the Document being made available by the governing body of the maintained primary school at the maintained primary school for reference by parents and other persons on request;
- (d) by copies of the Document being distributed without charge by the governing body of the maintained primary school to parents of pupils in the final year at the primary school before transfer to a school with an older range; and
- (e) by copies of the Document being made available by the relevant authority for distribution to libraries in its area for reference by members of the public.

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### **Avoidance of duplication of information in certain circumstances**

**12.** Nothing in these Regulations shall require a head teacher, governing body or proprietor to make the same published particulars available to any person on more than one occasion, nor to make available to any person particulars which have already been made available to that person.

## SCHEDULE 1

### INFORMATION TO BE PROVIDED BY THE HEAD TEACHER TO THE GOVERNING BODY AND INFORMATION TO BE PROVIDED BY THE GOVERNING BODY OR PROPRIETOR TO THE SECRETARY OF STATE

#### Part I:

##### GCSE and CoE Summaries

1. The number of male pupils aged 15 registered at the school, the number of female pupils aged 15 registered at the school and the total number of pupils aged 15 registered at the school in the reporting school year.

2. For the reporting school year and the previous school year the percentage of male pupils, the percentage of female pupils and the percentage of all pupils referred to in paragraph 1 above who—

- (a) were entered for an examination for the GCSE in one or more subjects;
- (b) achieved any grade from A to C in a GCSE examination in one or more subjects;
- (c) achieved any grade from A to G in a GCSE examination in one or more subjects;
- (d) achieved no grade in any GCSE examination;
- (e) did not achieve any grade from A to G in a GCSE examination but who were entered for an examination for the CoE in one or more subjects;
- (f) where sub-paragraph (e) above applies achieved any pass grade in one or more CoE examinations;
- (g) did not achieve any grade from A to G in a GCSE examination and did not achieve any pass grade in the CoE examination;
- (h) were entered for an examination for the GCSE in five or more subjects;
- (i) achieved any grade from A to C in GCSE examinations in five or more subjects;
- (j) achieved any grade from A to G in GCSE examinations in five or more subjects;
- (k) achieved any grade from A to C in GCSE examinations in four or more subjects;
- (l) entered one or more GCSE or CoE examinations;
- (m) achieved one or more grades from A to G in a GCSE examination or one or more pass grades in a CoE examination.

#### Part II:

##### A and AS level Summaries

1. The number of male pupils aged 16, 17 or 18 registered at the school, the number of female pupils aged 16, 17 or 18 registered at the school and the number of all pupils aged 16, 17 or 18 registered in the school in the reporting school year.

2. The number of male pupils, the number of female pupils and the number of all pupils referred to in paragraph 1 above who were entered for less than two GCE 'A' level examinations or the GCE 'AS' level examination equivalent.

3. For the reporting school year and the previous school year the percentage of male pupils, the percentage of female pupils and the percentage of all pupils referred to in paragraph 2 above whose

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achievements fall into each of the following ranges of points as determined by paragraph (5) of regulation 4, namely; 0 to 4 points, 5 to 9 points and 10 to 15 points.

4. For the reporting school year and the previous school year the average number of points, as referred to in paragraph 3, achieved by male pupils, female pupils and all pupils referred to in paragraph 2 above.

5. The number of male pupils, the number of female pupils and the number of all pupils referred to in paragraph 1 above who were entered for two or more GCE 'A' level examinations or the GCE 'AS' level examination equivalent.

6. For the reporting school year and the previous school year the percentage of male pupils, the percentage of female pupils and the percentage of all pupils referred to in paragraph 5 above whose achievements fall into each of the following ranges of points, as determined by paragraph (5) of regulation 4, namely; 0 points, 1 to 4 points, 5 to 9 points, 10 to 14 points, 15 to 19 points, 20 to 24 points, 25 to 29 points and 30 points or more.

7. The average number of points, as referred to in paragraph 6, achieved by male pupils, female pupils and all pupils referred to in paragraph 5 above.

### Part III:

#### Summaries of results in selected subject areas

1. For the reporting school year the percentage of male pupils aged 15 registered at the school, the percentage of female pupils aged 15 registered at the school and the percentage of all pupils aged 15 registered at the school who—

- (a) were entered for a GCSE English examination;
- (b) achieved any grade from A to C or any grade from D to G in a GCSE English examination;
- (c) did not achieve any grade from A to G in a GCSE English examination;
- (d) were entered for a GCSE Welsh examination;
- (e) achieved any grade from A to C or any grade from D to G in a GCSE Welsh examination;
- (f) did not achieve any grade from A to G in a GCSE Welsh examination;
- (g) were entered for a GCSE Mathematics examination;
- (h) achieved any grade from A to C or any grade from D to G in a GCSE Mathematics examination;
- (i) did not achieve any grade from A to G in a GCSE Mathematics examination;
- (j) were entered for a GCSE Science examination;
- (k) achieved any grade from A to C or any grade from D to G in a GCSE Science examination;
- (l) did not achieve any grade from A to G in a GCSE Science examination.

### Part IV:

#### Subject listings for GCSE and CoE examinations

1. For the reporting school year, for each GCSE subject examination entered by male pupils aged 15 registered at the school, female pupils aged 15 registered at the school and all pupils aged 15 registered at the school—

- (a) the percentage who were entered;



- (b) the percentage of those who entered who achieved any grade from A to C or any grade from D to G;
  - (c) the percentage of those who entered who did not achieve any grade from A to G.
2. For the reporting school year, for each CoE subject examination entered by male pupils aged 15 registered at the school, female pupils aged 15 registered at the school and all pupils aged 15 registered at the school during the reporting school year—
- (a) the percentage who were entered;
  - (b) the percentage of those who entered who achieved a pass with merit or pass grade;
  - (c) the percentage of those entered who did not achieve a pass grade.

## Part V:

### Subject listings for GCE 'A' level and GCE 'AS' level examinations

1. The total number of male pupils aged 16, 17 or 18 registered at the school, the total number of female pupils aged 16, 17 or 18 registered at the school and the total number of all pupils aged 16, 17 or 18 who were entered for one or more GCE 'A' level or GCE 'AS' level examination.
2. For the reporting school year, for each GCE 'A' level and GCE 'AS' level subject examination entered by male pupils aged 15 registered at the school, female pupils aged 15 registered at the school and all pupils aged 16, 17 or 18—
- (a) the percentage of those referred in paragraph 1 above who were entered;
  - (b) the percentage of those who entered the examination who achieved any grade from A to C or from D to E;
  - (c) the percentage of those who entered the examination who did not achieve any grade from A to E.

## Part VI:

### Background Information

Name of the school.

Address of the school.

Postcode of the school.

Telephone number of the school.

Whether the school is maintained by the Local Education Authority, is grant-maintained, is independent or is a special school.

Number of pupils with statements of special educational need.

Number of pupils on roll.

Whether the school contains a Local Education Authority designated special class or unit.

Whether an independent school participates in the assisted places scheme.

Age range of pupils in the school.

Number of pupils aged 16 and over.

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## SCHEDULE 2

### INFORMATION TO BE PROVIDED BY THE HEAD TEACHER TO THE GOVERNING BODY OR PROPRIETOR

1. For the reporting school year and the previous school year the percentage of male pupils aged 15 registered at the school, the percentage of female pupils aged 15 registered at the school and the percentage of all pupils aged 15 registered at the school who—
  - (a) were entered for one or more prescribed public examinations not including GCSE or CoE examinations;
  - (b) where sub-paragraph (a) above applies achieved one or more pass grades;
  - (c) where sub-paragraph (a) above applies did not achieve any pass grade.
2. For the reporting school year and the previous school year the percentage of male pupils aged 16, 17 or 18 registered at the school, the percentage of female pupils aged 16, 17 or 18 registered at the school and the percentage of all pupils aged 16, 17 or 18 who—
  - (a) were entered for one or more prescribed public examinations not including GCSE, CoE, GCE 'A' level or GCE 'AS' level;
  - (b) where sub-paragraph (a) above applies achieved one or more pass grades;
  - (c) where sub-paragraph (a) above applies did not achieve any pass grade.
3. For the reporting school year, for each subject entered by male pupils aged 15 registered at the school, female pupils aged 15 registered at the school and all pupils aged 15 registered at the school—
  - (a) the percentage who were entered for the prescribed public examination;
  - (b) the percentage of those who entered the prescribed public examination who achieved any pass grade;
  - (c) the percentage of those who entered the prescribed public examination who did not achieve any pass grade.
4. For the reporting school year, for each subject entered by male pupils aged 15 registered at the school, female pupils aged 15 registered at the school and all pupils aged 16, 17 or 18—
  - (a) the percentage who were entered for the prescribed public examination;
  - (b) the percentage of those who entered the prescribed public examination who achieved any pass grade;
  - (c) the percentage of those who entered the prescribed public examination who did not achieve any pass grade.

### SCHEDULE 3

#### INFORMATION TO BE PROVIDED BY THE GOVERNING BODY OR PROPRIETOR TO PARENTS

##### Part I:

###### Information to be held at the school for parents on request

The matters mentioned in Schedule 1, together with the corresponding local figures and corresponding national figures provided by the Secretary of State where available.

The matters mentioned in paragraphs 3 and 4 of Schedule 2.

##### Part II:

###### Information to be published in the school prospectus

The matters mentioned in Schedule 1 Parts I, II, III and V for pupils only, together with the corresponding local figure and corresponding national figure provided by the Secretary of State where available.

The matters mentioned in paragraphs 1 and 2 of Schedule 2.

1st September 1993

*John Redwood*  
Secretary of State for Wales

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#### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations, made under Sections 22 and 232(5) and (6) of the Education Reform Act 1988 and Sections 16 and 19(3) of the Education Reform Act 1992 apply to schools in Wales (regulation 1)

Regulation 2 revokes the previous Regulations, The Education (School Performance Information) (Wales) Regulations 1992<sup>(8)</sup>.

Regulation 3 contains interpretation provisions.

Regulation 4 describes the way in which examination results should be determined for the purposes of Schedules 1 and 2 to the Regulations, including the method of calculating points for GCE 'A' level and GCE 'AS' level examinations.

Regulation 6 imposes duties on head teachers to provide specified information to governing bodies of maintained secondary schools. This information is set out in Schedules 1 and 2 to the Regulations.

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<sup>(8)</sup> S.I.1992/2274.

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Regulation 7 imposes duties on governing bodies of maintained secondary schools and special schools and proprietors of non-maintained special schools and independent schools with children over the age of 14 to provide background information relating to their school to the Secretary of State.

Regulation 8 requires the governing bodies and proprietors referred to in regulation 7 to provide specified information to the Secretary of State about examination results of pupils registered at their school in particular the results of GCSE and GCE examinations. Summary information about the examination results must also be provided. The information to be provided is set out in Schedule 1 to the Regulations.

Regulation 9 requires the governing bodies and proprietors referred to in regulation 7 to provide certain information to parents on request (Part I of Schedule 3) and to publish certain information in the school prospectus (Part II of Schedule 3).

Under regulation 10, if the information in the school prospectus does not include the results of the examinations held most recently, those results must be published as a supplement when they become available and in any event at least two weeks before the time by which parents must make an application for admission to or express a preference for a secondary school which they wish their child to attend.

Under regulation 11, the governing body of every maintained primary and secondary school and every local education authority in Wales shall make available and distribute in the manner specified in the regulation information to be published by the Secretary of State which contains information provided to him under regulations 7 and 8.

Under regulation 12, the head teacher, governing body or proprietor is not required to make the same published particulars available to the same person on more than one occasion.