
STATUTORY INSTRUMENTS

1994 No. 1420

EDUCATION, ENGLAND AND WALES

**The Education (School Performance
Information) (England) Regulations 1994**

<i>Made</i>	- - - -	<i>25th May 1994</i>
<i>Laid before Parliament</i>		<i>26th May 1994</i>
<i>Coming into force</i>	- -	<i>21st June 1994</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) Regulations 1994 and shall come into force on 21st June 1994.

(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 (c. 38) and (in ways not relevant to these Regulations) by paragraph 123 of Schedule 19 to the Education Act 1993 (c. 35). It applies in relation to grant-maintained special schools and their governing bodies by virtue of S.I.1994/653. For matters to be prescribed, see section 235(7) of the 1988 Act and section 114(1) of the Education Act 1994 (c. 31), and for the transfer of functions to the Secretary of State see S.I. 1964/490.

(2) 1992 c. 38. Section 16 applies in relation to grant-maintained special schools and their governing bodies by virtue of S.I. 1994/653.

“assessment” in relation to a maintained school 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 and in relation to a CTC means assessment pursuant to an agreement with the Secretary of State under section 105 of the 1988 Act;

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

“attainment targets” has 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 or grant-maintained special 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;

“lesson time” means time during which pupils are normally required to attend lessons or engage in private study supervised by a teacher during school hours;

“maintained school” means—

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

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⁽⁴⁾;

“non-maintained special school” means a special school which is not maintained by an authority nor a grant-maintained special school;

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

“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 or grant-maintained special 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;

“special school” has the meaning assigned to it by section 182(1) of the Education Act 1993⁽⁶⁾;

“unauthorised absence” means an occasion on which a pupil is recorded as absent without authority pursuant to the Pupils' Registration Regulations 1956⁽⁷⁾ and “authorised absence” shall be construed accordingly; and

(3) The orders currently in force are the Education (National Curriculum) (Assessment Arrangements for the Core Subjects (Key Stage 1) Order 1993 (S.I. 1993/1983) and the Education (National Curriculum) (Assessment Arrangements for the Core Subjects (Key Stage 3) Order 1993 (S.I.1993/1984).

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

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

(6) 1993 c. 35.

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

“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;
 - (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; and
 - (d) references to a 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 date after 27th May in the reporting school year.
- (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) 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, and any reference to a Schedule is to a Schedule to these Regulations.

Qualification of duties

3. The duties imposed on governing bodies, authorities and proprietors 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 governing body, authority or proprietor 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) (No. 2) Regulations 1993⁽⁸⁾ are revoked.

⁽⁸⁾ S.I. 1993/2077.

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 II

I 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 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, by the end of that term 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 31st July, submit to the Secretary of State that information for each such school.

(3) The governing body of every grant-maintained or grant-maintained special school (other than one which is established in a hospital) 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, 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 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, by 15th September, submit to the Secretary of State the information relating to assessment 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, 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 authorised and 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 and grant-maintained special 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 information about amount of lesson time to the Secretary of State

9.—(1) The governing body of every school maintained by an authority—

- (a) which is not a special school and has registered pupils in the fourth key stage; or
- (b) which is a special school and has registered pupils aged 15

shall make available to that authority the information relating to lesson time referred to in Schedule 4 for the purpose of enabling that authority to comply with its obligations under paragraph (2).

(2) The relevant body shall, within two weeks of receiving a written request from the Secretary of State, provide him with information in respect of relevant pupils for the reporting school year about the matters mentioned in Schedule 4.

(3) For the purposes of paragraph (2) the relevant body is—

- (a) in the case of a school maintained by an authority which is not a special school and has registered pupils in the fourth key stage, the authority;
- (b) in the case of a grant-maintained school which has registered pupils in the fourth key stage, the governing body;
- (c) in the case of an independent school which has registered pupils aged 15, the proprietor;
- (d) in the case of a special school maintained by an authority which has registered pupils aged 15, the authority;
- (e) in the case of a grant-maintained special school which has registered pupils aged 15, the governing body;
- (f) in the case of a non-maintained special school which has registered pupils aged 15, the proprietor.

(4) For the purposes of paragraph (2), relevant pupils are registered pupils in the fourth key stage, or, in the case of a special school or an independent school, registered pupils aged 15.

Provision of general information 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 independent and non-maintained special 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.

PART IV

PUBLICATION OF INFORMATION

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

11.—(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 and percentage 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 authorised and unauthorised absence of pupils at secondary schools in the area of the relevant authority;
- (c) the amount of lesson time provided for pupils during a normal school week at secondary schools in the area of the relevant authority;
- (d) the information referred to in Schedule 5 relating to secondary schools in the area of the relevant authority;
- (e) the averages for pupils at secondary schools in the area of the relevant authority and in England of—
 - (i) their results in public examinations and courses leading to vocational qualifications or units; and
 - (ii) their rates of authorised and unauthorised absence; and
- (f) the average of the amount of lesson time provided for pupils during a normal school week in 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.

SCHEDULE 1

Regulation 6

PROVISION OF INFORMATION TO THE SECRETARY OF STATE ASSESMENT 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; and
 - (c) scienceand in respect of each constituent attainment target of those subjects—
 - (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.

PART II

THIRD KEY STAGE RESULTS

3. The number of registered pupils at or near the end of the final year of the third key stage.
- 4.—(1) The number of such pupils who in the following subjects—
 - (a) English;
 - (b) mathematics;
 - (c) science—
 - (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 or, in the case of a CTC, by agreement with the Secretary of State;
 - (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.

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. In the case of any pupil mentioned in paragraph 1 who was entered for the GCSE during the reporting school year or either of the school years preceding that year, the subjects for which he was entered and the grades he achieved.
3. The number of pupils aged 15 who, during the reporting school year, were registered for or studying towards vocational qualifications or units of such qualifications validated by the City and Guilds of London Institute, the Royal Society of Arts, or the Business and Technology Education Council and approved by the School Curriculum and Assessment Authority under section 5 of the 1988 Act⁽⁹⁾.
4. The number 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 GCE 'A' level examinations or the equivalent;
 - (b) were entered for two or more GCE 'A' level examinations or the equivalent.
6. The subjects taken and the grades achieved by each pupil mentioned in paragraph 5.
7. During the reporting school year—
 - (a) the number of pupils aged 16, 17 or 18 who were in the final year of study of a course leading to—
 - (i) an Advanced General National Vocational Qualification awarded by the Business and Technology Education Council, the City & Guilds of London Institute or the Royal Society of Arts;
 - (ii) the National Certificate or Diploma of the Business and Technology Education Council; or
 - (iii) the Diploma of Vocational Education of the City and Guilds of London Institute at national level.
 - (b) the number of those pupils achieving those qualifications wholly or partly on the basis of work done in that year.
8. During the reporting school year—

⁽⁹⁾ The School Curriculum and Assessment Authority has been designated by the Secretary of State under section 5 of the 1988 Act.

- (a) the number of 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 3

Regulation 8

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 before 28th May during the reporting school year.

(2) For the purposes of this Schedule, a pupil is of compulsory school age unless before 1st September 1993—

- (a) he has not obtained 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
- (b) unauthorised absences

during the reporting school year.

SCHEDULE 4

Regulation 9

PROVISION OF INFORMATION TO THE SECRETARY OF STATE LESSON TIME

1.—(1) Subject to paragraph (2), the amount of lesson time provided for all of the majority of relevant pupils during a normal school week.

(2) Where a school's timetable is organised otherwise than on a weekly basis, the amount of lesson time provided during a normal school week for the purposes of paragraph (1) shall be the weekly average over the timetable period.

SCHEDULE 5

Regulation 10

PROVISION OF GENERAL 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.

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

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(10).

6. The classification of the school as—

- (a) county; voluntary controlled; special agreement; voluntary aided; special (maintained by an authority); grant-maintained special; special (non-maintained); grant-maintained; CTC; independent school approved by the Secretary of State under section 189 of the Education Act 1993 (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—

- (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).

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(11).

25th May 1994

John Patten
Secretary of State 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 replace the Education (School Performance Information) (England) (No. 2) Regulations 1993, which are revoked.

(10) 1981 c. 60. Section 7(10) has been repealed and on a day to be appointed the remainder of the section will be repealed and replaced by section 168 of the Education Act 1993.

(11) 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.

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 the authority which then transmits that information to the Secretary of State (regulation 6(1) and (2) and Part I of Schedule 1). Grant-maintained and grant-maintained special schools with pupils in this age group must transmit their results to the Secretary of State directly (regulation 6(3)). The governing bodies of all maintained schools with pupils at or near the end of the final year of the third key stage (mostly fourteen year olds) and proprietors of city technology colleges and city colleges for the technology of the arts with fourteen year old pupils, must provide specified information about their results to the Secretary of State (regulation 6(4) and Part II of Schedule 1). The dates by which all such information must be provided and transmitted are different from those specified in the previous Regulations and the amount of information to be provided has been reduced.

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. There are changes to the information about vocational qualifications which must be so provided (regulation 7 and Schedule 2).

Local education authorities, the governing bodies of grant-maintained and grant-maintained special 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. The requirement relating to authorised absences is new (regulation 8 and Schedule 3). There is a new requirement for local education authorities, the governing bodies of grant-maintained and grant-maintained special schools and the proprietors of independent and non-maintained special schools to provide the Secretary of State with information about the amount of lesson time provided for pupils per week (regulation 9 and Schedule 4). 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).

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 schools (regulation 11).