

**1999 No. 138**

**EDUCATION, ENGLAND AND WALES**

**The Education Development Plans (England)  
Regulations 1999**

<i>Made</i> - - - -	<i>25th January 1999</i>
<i>Laid before Parliament</i>	<i>26th January 1999</i>
<i>Coming into force</i>	<i>16th February 1999</i>

In exercise of the powers conferred on the Secretary of State by sections 6(4) and (5), 7(1) and (9) and 138(7) and (8) of the School Standards and Framework Act 1998(a), the Secretary of State for Education and Employment hereby makes the following Regulations:—

**PART I**

**GENERAL**

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Education Development Plans (England) Regulations 1999 and shall come into force on 16th February 1999.

(2) These Regulations apply only in relation to local education authorities in England.

**Interpretation**

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

“the 1996 Act” means the Education Act 1996(b);

“the 1998 Act” means the School Standards and Framework Act 1998;

“the 1998 Regulations” means the Education (School Performance Targets) (England) Regulations 1998(c);

“the 1999 Regulations” means the Financing of Maintained Schools Regulations 1999(d);

“the applicable period”, in relation to a school year, means the period starting with the beginning of that year and finishing with the end of the school day falling on the Friday before the last Monday in May in that year;

“the first plan” means the first education development plan to be prepared by a local education authority in accordance with section 6(1) of the 1998 Act;

“GCSE” means a General Certificate of Secondary Education;

“GNVQ” means a General National Vocational Qualification;

“level 4” means level 4 of the National Curriculum level scale as determined by the results of NC tests;

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(a) 1998 c. 31. For the meaning of “prescribed” and “regulations” see section 142(1).

(b) 1996 c. 56.

(c) S.I. 1998/1532.

(d) S.I. 1999/101.

“maintained school” means, in the period ending immediately before 1st September 1999, a county, voluntary or maintained special school or a grant-maintained or grant-maintained special school and, in relation to any time on or after 1st September 1999, means a community, foundation or voluntary school or a community or foundation special school;

“NC tests” means National Curriculum tests administered to second key stage pupils for the purpose of assessing the level of attainment which they have achieved in English or mathematics, being tests laid down in provisions made by the Secretary of State under the appropriate order made under section 356(2) of the 1996 Act in force when those tests are administered**(a)**;

“relevant day pupil”, in relation to a school and to a school year, means a pupil registered at that school apart from—

- (a) a boarder, or
- (b) a pupil who, before the beginning of the September immediately preceding 1st October in that school year, either—
  - (i) has not attained the age of five years, or
  - (ii) has attained the age of sixteen years;

“schools maintained by the authority” do not include schools which are not maintained schools as defined herein;

“second key stage pupils” means pupils who are in the second key stage referred to in section 355(1) (b) of the 1996 Act;

“the total number of possible attendances”, in relation to a local education authority and to any school year, means the number produced by multiplying the number of relevant day pupils at schools maintained by the authority by the number of school sessions in the applicable period in that year;

“unauthorised absence”, in relation to schools maintained by a local education authority, means an occasion on which a relevant day pupil is registered as absent from such a school without authority pursuant to the Education (Pupil Registration) Regulations 1995**(b)**;

“the unauthorised absence rate”, in relation to a local education authority and to any school year, means the total number of unauthorised absences from schools maintained by the authority in the applicable period during that year, expressed as a percentage of the total number of possible attendances in that period.

“vocational qualification” means—

- (a) a Part One GNVQ,
- (b) an Intermediate GNVQ,
- (c) a Foundation GNVQ, or
- (d) a GNVQ Language Unit,

awarded by—

- (i) the EDEXCEL Foundation,
- (ii) the City and Guilds of London Institute,
- (iii) the Royal Society of Arts Examination Board,
- (iv) the Assessment and Qualification Alliance, or
- (v) Oxford, Cambridge and RSA Examinations,

and approved by the Secretary of State under section 400 of the 1996 Act or section 37 of the Education Act 1997**(c)**.

(2) In these Regulations a reference—

- (a) to a numbered regulation is to the regulation in these Regulations bearing that number;
- (b) in a regulation or Schedule to a numbered paragraph is to the paragraph in that regulation or Schedule bearing that number.

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**(a)** The appropriate order currently in force is the Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 2) (England) Order 1995, S.I. 1995/2072, as amended by S.I. 1996/2115 and 1997/2176.

**(b)** S.I. 1995/2089, as amended by S.I. 1997/2624.

**(c)** 1997 c. 44.

- (3) Any reference in these Regulations to—
- (a) a pupil achieving a grade in a GCSE examination, or
  - (b) achieving a vocational qualification,

by the end of a school year, shall be construed as a reference to that pupil achieving that grade or qualification in the school year in which he—

- (i) takes that examination, or
  - (ii) (as the case may be) completes the course leading to the award of that qualification,
- and irrespective of whether the decision to award the grade or qualification is made in a later school year.

#### **Period to which the statement of proposals must relate**

3. The statement of proposals contained in the first plan must relate to the period beginning on 1st April 1999 and ending at the end of the school year beginning in 2001.

#### **Submission of education development plan to the Secretary of State**

4. The date by which, in accordance with section 7(1) of the 1998 Act, a local education authority must submit the first plan to the Secretary of State is 28th February 1999.

#### **Copies of the education development plan**

5. The persons to whom a local education authority must provide a copy of the first plan or a summary version of that plan, in accordance with section 7(9) of the 1998 Act, are the head teacher and chair of the governing body of every school maintained by the authority.

## **PART II**

### **MATTERS WITH WHICH THE STATEMENT OF PROPOSALS MUST DEAL**

#### **Targets for pupils in the second key stage**

6.—(1) The statement of proposals contained in the first plan must specify the targets referred to in paragraph (2) in connection with the performance of the relevant group of second key stage pupils in NC tests to be administered at or near the end of each of the school years beginning in 1999, 2000 and 2001 respectively.

- (2) The targets referred to in paragraph (1) are—
- (a) the percentage of the relevant group of second key stage pupils to achieve level 4 or above in such tests in English; and
  - (b) the percentage of the relevant group of second key stage pupils to achieve level 4 or above in such tests in mathematics.

(3) In this regulation, “the relevant group of second key stage pupils”, in relation to each of the school years beginning in 1999, 2000 and 2001 respectively, means all persons whom the local education authority estimate will, in the school year in question—

- (a) be registered pupils at a school maintained by the authority, and
- (b) be in the final year of the second key stage.

#### **Further targets for pupils**

7.—(1) The statement of proposals contained in the first plan must specify the targets referred to in paragraph (2) in connection with the performance of the relevant group of pupils in GCSE examinations or in obtaining vocational qualifications.

- (2) The targets referred to in paragraph (1) are—
- (a) the percentage of the relevant group of pupils to achieve, by the end of each of the school years beginning in 1999, 2000 and 2001 respectively, grades A\* to C in five or more subjects in GCSE examinations;
  - (b) the percentage of the relevant group of pupils to achieve, by the end of each of the school years beginning in 1999, 2000 and 2001 respectively, grades A\* to G in one or more subjects in GCSE examinations; and

(c) the average point score to be achieved by the relevant group of pupils by the end of each of the school years beginning in 1999, 2000 and 2001 respectively, in GCSE and vocational qualifications.

(3) The references to pupils achieving particular grades in GCSE examinations in paragraph (2)(a) and (b) shall be construed for the purpose of those provisions so as to include references to pupils achieving corresponding awards in an equivalent number of vocational qualifications.

(4) Schedule 1 to these Regulations shall have effect for determining for the purposes of this regulation—

(a) questions as to—

(i) which vocational qualification award corresponds to which GCSE examination grade, and

(ii) the equivalency between GCSE examination results and vocational qualifications; and

(b) the calculations of the average point score in relation to pupils' achievements in GCSE examinations and vocational qualifications.

(5) In this regulation, “the relevant group of pupils”, in relation to each of the school years beginning in 1999, 2000 and 2001 respectively, means all persons whom the local education authority estimate—

(a) will on the third Thursday in January of the school year in question be registered pupils at a school maintained by the authority, and

(b) will attain the age of 16 during that school year.

#### **Targets for permanent exclusions**

**8.**—(1) The statement of proposals contained in the first plan shall specify the targets in paragraph (2).

(2) The targets referred to in paragraph (1) are the maximum number of pupils which the authority estimate will be permanently excluded from schools maintained by the authority, other than any school situated in a hospital—

(a) for each of the school years beginning in 1999, 2000 and 2001 respectively, and

(b) the annual average for those three school years, calculated by adding together the three targets referred to in paragraph (2)(a) and dividing the resultant figure by three.

(3) In this regulation, “excluded” shall be interpreted in accordance with section 64(4) of the 1998 Act<sup>(a)</sup>.

#### **Targets for unauthorised absences**

**9.**—(1) The statement of proposals contained in the first plan shall specify the targets referred to in paragraph (2).

(2) The targets referred to in paragraph (1) are the unauthorised absence rate in each of the school years beginning in 1999, 2000 and 2001 respectively, in—

(a) schools maintained by the authority which are primary schools, other than special schools and any school situated in a hospital, and

(b) schools maintained by the authority which are secondary schools, other than special schools and any school situated in a hospital.

#### **Information used by a local education authority in the setting of targets**

**10.**—(1) The statement of proposals contained in the first plan shall contain a statement—

(a) summarising the information used by the local education authority in setting the targets referred to in regulations 6 to 9, and

(b) describing the way in which the local education authority engages with schools maintained by the authority to assist the governing bodies of such schools to set the targets they are required to set by virtue of the 1998 Regulations, including a description of the information given by the authority to such schools to assist such schools to set those targets.

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(a) As at the date these Regulations are made, sections 64 to 68 of the School Standards and Framework Act 1998, which make provision in relation to exclusions from schools, are not in force.

### **Priorities for school improvement**

**11.**—(1) The statement of proposals contained in the first plan shall set out the priorities identified by the local education authority in each of the financial years beginning in 1999, 2000 and 2001 for raising the standards of education provided for children in the authority’s area and for improving the performance of schools maintained by the authority.

(2) In setting out those priorities in the statement of proposals, the authority shall specify in the statement of proposals on what basis each of the priorities was identified and how each priority will contribute to achieving the targets referred to in regulations 6 to 9.

(3) The statement of proposals contained in the first plan shall—

- (a) list the activities the authority propose to undertake in the financial year beginning in 1999 to address each of the priorities identified in the statement of proposals in accordance with paragraph (1), and
- (b) indicate the activities the authority propose to undertake to address those priorities in the financial years beginning in 2000 and 2001.

(4) If a local education authority’s priorities set out in the first plan, in accordance with paragraph (1), do not include the provision of support for schools causing concern, the first plan shall contain a statement setting out how the authority intend to support such schools in the period beginning on 1st April 1999 and ending immediately before 1st April 2002.

(5) In this regulation, “schools causing concern” means any school to which section 15 of the 1998 Act applies by virtue of subsection (1), (4) or (6) of that section.

## **PART III**

### **MATERIAL TO BE CONTAINED IN ANNEXES TO THE STATEMENT OF PROPOSALS**

#### **General**

**12.** The annexes to the statement of proposals contained in the first plan must contain the material specified in regulations 13 to 19.

#### **Targets**

**13.** The material referred to in regulation 12 includes a table showing—

- (a) the targets for the school year beginning in 1999 which the governing body of each school maintained by the authority have set by virtue of regulation 3 or 4 (or, as the case may be, both) of the 1998 Regulations, and
- (b) the local education authority’s target for the number of persons who are children in the final year of compulsory education or young persons over compulsory school age but under the age of 18 leaving public care in their area, in each of the school years beginning in 1999, 2000 and 2001 respectively, per 100 such persons, who are to have achieved grade A\* to G in one or more subjects in GCSE examinations or a vocational qualification.

(2) In this regulation, “children leaving public care” means—

- (a) any children for whom the local education authority provided, in accordance with section 20 of the Children Act 1989(a), and for whom they no longer so provide, and
- (b) any children who were the subject of a care order or a supervision order within the meaning of section 31 of the Children Act 1989 and who are no longer so subject

and a child shall be regarded as leaving public care in the school year in which the authority first cease so to provide or in which he first ceases to be so subject, as the case may be.

#### **Local education authority context and audit**

**14.** The material referred to in regulation 12 includes a statement by the local education authority giving a description of—

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(a) 1989 c. 41.

- (a) the key characteristics of the authority which the authority consider relevant to the improvement of, and the raising of standards in, schools in its area, and
- (b) the processes by which the authority have, prior to the date they submit the first plan to the Secretary of State in accordance with section 7(1) of the 1998 Act, monitored and evaluated their own performance and the performance of schools maintained by the authority, and the outcomes of that monitoring and evaluation.

**Description of the local education authority's proposed activities**

15. The material referred to in regulation 12 includes a description of each of the activities listed in the statement of proposals in accordance with regulation 11(3)(a) and the resources to be allocated to each such activity.

**Pupils with special educational needs**

16. The material referred to in regulation 12 includes a statement summarising the local education authority's policy on the provision of education to pupils with special educational needs, and how the authority propose that such pupils be educated alongside pupils who do not have special educational needs.

**Resources**

17. The material referred to in regulation 12 includes the following tables–

- (a) a table showing the local education authority's planned expenditure, to be deducted from their local schools budget, in the financial year beginning in 1999 in respect of each of the priorities set out in the statement of proposals in accordance with regulation 11(1), broken down by reference to expenditure in the following categories–
  - (i) the expenditure referred to in paragraphs 1 and 2 of Schedule 1 to the 1999 Regulations (expenditure supported by specific grants),
  - (ii) the expenditure referred to in paragraphs 3 to 15 of Schedule 1 to the 1999 Regulations (special educational provision),
  - (iii) the expenditure referred to in paragraph 16 of Schedule 1 to the 1999 Regulations (school improvement),
  - (iv) the expenditure referred to in paragraphs 17 to 24 of Schedule 1 to the 1999 Regulations (access to education), and
  - (v) the expenditure referred to in paragraphs 25 to 41 of Schedule 1 to the 1999 Regulations (strategic management);
- (b) a table showing the amounts of expenditure in the financial year beginning in 1999, in respect of each of the priorities set out in the statement of proposals in accordance with regulation 11(1), which the authority anticipate will be met from the budget shares allocated under section 47 of the 1998 Act to schools maintained by the authority, and
- (c) a table showing the staff time which the authority anticipate is to be employed in the financial year beginning in 1999 on the priorities and activities set out in the statement of proposals in accordance with regulation 11, broken down by reference to the types of staff concerned and to staff funded from expenditure in the following categories–
  - (i) the expenditure referred to in regulation 17(a)(iii) (school improvement),
  - (ii) the expenditure referred to in regulation 17(a)(i), (ii), (iv) and (v), and
  - (iii) expenditure which the authority anticipate will be met from the budget shares allocated under section 47 of the 1998 Act to schools maintained by the authority.

**Monitoring and evaluating the education development plan**

18. The material referred to in regulation 12 includes an explanation of the way in which the local education authority propose to monitor and evaluate–

- (a) their activities and achievements in relation to the targets referred to in regulations 6 to 9 and the priorities and activities referred to in regulation 11, including the way in which the authority propose to monitor and evaluate the achievements of schools maintained

by the authority, and pupil referral units and maintained nursery schools in their area,  
and

- (b) the authority's use of resources in support of the first plan.

**Consultation by the local education authority**

**19.** The material referred to in regulation 12 includes a description of the consultation undertaken by the local education authority in preparing the first plan including, in particular, the following information—

- (a) the number and types of person consulted,
- (b) a summary of the consultation responses,
- (c) the ways, if any, in which those responses have been reflected in the first plan, and
- (d) any significant areas in which those consulted disagreed with the first plan and the consultees concerned.

25th January 1999

*Estelle Morris*  
Minister of State,  
Department for Education and Employment

SCHEDULE 1

(Regulation 7)

(Supplementary provisions about performance targets and attainment results for pupils)

1.—(1) For the purposes of regulation 7, questions as to—

- (a) which vocational qualification award corresponds to which GCSE examination grade, and
- (b) the equivalency between GCSE examination results and vocational qualifications,

shall be determined in accordance with subparagraphs (2) to (8).

(2) Where a pupil is awarded a Part One GNVQ (Intermediate level), he shall be treated as having achieved grade A\* to C in two GCSE subjects.

(3) Where a pupil is awarded a Part One GNVQ (Foundation level), he shall be treated as having achieved grade D to G in two GCSE subjects.

(4) Where a pupil is awarded an Intermediate GNVQ, he shall be treated as having achieved grade A\* to C in four GCSE subjects.

(5) Where a pupil is awarded a Foundation GNVQ, he shall be treated as having achieved grade D to G in four GCSE subjects.

(6) Where a pupil is awarded a GNVQ Language Unit (Intermediate level), he shall be treated as having achieved grade A\* in half a GCSE subject.

(7) Where a pupil is awarded a GNVQ Language Unit (Foundation level), he shall be treated as having achieved grade D in half a GCSE subject.

(8) Where a pupil is awarded a grade in an examination relating to a GCSE short course, he shall be treated as having achieved that grade in half a GCSE subject.

2.—(1) For the purposes of regulation 7, the average point score for the authority achieved by the relevant group of pupils in grades in GCSE examinations or in vocational qualifications in relation to any school year shall be ascertained by—

- (a) aggregating the value in points of all such grades or qualifications awarded to every pupil in the relevant group of pupils by the end of that year, and then
- (b) dividing that aggregate by the total number of pupils in the relevant group of pupils.

(2) Paragraph 3 shall apply for the purposes of determining the value in points of—

- (a) a grade awarded in a GCSE examination, and
- (b) the award of a vocational qualification.

(3) In this paragraph, “the relevant group of pupils” has the same meaning as in regulation 7.

3.—(1) For the purposes of paragraph 2, the value in points of—

- (a) a grade awarded in a GCSE examination, and
- (b) the award of a vocational qualification,

shall be determined as follows.

(2) Subject to sub-paragraph (3), a GCSE grade shall have the value in points specified in the following table—

Table

GCSE grade	Value in points
A*	8
A	7
B	6
C	5
D	4
E	3
F	2
G	1



(3) Where the grade awarded relates to a GCSE short course examination, it shall have the value in points determined in accordance with the above table divided by two.

(4) The award of a vocational qualification (other than a GNVQ Language Unit) shall have the value in points specified in the following table—

Table

	Part 1 GNVQ	Part 1 GNVQ	Intermediate GNVQ	Foundation GNVQ
	Intermediate	Foundation		
Grade	<i>Value in points</i>	<i>Value in points</i>	<i>Value in points</i>	<i>Value in points</i>
Distinction	15	8	30	16
Merit	12	6	24	12
Pass	10	3	20	6

(5) The award of a GNVQ Language Unit shall have the following value in points—

- (a) 3.5 points (where it is an Intermediate level Unit), or
- (b) 2 points (where it is a Foundation level Unit).

4. For the purposes of setting the targets specified in regulation 7, any reference in this Schedule to the achievement or award of—

- (a) a grade in a GCSE examination, or
- (b) a vocational qualification,

shall be construed as if it were a reference to the award or achievement of a grade or qualification by the end of the school year in relation to which such targets are required to be set by virtue of that regulation.

## EXPLANATORY NOTE

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

These Regulations, which are made under sections 6 and 7 of the School Standards and Framework Act 1998 (“the 1998 Act”), apply in relation to local education authorities in England.

Section 6 of the 1998 Act requires every local education authority to prepare an education development plan for their area. The Regulations make provision with respect to the first such plan, including the period to which the statement of proposals contained in the plan must relate (regulation 3), the date by which the plan must be submitted to the Secretary of State (regulation 4) and the persons to whom the authority must provide copies of the plan or a summary version of the plan (regulation 5).

Part II of the Regulations sets out matters with which the statement of proposals contained in the plan must deal. These include targets for pupils in the second key stage (regulation 6); targets for pupils aged 15 or 16 (regulation 7); targets for the exclusion of pupils (regulation 8) and for unauthorised absences (regulation 9); a summary of the information used by the authority in setting targets (regulation 10); and the authority’s priorities for raising standards and improving the performance of schools in their area (regulation 11).

Part III of the Regulations sets out the material which the annexes to the statement of proposals must contain. These include the targets set by individual schools, and the authority’s targets in relation to children leaving public care (regulation 13); a description of the key characteristics of the authority and the processes by which they have monitored their own performance and the performance of schools they maintain (regulation 14); a description of the authority’s proposed activities to address the priorities for raising standards and improving the performance of schools (regulation 15); a statement summarising the authority’s policy on the provision of education to children with special educational needs and how such pupils should be educated alongside pupils who do not have special educational needs (regulation 16); the authority’s use of resources in support of the first plan (regulation 17); information in relation to the authority’s proposals for monitoring their performance under the plan (regulation 18); and a description of the consultation undertaken by the authority in preparing the plan (regulation 19).

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