
STATUTORY INSTRUMENTS

1998 No. 1929

The Education (School Performance Information) (England) Regulations 1998

PART I

General

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (School Performance Information) (England) Regulations 1998 and shall come into force on 27th August 1998.

(2) These Regulations apply in relation to schools in England.

Interpretation

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

“the 1996 Act” means the Education Act 1996;

“assessment” in relation to a maintained school means assessment pursuant to orders made under section 356 of the 1996 Act⁽¹⁾ 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 made under section 482 of the 1996 Act;

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

“attainment targets” has the meaning given by section 353 of the 1996 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 local education authority in whose area the school is situated;

“CTC” means city technology college and city college for the technology of the arts;

“core subject” means any of the following subjects, English, mathematics or science;

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

“GCSE” means General Certificate of Education;

“GNVQ” means a General National Vocational Qualification;

“maintained school” means—

(1) The orders currently in force are the Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 1) (England) Order 1995 (S.I.1995/2071 amended by S.I. 1996/2114 and 1997/1931), the Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 2) (England) Order 1995 (S.I. 1995/2072 amended by S.I. 1996/2115) and the Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (England) Order 1996 (S.I. 1996/2116).

- (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(2);

“NC tests” means National Curriculum tests administered to pupils for the purpose of assessing the level of attainment which they have achieved in any core subject being tests laid down in provisions made by the Secretary of State under the appropriate order made under section 356 of the 1996 Act in force when those tests were administered(3);

“non-maintained special school” means a special school which is neither 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 453 of the 1996 Act(4);

“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 or, as the case may be, local education authorities;

“special educational needs” has the meaning given by section 312(1) of the 1996 Act;

“special school” has the meaning given by section 337 of the 1996 Act;

“unauthorised absence” means an occasion on which a pupil is recorded as absent without authority pursuant to the Education (Pupils Registration Regulations) 1995(5) and “authorised absence” shall be construed accordingly; and

“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 402 of the 1996 Act;
- (c) references to key stages are references to the periods set out in section 355(1) of the 1996 Act; and
- (d) references to a school maintained by an authority or to a grant-maintained special school do not include such a school which is established in a hospital.

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

(3) For the tests administered in the school year ending before 12th August 1998, the relevant orders are the Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 1) (England) Order 1995 (S.I. 1995/2071 amended by S.I. 1996/2114 and 1997/1931), the Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 2) (England) Order 1995 (S.I. 1995/2072 amended by S.I. 1996/2115) and the Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (England) Order 1996 (S.I. 1996/2116).

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

(5) S.I. 1995/2089 amended by S.I. 1997/2624.

(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 period after the Friday before the last Monday in May in the reporting school year.

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

(7) In these Regulations, unless the context otherwise requires, any reference to a numbered regulation or Schedule is a reference to the regulation or Schedule bearing that number in these Regulations and any reference in a regulation or Schedule to a numbered paragraph is to the paragraph in that regulation or Schedule bearing that number.

Qualification of duties

3. The duties imposed on governing bodies, authorities and proprietors by virtue of these Regulations in respect of the making available, provision or publication of information apply only to the extent that that information is available to the governing body, authority or proprietor in time for it to be reasonably practicable to make available, provide or publish the information before the latest occasion on which the information is required to be made available, provided or published, as the case may be.

Revocations and savings

4.—(1) Subject to paragraph (2), the Education (School Performance Information) (England) Regulations 1996⁽⁶⁾, the Education (School Performance Information) (England) (Amendment) Regulations 1997⁽⁷⁾, the Education (School Performance Information) (England) (Amendment) (No. 2) Regulations 1997⁽⁸⁾ and the Education (School Performance Information) (England) (Amendment) (No. 3) Regulations 1997⁽⁹⁾ are hereby revoked.

(2) The revocation of the Education (School Performance Information) (England) Regulations 1996 shall not relieve any person of any duty under those Regulations to make available, provide or publish information which has not been performed before the date that these Regulations come into force.

⁽⁶⁾ S.I. 1996/2577.

⁽⁷⁾ S.I. 1997/2060.

⁽⁸⁾ S.I. 1997/2364.

⁽⁹⁾ S.I. 1997/2816.