
STATUTORY INSTRUMENTS

1995 No. 1904

The Education (School Performance Information) (Wales) Regulations 1995

PART I
GENERAL

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (School Performance Information) (Wales) Regulations 1995 and shall come into force on 19th August 1995.

(2) These Regulations apply in relation to schools and local education authorities in Wales.

Revocation

2. The Education (School Performance Information) (Wales) (No. 2) Regulations 1994⁽¹⁾ are revoked.

Interpretation

3.—(1) In these Regulations, except where the context otherwise requires—

“the 1988 Act” means the Education Reform Act 1988;

“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;

“CoE” means Certificate of Education;

“the Document” means the most recent booklet published by, or under arrangements made by, the Secretary of State under section 16(6) of the Education (Schools) Act 1992 containing information provided to him in accordance with these Regulations or compiled from such information, relating both to the area of the authority by which the school is maintained (in the case of an LEA maintained school) or in which the school is situated (in the case of any other maintained school), and to Wales as a whole;

“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;

“GCSE short course” means a GCSE course designed to cover a proportion only (being not less than half) of the corresponding full GCSE course of study, and to which the same grading standards are applied;

“independent school” means any school at which full-time education is provided for five or more pupils over the age of 11 (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;

“GNVQ” means General National Vocational Qualification;

“LEA maintained school” means—

- (a) any county or voluntary school; and
 - (b) any special school maintained by an authority which is not established in a hospital;
- but excludes any nursery school;

“maintained school” means—

- (a) any LEA maintained school; and
- (b) any grant-maintained school or grant-maintained special school which is not established in a hospital;

but excludes any nursery school; and a “maintained primary school” means a maintained school which is a primary school and a “maintained secondary school” a maintained school which is a secondary school;

“non-maintained special school” means a special school which is neither a LEA maintained school nor a grant-maintained special school (and is not established in a hospital);

“NVQ” means National Vocational Qualification;

“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⁽²⁾;

“relevant three year period” means the period of three school years ending at the expiration of the reporting school year and the period of three school years ending at the expiration of the previous 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;

“Schools' Census enumeration date” means the date on which the Secretary of State annually requires information relating to maintained schools pursuant to section 92 of the Education Act 1944 and on which independent schools are requested to provide corresponding information;

“special class or unit” means a class or unit (as the case may be) so designated by the authority (in the case of a LEA maintained school), governing body (in the case of a 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;

“unauthorised absence” means an occasion on which a pupil is recorded as absent without authority pursuant to the Pupils' Registration Regulations 1956⁽³⁾ and “authorised absence” shall be construed accordingly; and

“Welsh-speaking school” has the meaning assigned to it by section 3(7) of the 1988 Act.

(2) 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

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

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

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 these Regulations, references to pupils of a particular age are—

- (a) in relation to information to be provided in respect of the reporting school year, references to the 31st August immediately preceding the commencement of that school year; or
- (b) in relation to information to be provided in respect of a relevant three year period, references to the 31st August immediately preceding the commencement of the first, second or third school year of that period (as the case may be) in respect of which information is being ascertained for the purpose of determining an average number or percentage (as the case may be) over that period.

(4) In these Regulations, except in regulation 4, references to a GCSE examination (however expressed) do not include such an examination where the course leading to the examination is a GCSE short course.

(5) In these Regulations 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.

(6) In these Regulations references to key stages are to the periods set out in section 3(3) of the 1988 Act(4).

(7) For the purposes of these Regulations, references to examinations for which pupils aged 16, 17 or 18 were entered are—

- (a) in relation to the reporting school year, references to examinations intended to be sat in that school year; or
- (b) in relation to a relevant three year period, references to examinations intended to be sat in the first, second or third school year of that period (as the case may be) in respect of which information is being ascertained for the purpose of determining an average number or percentage (as the case may be) over that period,

the results of which are given in the August at the end of that school year.

(8) Where under these Regulations information is required to be provided in respect of pupils aged 15, the information to be provided is—

- (a) in the case of a requirement to provide information relating to pupils entering for examinations, information relating to pupils entering for examinations intended to be sat; or
- (b) in the case of information relating to pupils' achievements, information relating to results given,

in the reporting school year or (as the case may be) in the first, second or third school year of the relevant three year period in respect of which information is being ascertained for the purpose of determining the average number or percentage over that period, and (in either case) in any earlier school year commencing after 1990.

(9) For the purposes of these Regulations, a pupil shall be treated as having been entered for an examination whether or not the pupil sat the examination.

(10) In calculating the number of GCE 'A' level examinations a pupil is entered for, one GCE 'AS' examination shall be treated as the equivalent of half of a GCE 'A' level examination.

(11) 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) Section 3(3) was amended by paragraph 113(a) of Schedule 19 to the Education Act 1993.

(12) In these Regulations, references to a level, in relation to any NVQ or GNVQ, are references to the level for the qualification as recorded in the National Database of Vocational Qualifications⁽⁵⁾ maintained by the National Council for Vocational Qualifications.

Determination of examination entries and results

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

(2) If a pupil has been entered for two or more examinations in the same subject to be sat in the same school year or, where information is by virtue of regulation 3(8) required to cover entries for examinations in earlier school years commencing after 1990, in any earlier such year, only the entry and result in respect of the examination in which the higher or highest grade was achieved shall be taken into account.

(3) 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.

(4) For GCE 'A' level or GCE 'AS' 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.

(5) In relation to GCSE examinations, references to grade A include the starred grade A.

(6) Where under these Regulations an average number or percentage over a relevant three year period is required to be provided, it shall be determined in accordance with Schedule 5.

Qualification of duties

5. The duties imposed on head teachers, governing bodies, authorities and proprietors by virtue of these Regulations in respect of the provision of information apply only to the extent that the information is available to the head teacher, governing body, authority or proprietor (as the case may be) in time for it to be reasonably practicable for the information to be provided before the latest occasion on which the information is required to be provided.

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 governing body information about the matters relating to the school mentioned in Schedules 1 to 4 to these Regulations for the purpose of enabling them to comply with their obligations under these Regulations.

(5) The National Council for Vocational Qualifications' database of Vocational Qualifications may be purchased from its offices at 222 Euston Road, London SW1P 3BT.

PART III

PROVISION OF INFORMATION TO THE SECRETARY OF STATE

Provision of information relating to schools to the Secretary of State

7. The governing body of every maintained secondary school, the governing body of every non-maintained special school and the proprietor of every independent school with registered pupils aged 15, 16, 17 or 18 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 such pupils were entered and qualifications achieved by them 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 and III of Schedule 1 and paragraphs 3 and 4 of Schedule 2; and
- (b) in the case of information being provided in respect of pupils aged 16, 17 or 18, in Part II of Schedule 1 and in paragraphs 1 and 2 of Schedule 2.

8. The governing body of every maintained secondary school, the governing body 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 information relating to the schools as is referred to in Schedules 3 and 4.

PART IV

PUBLICATION OF INFORMATION

Information to be provided by the governing body to parents

9.—(1) The governing body of every maintained secondary school shall provide the information referred to in Schedules 1 to 4 in the manner and to the persons specified in paragraph (2).

(2) The information shall be provided by copies being made available at the school for reference by parents and other persons on request.

Provision of local and all-Wales performance information by governing bodies and local education authorities

10.—(1) The governing body of every maintained secondary school with pupils in the final year of the fourth key stage, the governing body of every maintained primary school with pupils in the final year of the second key stage and the authority shall provide the Document in the manner and to the persons specified in paragraph (2).

(2) The Document shall be provided—

- (a) in the case of a maintained secondary school, by copies being made available by the governing body of the school at the school for reference by parents and other persons on request, and by copies being distributed (without charge) by the governing body to parents of pupils in the final year of the fourth key stage;
- (b) in the case of a maintained primary school, by copies being made available by the governing body of the school at the school for reference by parents and other persons on request, and by copies being distributed (without charge) by the governing body to parents of pupils in the final year of the second key stage; and
- (c) by copies being made available by the authority at libraries in their area for reference by members of the public.

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

Avoidance of duplication of information in certain circumstances

11. 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.