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STATUTORY INSTRUMENTS

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**1997 No. 2816**

**EDUCATION, ENGLAND AND WALES**

**The Education (School Performance Information)  
(England) (Amendment) (No. 3) Regulations 1997**

*Made - - - - 25th November 1997*  
*Laid before Parliament 26th November 1997*  
*Coming into force - - 17th December 1997*

In exercise of the powers conferred on the Secretary of State by sections 537 and 569(4) and (5) of the Education Act 1996<sup>(1)</sup>, 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 Performance Information) (England) (Amendment) (No. 3) Regulations 1997 and shall come into force on 17th December 1997.

(2) Any reference in these Regulations to the principal Regulations is a reference to the Education (School Performance Information) (England) Regulations 1996<sup>(2)</sup>.

**Amendment**

2.—(1) In regulation 2(1) of the principal Regulations (interpretation) there shall be inserted at the end of the definition of “reporting school year” the words “or, as the case may be, local education authorities”.

(2) There shall be inserted after regulation 12, the following regulation—

**“Publication of performance information about primary schools by local education authorities**

13.—(1) Each authority shall publish the information about schools in its area referred to in paragraphs (2) and (3), together with the supplementary information referred to in paragraph (4), in the form and manner referred to, respectively, in paragraphs (5) and (6).

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(1) 1996 c. 56; for the meaning of “prescribed” and “regulations” see section 579(1).  
(2) S.I. 1996/2577, amended by S.I. 1997/2060 and 1997/2364.

(2) The information to be published is information for the reporting school year provided to the Secretary of State under these Regulations consisting of, in respect of each county, voluntary and grant-maintained primary or middle deemed secondary school (existing after 1st January 1998) in the area of the authority which has registered pupils at or near the end of the final year of the second key stage, the following—

- (a) the number of registered pupils at or near the end of the final year of the second key stage; and
- (b) in the case of each such school which has eleven or more registered pupils at or near the end of the final year of the second key stage—
  - (i) the percentage of such pupils who, in respect of each core subject, achieved level 4 or above of the National Curriculum level scale as determined by NC tests and by teacher assessment;
  - (ii) the percentage of such pupils who, in respect of each core subject, failed to achieve a level on the National Curriculum level scale because they were exempted from an NC test under section 364 or 365 of the 1996 Act or were absent on the day that the test was administered; and
  - (iii) the percentage of such pupils who, in respect of each core subject, failed to achieve a level on the National Curriculum level scale because they were exempted from teacher assessment under section 364 or 365 of the 1996 Act or there is no teacher assessment result available because of their absence.

(3) The information to be published is the information for the reporting school year referred to in Schedule 6 and provided to the Secretary of State under these Regulations by the governing body of every county, voluntary and grant-maintained primary or middle deemed secondary school.

(4) The supplementary information to be published consists of the following—

- (a) information calculated by the Secretary of State giving the average percentage of pupils at or near the end of the final year of the second key stage in the reporting school year at, respectively,—
  - (i) all maintained schools providing primary education in the area of the authority, and
  - (ii) all maintained schools providing primary education in England
 who, in respect of each core subject, achieved level 4 or above of the National Curriculum level scale as determined by the results of NC tests and by teacher assessment;
- (b) whether, in respect of each county, voluntary and grant-maintained primary or middle deemed secondary school in the area of the authority—
  - (i) the school is the holder of a Charter Mark awarded by the Citizen's Charter Unit<sup>(3)</sup>;
  - (ii) no information, or only some information, under paragraph (2) is published pursuant to paragraph (1) for the school because the governing body of the school failed to provide the information concerned to the Secretary of State;
  - (iii) no information under paragraph (2) is published pursuant to paragraph (1) for the school because the governing body of the school was unable to provide the information to the Secretary of State for reasons beyond its control;

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(3) The Citizen's Charter Unit forms part of the Office of Public Services in the Cabinet Office and a Charter Mark is an award for excellence in public services.

- (iv) no information under paragraph (2) is published pursuant to paragraph (1) for the school because the school had 10 or fewer registered pupils at or near the end of the final year of the second key stage in the reporting school year;
- (v) the governing body of the school failed to confirm to the Secretary of State that they have checked the information referred to in paragraph (2); or
- (vi) the governing body of the school failed to confirm to the Secretary of State that they have checked the information referred to in Schedule 6.

(5) The information referred to in paragraphs (2), (3) and (4) shall be published in the form specified in Schedule 7(4), or a form to like effect, provided that the information referred to in paragraph (4) (a) shall be included on every printed page so published.

- (a) (6) The information referred to in paragraphs (2) to (4) shall be published in the following manner.
- (b) the information shall be published without charge before 24th January in each year by—
  - (i) providing three copies of a document and a computer disk containing the information to the Secretary of State;
  - (ii) providing copies of the document containing the information to the governing body of every maintained school and the proprietor of every CTC(5) in the area of the authority;
  - (iii) providing a copy of the document containing the information to any person providing nursery education, other than at a school, in the area of the authority;
  - (iv) making available copies of the document containing the information at each public library in the area of the authority; and
  - (vi) making available copies of the document or a computer disk containing the information to the editor of any newspaper circulating in the area of the authority who requests such copies or disk.”.

3. There shall be inserted after Schedule 6 to the principal Regulations (provision of general information to the Secretary of State: primary schools and middle deemed secondary schools) the Schedule set out in Schedule 1 to these Regulations.

25th November 1997

*Estelle Morris*  
Parliamentary Under-Secretary of State,  
Department for Education and Employment

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(4) Schedule 7 is inserted in the principal Regulations by regulation 3 of, and Schedule 1 to, these Regulations.

(5) “CTC” is defined by regulation 2(1) of the principal Regulations to mean city technology college and city college for the technology of the arts.

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

SCHEDULE 1

Regulation 3

“SCHEDULE 7

Regulation 13(5)

| School  | Charter | Classification | of      | Failed      | Failed      | Number    | English |         |           |        |        |            |     |        |     |       |
|---------|---------|----------------|---------|-------------|-------------|-----------|---------|---------|-----------|--------|--------|------------|-----|--------|-----|-------|
| Mark of | Holder  | as             | county, | voluntary   | controlled, | voluntary | aided,  | special | agreement | or     | grant- | maintained |     |        |     |       |
| Range   | to      | confirm        | perform | information | near        | the       | end     | of      | the       | final  | year   | of         | the | second | key | stage |
| to      | confirm | information    | near    | the         | end         | of        | the     | final   | year      | of     | the    | second     | key | stage  |     |       |
| pupils  | near    | the            | end     | of          | the         | final     | year    | of      | the       | second | key    | stage      |     |        |     |       |
| of      | the     | end            | of      | the         | final       | year      | of      | the     | second    | key    | stage  |            |     |        |     |       |
| of      | the     | end            | of      | the         | final       | year      | of      | the     | second    | key    | stage  |            |     |        |     |       |
| of      | the     | end            | of      | the         | final       | year      | of      | the     | second    | key    | stage  |            |     |        |     |       |
| of      | the     | end            | of      | the         | final       | year      | of      | the     | second    | key    | stage  |            |     |        |     |       |
| of      | the     | end            | of      | the         | final       | year      | of      | the     | second    | key    | stage  |            |     |        |     |       |
| of      | the     | end            | of      | the         | final       | year      | of      | the     | second    | key    | stage  |            |     |        |     |       |
| of      | the     | end            | of      | the         | final       | year      | of      | the     | second    | key    | stage  |            |     |        |     |       |
| of      | the     | end            | of      | the         | final       | year      | of      | the     | second    | key    | stage  |            |     |        |     |       |
| of      | the     | end            | of      | the         | final       | year      | of      | the     | second    | key    | stage  |            |     |        |     |       |
| of      | the     | end            | of      | the         | final       | year      | of      | the     | second    | key    | stage  |            |     |        |     |       |
| of      | the     | end            | of      | the         | final       | year      | of      | the     | second    | key    | stage  |            |     |        |     |       |
| of      | the     | end            | of      | the         | final       | year      | of      | the     | second    | key    | stage  |            |     |        |     |       |
| of      | the     | end            | of      | the         | final       | year      | of      | the     | second    | key    | stage  |            |     |        |     |       |
| of      | the     | end            | of      | the         | final       | year      | of      | the     | second    | key    | stage  |            |     |        |     |       |
| of      | the     | end            | of      | the         | final       | year      | of      | the     | second    | key    | stage  |            |     |        |     |       |
| of      | the     | end            | of      | the         | final       | year      | of      | the     | second    | key    | stage  |            |     |        |     |       |
| of      | the     | end            | of      | the         | final       | year      | of      | the     | second    | key    | stage  |            |     |        |     |       |
| of      | the     | end            | of      | the         | final       | year      | of      | the     | second    | key    | stage  |            |     |        |     |       |
| of      | the     | end            | of      | the         | final       | year      | of      | the     | second    | key    | stage  |            |     |        |     |       |
| of      | the     | end            | of      | the         | final       | year      | of      | the     | second    | key    | stage  |            |     |        |     |       |
| of      | the     | end            | of      | the         | final       | year      | of      | the     | second    | key    | stage  |            |     |        |     |       |
| of      | the     | end            | of      | the         | final       | year      | of      | the     | second    | key    | stage  |            |     |        |     |       |
| of      | the     | end            | of      | the         | final       | year      |         |         |           |        |        |            |     |        |     |       |

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| School   | Chart  | Classification  | Failed                             | Failed                             | Number      | English  |
|--|--|---|------------------------------------|------------------------------------|-------------|--|
| Holder as county, voluntary controlled, voluntary aided, special agreement or grant-maintained | Mark of school as county, voluntary controlled, voluntary aided, special agreement or grant-maintained | Range of school as county, voluntary controlled, voluntary aided, special agreement or grant-maintained | to confirm performance information | to confirm performance information | of pupils   | at the end of the final year of the second key stage   |
|  |  |   |                                    |                                    |             | Test Teacher Assessment Mathematics Test Teacher Assessment Science Test Teacher Assessment    |
|  |  |   |                                    |                                    |             | Total number of registered pupils on aged special roll 10 educational needs without statements |
| in area of local education authority   |  |   |                                    |                                    |             |  |
| Average for schools in England   |  |   |                                    |                                    | % % % % % % | %  |

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## EXPLANATORY NOTE

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

These Regulations amend the Education (School Performance Information) (England) Regulations 1996 ([S.I. 199612577](#)).

They impose requirements on local education authorities relating to the publication of certain information about the performance of pupils in National Curriculum assessments in the final year of the second key stage at county, voluntary and grant-maintained primary or middle deemed secondary schools in their area and other general information relating to those schools (*regulation 2(2)*). They also require local education authorities to provide certain supplementary information about schools, including information about average percentage figures for the performance of pupils in National Curriculum assessments in the final year of the second key stage at all schools in the area of the local education authority and at all schools in England. Copies of the document containing the information to be published by the local education authority are to be provided to the Secretary of State, and governing bodies of all maintained schools and providers of nursery education in the authority's area. They are also to be made available in public libraries in the area of the local education authority and to editors of newspapers circulating in that area.