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STATUTORY INSTRUMENTS

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**1995 No. 2480**

**EDUCATION, ENGLAND AND WALES**

**The Education (School Information)  
(England) (Amendment) Regulations 1995**

*Made* - - - - *21st September 1995*  
*Laid before Parliament* *25th September 1995*  
*Coming into force* - - *16th October 1995*

In exercise of the powers conferred on the Secretary of State by sections 8(5) and (7) and 35(4) of the Education Act 1980(1), sections 22 and 232(5) and (6) of the Education Reform Act 1988(2), sections 16 and 19(3) of the Education (Schools) Act 1992(3), and section 153(1) and 301(6) of the Education Act 1993(4), and after consulting with those persons with whom consultation appeared to her to be desirable, the Secretary of State for Education and Employment, hereby makes the following Regulations:

**Citation, commencement and interpretation**

1. –

(1) These Regulations may be cited as the Education (School Information) (England) (Amendment) Regulations 1995 and shall come into force on 16th October 1995.

(2) Any reference in these Regulations to the principal Regulations is a reference to the Education (School Information) (England) Regulations 1994(5) and words and expressions used in these Regulations have the same meaning as in those Regulations.

**Amendment of the principal Regulations**

2.—(1) Regulation 3 of the principal Regulations (interpretation) shall be amended as follows.

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- (1) 1980 c. 20; section 8(5) was amended by paragraph 4(1) of Schedule 4 to the Education (Schools) Act 1992 (c. 38).  
(2) 1988 c. 40; section 22 was amended by paragraph 6 of Schedule 4 to the Education (Schools) Act 1992 and (in ways not relevant to these Regulations) by paragraph 123 of Schedule 19 to the Education Act 1993. 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). For the transfer of functions to the Secretary of State see S.I. 1964/490, 1970/1536 and 1978/274.  
(3) 1992 c. 38; section 16 applies in relation to grant-maintained special schools and their governing bodies by virtue of S.I. 1994/653. For the meaning of “prescribed”, see section 18(1) of this Act.  
(4) 1993 c. 35; section 153 applies to grant-maintained special schools by virtue of S.I. 1994/1048.  
(5) S.I. 1994/1421, amended by S.I. 1994/2387.

(2) There shall be inserted at the appropriate places in alphabetical order in paragraph (1) the following definitions—

““core subjects” means English, mathematics and science;”;

““level” means a level on the levels of attainment set out in any document of a kind referred to in section 4(4) of the 1988 Act the provisions of which have effect, or (as the case may be) have effect as amended, by virtue of any order made under section 4(2)(a) and (b) of that Act(6)and, unless the context otherwise requires, means such level determined in accordance with the statutory arrangements;”;

““NC tests”, in relation to pupils in the final year of the first key stage, means National Curriculum standard tasks administered to pupils pursuant to article 5 of the Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 1) (England) Order 1995(7)and, in relation to pupils in the final year of the second or third key stage, “NC tests”and “NC tasks” mean respectively National Curriculum tests and National Curriculum tasks administered to pupils to assess the level of attainment which they have achieved in any of the core subjects being tests and tasks laid down in provisions made by the Secretary of State under orders made under section 4(2)(c) of the 1988 Act(8)which have been published by Her Majesty’s Stationery Office;”;

““the statutory arrangements” means assessment arrangements specified by orders made under section 4(2)(c) of the 1988 Act;”;

““teacher assessment” means assessment of a pupil’s level of attainment in any of the core subjects by a teacher as specified in the statutory arrangements;”.

(3) In paragraph (5) there shall be inserted after “first key stage” the words “second key stage”and there shall be substituted for “and” where it appears for the second time the word “to”.

**3.** In regulation 9 of the principal Regulations (determination of examination results particulars) for paragraph (6) there shall be substituted the following paragraph—

“(6) In the case of a pupil who has been entered for both GCE “A” level and GCE “AS” examinations in the same subject—

- (a) except in the circumstances described in sub-paragraph (b), only the GCE “A” level examination result shall be taken into account;
- (b) where the pupil achieves grade N or fails to achieve a grade in the GCE “A” level examination but achieves a grade between A and E inclusive in the GCE “AS” examination, only the GCE “AS” examination result shall be taken into account.”.

**4.—**(1) Schedule 2 to the principal Regulations (information to be published by governing bodies) shall be amended as follows.

(2) In paragraph 6(1) (statement on curriculum and organisation of education) there shall be substituted for “section 7 of the Education Act 1981(9)” the words “section 168 of the Education Act 1993”.

(3) In paragraph 10 (particulars of careers education) there shall be inserted after “education”the words “and guidance”.

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(6) In relation to Key Stages 1, 2 and 3, the relevant Orders now in force are [S.I. 1995/51](#) (English), [1995/52](#) (Mathematics) and [1995/53](#) (Science) and for the period before 1st August 1995, the relevant Orders were [S.I. 1989/907](#) and [1990/423](#) (English), [1991/2896](#) (Mathematics) and [1991/2897](#) (Science) which was amended by [S.I. 1994/1520](#). [S.I. 1989/907](#) is revoked as from 1st August 1995 and [S.I. 1990/423](#), [1991/2896](#) and [1991/2897](#) cease to apply in relation to these Key Stages after 1st August 1995.

(7) [S.I. 1995/2071](#).

(8) See [S.I. 1995/2071](#) (Key Stage 1), [1995/2072](#) (Key Stage 2) and [1995/2073](#) (Key Stage 3) which came into force on 7th August 1995. These Orders supersede and revoke, respectively, [S.I. 1993/1983](#), [1994/2099](#), [1994/2100](#) and [1994/2101](#).

(9) [1981 c. 60](#); section 7 was repealed by the Education Act [1993 \(c. 35\)](#), Schedule 2, Part I.

(4) In paragraph 11(2) (particulars of religious education) there shall be substituted for the words beginning with “and of” to the end of that sub-paragraph the words “a statement that a pupil shall, pursuant to section 9 of the 1988 Act(10), be excused wholly or partly from attendance at religious worship in the school or from receiving religious education given in the school, or both, if the parent of the pupil so requests and particulars of any arrangements as respects the exercise by the parent of a pupil of rights under section 9 of the 1988 Act in relation to the pupil’s attendance at religious worship or religious education or both.”.

(5) In paragraph 15(1) (first key stage information) there shall be substituted for “at or near the end of” the word “in”.

(6) There shall be substituted for paragraph 15(2) the following sub-paragraph—

“(2) Where the number of such pupils is ten or more, the percentage who in respect of each of mathematics and the attainment targets in English in sub-paragraph (3)—

- (a) in respect of each level of the 10 level scale were assessed as having reached that level;
- (b) were assessed as working towards level 1; or
- (c) were exempted from assessment under section 18 or 19 of the 1988 Act.”.

(7) Paragraph 15(3)(e) and the word “and” preceding it shall be revoked.

(8) At the end of paragraph 15(4) there shall be added “and in mathematics”.

(9) After paragraph 15(4) there shall be inserted the following sub-paragraph—

“(4A) Where the number of such pupils is ten or more, the percentage who in respect of each of mathematics and the attainment targets in English in sub-paragraph (3) were assessed by teacher assessment but were exempted under section 18 or 19 of the 1988 Act from assessment by the administration of NC tests and, the percentage who in each of mathematics and those attainment targets were assessed by the administration of NC tests but were exempted under section 18 or 19 of that Act from teacher assessment.”.

(10) In paragraph 15(6) there shall be substituted for “a test” the words “any NC tests” and after “15(2)” there shall be inserted “(a) and (b)”.

(11) After paragraph 15 there shall be inserted the following paragraph—

“**15A.**—(1) The number of registered pupils in the final year of the second key stage.

(2) Where the number of such pupils is ten or more, the percentage who in respect of each of the core subjects—

- (a) in respect of each level of the 10 level scale were assessed as having reached that level;
- (b) were assessed as working towards level 1;
- (c) were exempted from assessment under section 18 or 19 of the 1988 Act;
- (d) failed to register a level because they were absent from the assessment; or
- (e) failed to register a level on being assessed.

(3) Where the number of such pupils is fewer than ten but not fewer than five, the percentage who in respect of each of the core subjects were assessed as having reached level 4 or above.

(4) Where the number of such pupils is ten or more, the percentage who in respect of each of the core subjects were assessed by teacher assessment but were exempted under section 18 or 19 of the 1988 Act from assessment by the administration of NC tests or

NC tasks, or both, and, the percentage who in each of those subjects were assessed by the administration of NC tests or NC tasks, or both, but were exempted under section 18 or 19 of the 1988 Act from teacher assessment.

(5) Where the number of such pupils is fewer than five, a statement recording the fact and explaining that the results of assessment are not to be published for reasons of confidentiality.

(6) Where a pupil has been assessed both by teacher assessment and by the administration of any NC tests or NC tasks (or both), the information referred to in sub-paragraphs (2)(a) and (b) and (3) shall be given in respect of both the teacher assessment and by the tests or tasks (or both, in accordance with regulation 16A).”.

(12) In paragraph 16(1) (third key stage information) there shall be substituted for “at or near the end of” the word “in”.

(13) There shall be substituted for paragraph 16(2) the following sub-paragraph—

“(2) Where the number of such pupils is ten or more, the percentage who in respect of each of the core subjects—

- (a) in respect of each level of the 10 level scale were assessed as having reached that level;
- (b) were assessed as working towards level 1;
- (c) were exempted from assessment under section 18 or 19 of the 1988 Act;
- (d) failed to register a level because they missed the assessment by reason of absence; or
- (e) failed to register a level on being assessed.”.

(14) In paragraph 16(3) there shall be substituted for “6” the number “5” and there shall be added after this sub-paragraph the following sub-paragraph—

“(3A) Where the number of such pupils is ten or more, the percentage who in respect of each of the core subjects were assessed by teacher assessment but were exempted under section 18 or 19 of the 1988 Act from assessment by the administration of NC tests or NC tasks, or both, and the percentage who in each of those subjects were assessed by the administration of NC tests or NC tasks, or both, but were exempted under section 18 or 19 of that Act from teacher assessment.”.

(15) There shall be substituted for paragraph 16(5) the following sub-paragraph—

“(5) Where a pupil has been assessed both by teacher assessment and by the administration of any NC tests or NC tasks (or both) the information referred to in sub-paragraphs (2)(a) and (b) and (3) shall be given in respect of both the teacher assessment and by the tests or tasks (or both, in accordance with regulation 16A).”.

(16) There shall be inserted after paragraph 16 the following paragraph—

“**16A.** Where both NC tests and NC tasks are administered to a pupil, for the purposes of paragraphs 15A(6) and 16(5) only the result which indicates the highest level of attainment which the pupil has achieved in any core subject concerned is to be used for the purposes of the information to be given.”.

(17) In paragraph 18(c), (d)(iv) and (f)(i) (public examinations and qualifications information) there shall be omitted “by the School Curriculum and Assessment Authority” and there shall be inserted after “Royal Society of Arts” the words “Examination Board”.

(18) In paragraph 19(i)(i) and (k)(iv)(i) (public examinations and qualifications information) there shall be inserted after “Royal Society of Arts” the words “Examination Board”.

(19) In paragraph 21(1), (2) and (3)(b) (information as to absence) there shall be substituted for “28th May” the words “on or before the Friday before the last Monday in May”.

(20) In paragraph 21(5) there shall be omitted the words “a school providing education for” and “only”.

### **Transitional provisions**

5. In so far as the governing body of a maintained school have already published, pursuant to regulation 8 of the principal Regulations, for the publication school year ending in 1995 the information specified in Schedule 2 thereto before the date that these Regulations come into force, none of the amendments to the principal Regulations effected by these Regulations shall apply in respect of that governing body and that school in relation to that publication school year.

21st September 1995

*Robin Squire*  
Parliamentary Under-Secretary 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.

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## EXPLANATORY NOTE

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

These Regulations amend the Education (School Information) (England) Regulations 1994 (“the 1994 Regulations”). The governing body of a county school, a voluntary school, a special school maintained by a local education authority which is not established in a hospital, a grant-maintained school or a grant-maintained special school which is not established in a hospital are required by the 1994 Regulations to make a document, known as a “prospectus”, available for distribution to parents and others.

These Regulations require information to be included in the prospectus relating to the assessment results of pupils in the final year of the second key stage (regulation 4(11)). Such pupils are normally aged eleven. They also provide, in relation to the information in the prospectus concerning GCE “A” level and GCE “AS” examinations where a pupil is entered for both examinations in the same subject, that the GCE “AS” examination result is to be taken into account where the student achieves a grade N or fails to achieve a grade in the GCE “A” level examination but achieves a grade between A and E inclusive in the GCE “AS” examination.

These Regulations also require additional information to be given concerning the percentage of pupils in the final year of the first key stage, where this number of pupils is ten or more, who were either exempted from teacher assessment but assessed by the administration of NC tests, or, who were assessed by the administration of NC tests but exempted from teacher assessment in each of mathematics and the specified attainment targets in English (regulation 4(9)). Such pupils are normally aged seven. Similar provision is also made in relation to pupils in the final year of the third key stage (regulation 4(14)), who are normally aged fourteen.

Where a governing body have already published the annual prospectus before the commencement of these Regulations, the additional information required by these Regulations need not be published in that school year.