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EDUCATION, ENGLAND

**The Education (School Performance Information)
(England) Regulations 2001**

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In exercise of the powers conferred on the Secretary of State by sections 29(3), 408, 537, 537A(1) and (2) and 569(4) and (5) of the Education Act 1996(a) and after consulting with those persons which whom consultation appeared to the Secretary of State to be desirable, the Secretary of State for Education and Skills hereby makes the following Regulations:

PART I

General

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (School Performance Information) (England) Regulations 2001 and shall come into force on 12th November 2001.

(2) These Regulations shall apply only in relation to 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(b) 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(c);

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

“attainment targets” has the meaning given by section 353 of the 1996 Act;

“authority” means—

(i) in relation to a school maintained by a local education authority that authority; and

(ii) in relation to a non-maintained special school or an independent school, means the local education authority in whose area the school is situated;

“external marking agency” means a body nominated by the Qualifications and Curriculum Authority(d) and approved by the Secretary of State to mark NC tests;

“CTC” means city technology college, city college for the technology of the arts or a city academy;

“core subject” means English, mathematics or science;

“GCE ‘A’ level examinations” means General Certificate of Education advanced level examinations;

“GCE ‘AS’ examinations” means—

(i) General Certificate of Education advanced supplementary examinations; or

(ii) General Certificate of Education advanced subsidiary examinations;

“GCSE” means General Certificate of Secondary Education;

“GNVQ” means a General National Vocational Qualification;

“information technology key skill qualification” means a qualification awarded to a pupil who has completed an examination, course or unit in the key skill of information technology;

(a) 1996 c.56. By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (1999/672) the powers conferred by these sections are exercisable by the Secretary of State only in relation to England. Section 29(3) was substituted by paragraph 67 of Schedule 30 to the School Standards and Framework Act 1998 (c.31). Section 408 was amended by paragraph 30 of Schedule 7 and Schedule 8 to the Education Act 1997 (c.44), paragraphs 57 and 106 of Schedule 30 and Schedule 31 to the School Standards and Framework Act 1998 and paragraph 57 of Schedule 9 to the Learning and Skills Act 2000 (c.21). Section 537 was amended by paragraph 37 of Schedule 7 to the Education Act 1997, paragraphs 57 and 152 of Schedule 30 to the School Standards and Framework Act 1998 and paragraph 60 of Schedule 9 to the Learning and Skills Act 2000. Section 537A was substituted by paragraph 153 of Schedule 30 to School Standards and Framework Act 1998. For the meaning of “prescribed” and “regulations” see section 579(1) of the Education Act 1996.

(b) The orders currently in force are the Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 1999, (S.I. 1999/1236, amended by S.I. 1999/2187 and S.I. 2000/1242), the Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 1999, (S.I. 1999/2188), the Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (England) Order 1999, (S.I. 1999/2189).

(c) Section 482 was amended by section 130 of the Learning and Skills Act 2000.

(d) The Qualifications and Curriculum Authority was established under section 21 of the Education Act 1997 (c.44).

“maintained school” means—

- (i) any community, foundation or voluntary school, or
- (ii) any community or foundation 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(a);

“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(b);

“non-maintained special school” means a special school which is not maintained by an authority;

“permanent exclusion” means the permanent exclusion of a pupil from a school on disciplinary grounds and “permanently excluded” shall be construed accordingly;

“public examination” means a public examination which is for the time being prescribed by regulations made under section 453 of the 1996 Act(c);

“register” means the register of pupils kept under section 434 of the 1996 Act(d) and in accordance with the Education (Pupil Registration) Regulations 1995(e);

“reporting school year” means the school year immediately preceding the school year in which information provided to the Secretary of State is to be published by him or, as the case may be, local education authorities;

“school day” has the meaning given by section 579(1) of the 1996 Act;

“school year” has the meaning given by section 579(1) of the 1996 Act(f);

“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(g);

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

“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; and

“Vocational ‘A’ level examinations” means vocational certificate of education advanced level examinations;

“Vocational ‘AS’ level examinations” means vocational certificate of education advanced subsidiary examinations.

(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 preceding the commencement of the reporting school year, where the reporting school year begins after that date, or the 31st August which falls within the reporting school year, where the reporting school year begins on or before that date, 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(h); and

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

(b) The orders currently in force are the Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 1999, (S.I. 1999/1236), amended by S.I. 1999/2187 and S.I. 2000/1242, the Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 1999, (S.I. 1999/2188) and the Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (England) Order 1999, (S.I. 1999/2189).

(c) The current Regulations are the Education (Prescribed Public Examination) Regulations 1989 (S.I. 1989/377) which continue in effect by virtue of paragraph 1 of Schedule 1 of the Education Act 1996.

(d) Section 434 was amended by paragraphs 57 and 111 of Schedule 30 and Schedule 31 to the School Standards and Framework Act 1998.

(e) S.I. 1995/2089, amended by S.I. 1997/2624 and S.I. 1999/2267.

(f) Section 579(1) was amended by paragraph 43 of Schedule 7 to the Education Act 1997.

(g) Section 337 was substituted by paragraphs 57 and 80 of Schedule 30 to the School Standards and Framework Act 1998.

(h) Section 402 was amended by paragraphs 57 and 101 of Schedule 30 to the School Standards and Framework Act 1998.

(c) references to key stages are references to the periods set out in section 355(1) of the 1996 Act.

(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 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 of governing bodies, authorities and proprietors to make available, provide or publish information apply only to the extent that that information is available to them in time for it to be reasonably practicable for them to make available, provide or publish that information before the latest occasion on which that 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 Regulations referred to in Schedule 11 are hereby revoked.

(2) The revocation of the Regulations referred to in Schedule 11 shall not relieve any person of any duty to make available, provide or publish information which has not been performed before the date that these Regulations come into force.

PART II

Provision of Information by Head Teacher

Provision of information by head teacher to governing body

5. The head teacher of every maintained school shall each year make available to the governing body information about the matters mentioned in Schedules 1 to 7 for the purpose of enabling the governing body to comply with their obligations in respect of those matters.

PART III

Provision of Information to the Secretary of State and Local Education Authorities

Provision of first key stage assessment results to local education authorities

6. The governing body of every maintained school which, in the assessment term of the reporting school year, has registered pupils who are at or near the end of the final year of the first key stage shall each year, by the end of that term, provide to the authority the information relating to assessment referred to in Schedule 1.

Provision of information about second key stage assessment results to the Secretary of State

7. The governing body of every maintained primary or middle deemed secondary school shall, within two weeks of receiving a written request from the Secretary of State, provide him with the information for the reporting school year referred to in Schedule 2.

Provision of results of school examinations and of courses leading towards vocational qualifications to the Secretary of State

8. The governing body of every maintained school and the proprietor of every non-maintained special school or independent school with pupils aged 15, 16, 17 or 18 shall, within two weeks of receiving a written request from the Secretary of State, provide him with such particulars relating to public examinations and courses leading to vocational qualifications, units of vocational qualifications, or information technology key skill qualifications for which registered pupils at the school were entered, and such other information as is referred to—

- (a) in the case of a school providing information in respect of pupils aged 15, in Part I of Schedule 3; or
- (b) in the case of a school providing information in respect of pupils aged 16, 17 or 18, in Part II of Schedule 3.

Provision of information about authorised and unauthorised absence to the Secretary of State

9.—(1) Subject to paragraph (2), the governing body of every maintained school and the proprietor of every non-maintained special school or independent school shall, within two weeks of receiving a written request by the Secretary of State, provide him with the information for the reporting school year specified in Schedule 4.

(2) This regulation does not apply in respect of a school providing education for boarding pupils only.

Provision of general information about secondary schools to the Secretary of State

10. The governing body of every maintained secondary school, except a middle deemed secondary school, and the proprietor of every non-maintained special school or independent school with pupils aged 15 shall, within two weeks of receiving a written request from the Secretary of State, provide him with the general information about the school for the reporting school year referred to in Schedule 5.

Provision of general information about primary schools to the Secretary of State

11. The governing body of every maintained primary or middle deemed secondary school, shall, within two weeks of receiving a written request from the Secretary of State, provide him with the general information about the school for the reporting school year referred to in Schedule 6.

Provision of information about excluded pupils to local education authorities

12. The governing body of every maintained school shall, within two weeks of receiving a written request from the authority, provide to the authority the information, for the period to which the request relates, referred to in Schedule 9, as appropriate, in respect of any pupil excluded from the school by the head teacher.

Provision of information about permanently excluded pupils to local education authorities

13.—(1) The governing body of every maintained school to which paragraph (2) or (3) applies, shall, within two weeks of the third Thursday in January in each reporting school year, provide to the authority the information referred to in Part I of Schedule 10 in respect of any pupil permanently excluded from the school as referred to in paragraph (2) or (3) as the case may be.

(2) This paragraph applies where the permanent exclusion from a maintained school of any pupil, who attained the age of 14 during the period of twelve months ending on the 31st August in the year immediately preceding the year in which the reporting school year begins, takes effect during the school year immediately preceding the reporting school year and who, as at the third Thursday in January in the reporting school year, is not shown as a registered pupil at the school in its Register.

(3) This paragraph applies where the permanent exclusion from a maintained school of any pupil, who attained the age of 15 during the period of twelve months ending on the 31st August in the year immediately preceding the year in which the reporting school year begins, takes effect on or after the beginning of the reporting school year and who, as at the third Thursday in January in that school year, is not shown as a registered pupil at the school in its Register.

(4) Where any pupil who has been permanently excluded from a school as referred to in paragraph (2) or (3) is thereafter and before the third Friday in January in the reporting school year, admitted to any maintained school (referred to in this paragraph as “the admitting school”), the governing body of the admitting school shall provide to the authority, within two weeks of the third Thursday in January in each reporting school year, the information referred to in Part II of Schedule 10 in respect of the pupil.

(5) For the purposes of this regulation and Schedule 10, the permanent exclusion of a pupil takes effect on the first school day on which the pupil misses a school session as a result of that permanent exclusion.

PART IV

Provision of Information

Provision of information about second and third key stage assessment results to the National Data Collection Agency

14.—(1) The governing body of every maintained school which, in the assessment term of the reporting school year, has registered pupils who are at or near the end of the final year of the second key stage, shall, each year, on or before 11th July, provide to the National Data Collection Agency^(a) the information relating to assessment referred to in Part I of Schedule 7.

(2) The governing body of every maintained school and the proprietor of every CTC which, in the assessment term of the reporting school year, has registered pupils who are at or near the end of the final year of the third key stage, or in the case of a CTC has registered pupils aged 14, shall each year, on or before 11th July, provide to the National Data Collection Agency the information relating to assessment referred to in Part II of Schedule 7.

Provision of information about second and third key stage assessments to the external marking agency

15.—(1) The governing body of every maintained school which, in the assessment term of the reporting school year, has registered pupils who are at or near the end of the final year of the second key stage, shall each year, as soon as reasonably practicable after the last school day on which NC tests are administered to those pupils in each subject, provide the information referred to in Part III of Schedule 7 to the external marking agency determined by the Qualifications and Curriculum Authority and notified by them to the head teacher of the school pursuant to article 5(3) of the Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 1999^(b).

(2) The governing body of every maintained school which, in the assessment term of the reporting school year, has registered pupils who are at or near the end of the final year of the third key stage, shall each year, as soon as reasonably practicable after the last school day on which NC tests are administered to those pupils in each subject, provide the information referred to in Part IV of Schedule 7 to the external marking agency determined by the Qualifications and Curriculum Authority and notified by them to the head teacher of the school pursuant to article 10(3) of the Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (England) Order 1999^(c).

PART V

Publication of Information

Publication of performance information about primary schools by local education authorities

16.—(1) Each authority shall publish the information about schools it maintains referred to in paragraphs (2) to (5) together with the supplementary information referred to in paragraph (6), in the form and manner referred to, respectively, in paragraphs (7) and (8).

(a) The National Data Collection Agency is a body which, for the purposes of or in connection with the functions of the Secretary of State relating to education, is responsible for collating information relating to pupils.

(b) S.I. 1999/2188.

(c) S.I. 1999/2189.

(2) The information to be published is information for the reporting school year calculated by the Secretary of State and provided to the authority, consisting of, in respect of each maintained primary or middle deemed secondary school 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;
 - (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 average point score calculated by the Secretary of State based on the levels achieved by such pupils in the NC tests.

(3) The information to be published is information for the reporting school year calculated by the Secretary of State and provided to the authority, consisting of, in respect of every maintained primary school, the following—

- (a) the number of registered pupils except boarding pupils of compulsory school age; and
- (b) the percentage of morning and afternoon sessions in a school day missed by such pupils because of authorised or unauthorised absences.

(4) 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 by the governing body of every maintained primary or middle deemed secondary school.

(5) The local education authority shall also publish information as to the number of registered pupils referred to in paragraphs 5, 6 and 8 of Schedule 6 expressed as percentages of the number of registered pupils or the number of registered pupils at or near the end of the final year of the second key stage, as the case may be, at every maintained primary or middle deemed secondary school, except a special school.

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

- (a) information for the reporting school year 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 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, at, respectively—
 - (i) all maintained schools providing primary education which are maintained by the authority; and
 - (ii) all schools providing primary education in England;
- (b) an average point score calculated by the Secretary of State based on the levels achieved in the NC tests by 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 which are maintained by the authority; and
 - (ii) all schools providing primary education in England;
- (c) information for the reporting school year calculated by the Secretary of State giving the percentage of morning and afternoon sessions missed in a school day by registered pupils of compulsory school age except boarding pupils because of authorised or unauthorised absences at, respectively—
 - (i) all maintained schools providing primary education which are maintained by the authority; and
 - (ii) all schools providing primary education in England;
- (d) whether, in respect of each maintained primary or middle deemed secondary school—
 - (i) the school is the holder of a Charter Mark(a);

(a) A Charter Mark is an award for excellence in public services.

- (ii) the school test results or the number of pupil absences from the school were significantly affected because the school was in or near an area affected by foot and mouth disease;
 - (iii) no information, or only some information, under paragraph (2) is published pursuant to paragraph (1) for the school because the governing body failed to provide the information concerned to the Secretary of State;
 - (iv) no information or only some information under paragraph (2) is published pursuant to paragraph (1) for the school because the governing body were unable to provide the information to the Secretary of State for reasons beyond their control;
 - (v) no information or only some 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;
 - (vi) the governing body failed to confirm to the Secretary of State that they have checked the information referred to in paragraph (2); or
 - (vii) the governing body failed to confirm to the Secretary of State that they checked the information referred to in Schedules 4 and 6;
- (e) information calculated by the Secretary of State for the reporting school year and each of the three reporting school years immediately preceding it, giving—
- (i) the sum of the percentage figures referred to under paragraph (2)(b)(i) in respect of each such school, except a special school, to which the information under that paragraph relates;
 - (ii) the sum of the percentage figures referred to under paragraph (6)(a)(i); and
 - (iii) the sum of the percentage figures referred to under paragraph (6)(a)(ii).
- (7) The information referred to in paragraphs (2) to (6) shall be published—
- (a) in the case of all maintained primary or middle deemed secondary schools except special schools, in the form specified in Schedule 8, or a form to like effect, provided that the information referred to in paragraph (6)(a), (b), (c) and (e)(ii) and (iii) shall be included on every printed page so published; and
 - (b) in the case of special schools, separately from the information referred to in subparagraph (a) of this regulation and in the form specified in Schedule 8, or a form to like effect, provided that the information referred to in paragraph (6)(a), (b) and (c) shall be included on every printed page so published.
- (8)(a) The information referred to in paragraphs (2) to (6) shall be published in the following manner.
- (b) The information shall be published without charge within three weeks of the date of a written request from the Secretary of State by—
- (i) providing three copies of a document and a computer disk containing the information to the Secretary of State;
 - (ii) providing a copy of the information to the governing body of every maintained school and the proprietor of every CTC in the area of the authority;
 - (iii) providing a copy of the information to any person providing nursery education, other than at a school, in the area of the authority; and
 - (iv) making available copies of the document containing the information at each public library in the area of the authority.

Catherine Ashton
Parliamentary Under-Secretary of State,
Department for Education and Skills

22nd October 2001

SCHEDULE 1

Regulation 6

Provision of Information to Local Education Authorities: First Key Stage Results

1.—(1) In respect of each registered pupil at or near the end of the final year of the first key stage, the pupil's gender, date of birth and surname followed by the first name or, if more than one, each first name.

(2) In respect of each such pupil, the following information, as appropriate, in respect of each core subject and each attainment target in relation to each core subject—

- (a) the level of the National Curriculum level scale achieved by the pupil;
- (b) whether the pupil was assessed as working towards level 1;
- (c) whether the pupil was exempted from assessment under section 364 or 365 of the 1996 Act;
- (d) whether the result of any such standard task assessment is not available because of the pupil's absence; or
- (e) whether a teacher assessment result is not available because of the pupil's absence.

(3) Where such a pupil has been assessed both by standard task assessment in accordance with article 5 of the Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 1999(a) and by a teacher, both results shall be given.

SCHEDULE 2

Regulation 7

Provision of Information to the Secretary of State: Second Key Stage Results

1. The number of registered pupils at or near the end of the final year of the second key stage.

2.—(1) In respect of each registered pupil at or near the end of the final year of the second key stage, the pupil's gender, date of birth and surname followed by first name or, if more than one, each first name.

(2) In respect of each such pupil, the following information, as appropriate, in respect of each core subject—

- (i) the level of the National Curriculum level scale achieved by the pupil as determined by the results of NC tests;
- (ii) whether an NC test result is not available for the pupil because, in the opinion of the head teacher, he was working below level 3 of the National Curriculum level scale and an NC test was not administered to the pupil;
- (iii) whether the pupil failed to achieve a level on the National Curriculum level scale in an NC test for a reason other than absence from the test;
- (iv) whether the pupil was exempted from an NC test under section 364 or 365 of the 1996 Act; or
- (v) whether an NC test result is not available because the pupil was absent on the day the NC test was administered.

SCHEDULE 3

Regulation 8

Provision of Information to the Secretary of State: Examination and Vocational Qualification Results

PART I

PUPILS AGED 15

1. The number of registered pupils aged 15.

2. In the case of each such pupil referred to in paragraph 1 who was entered for one or more GCSE subjects during the reporting school year or any of the school years preceding that year—

- (a) the pupil's gender, date of birth and surname followed by first name or, if more than one, each first name;
- (b) the GCSE subjects taken and the grades achieved; and
- (c) the school year in which he was entered for each subject and the name of the body awarding grades in the GCSE subjects in question.

3. In the case of each such pupil referred to in paragraph 1 who, during the reporting school year or any of the school years preceding that year, achieved—

- (a) a Part One GNVQ;
- (b) an Intermediate GNVQ;

(a) S.I. 1999/1236.

- (c) a Foundation GNVQ; or
 - (d) a GNVQ Language Unit,
- awarded by the EDEXCEL Foundation, the Assessment and Qualifications Alliance or the Oxford, Cambridge and RSA Examination Boards and approved by the Secretary of State under section 400 of the 1996 Act, the following information—
- (i) the pupil's gender, date of birth and surname followed by first name or, if more than one, each first name;
 - (ii) the GNVQ subjects achieved; and
 - (iii) in the case of a Part One GNVQ and a GNVQ Language Unit, whether the qualification was at Intermediate level or Foundation level.
4. The number of such pupils as are referred to in paragraph 1 who, during the reporting school year, were registered for or studying towards—
- (a) units of a GNVQ referred to in paragraph 3(a) to (c) and approved by the Secretary of State under section 400 of the 1996 Act;
 - (b) a National Vocational Qualification, or units of such a qualification approved by the Secretary of State under section 400 of the 1996 Act;
 - (c) the Diploma of Vocational Education of the Assessment and Qualifications Alliance approved by the Secretary of State under section 400 of the 1996 Act;
 - (d) the Initial Awards of the Oxford, Cambridge and Royal Society of Arts Examination Board approved by the Secretary of State under section 400 of the 1996 Act; or
 - (e) levels 1 and 2 of an information technology key skill qualification approved by the Secretary of State under section 400 of the 1996 Act.
5. The number of such pupils referred to in paragraph 4 who, during the reporting school year, achieved, as the case may be, the units of a GNVQ referred to in paragraph 3(a) to (c), the National Vocational Qualification (or all units studied for in relation to it), the Diploma, the Initial Awards or levels 1 and 2 of an information technology key skill qualification for which they were entered.

PART II

PUPILS AGED 16, 17 OR 18

6. The number of registered pupils aged 17 or 18 who, at the end of the reporting school year completed in their second year of study a course leading to the following—
- (a) GCE 'A' level or GCE 'AS' level examinations; and
 - (b) Vocational 'A' level examinations or Vocational 'AS' level examinations.
7. In the case of each pupil referred to in paragraph 6 the following information—
- (a) the pupil's gender, date of birth and surname followed by first name or, if more than one, each first name;
 - (b) the subjects taken and whether as GCE 'A' level examinations, GCE 'AS' level examinations or Vocational 'A' level examinations or Vocational 'AS' level examinations as the case may be and the grades achieved; and
 - (c) the name of the body awarding grades in the GCE 'A' level examinations, GCE 'AS' level examinations or the Vocational 'A' level examinations or Vocational 'AS' level examinations.
8. In the case of each registered pupil aged 17 or 18 who, at the end of the reporting school year, completed in their second year of study a course leading to the Advanced GNVQ awarded by the EDEXCEL Foundation, the Assessment and Qualifications Alliance or the Oxford, Cambridge and RSA Examination Boards—
- (a) the pupil's gender, date of birth and surname followed by first name or, if more than one, each first name;
 - (b) the subjects entered for and the grades achieved;
 - (c) the name of the body awarding the grades in the Advanced GNVQ in question; and
 - (d) whether the pupil has failed to gain a grade in any subject for which he was registered after the completion of the second year of study.
9. At the end of the reporting school year—
- (a) the number of registered pupils aged 16, 17 or 18 who completed the first year of the study of a course leading to—
 - (i) the First Certificate or Diploma of the EDEXCEL Foundation;
 - (ii) the Diploma of Vocational Education of the Assessment and Qualifications Alliance at intermediate level; or

- (iii) an Intermediate GNVQ awarded by the EDEXCEL Foundation, the Assessment and Qualifications Alliance or the Oxford, Cambridge and RSA Examination Boards; and
 - (b) the number of those pupils achieving the qualifications referred to in sub-paragraph (a)(i) to (iii) wholly or partly on the basis of work done in that year.
10. At the end of the reporting school year—
- (a) the number of registered pupils aged 16, 17 or 18 who completed the second year of study of a course leading to—
 - (i) the National Certificate or Diploma of the EDEXCEL Foundation; or
 - (ii) the Diploma of Vocational Education of the Assessment and Qualifications Alliance at national level; and
 - (b) the number of those pupils achieving the qualifications referred to in sub-paragraph (a)(i) and (ii) wholly or partly on the basis of work done in that year.
11. During the reporting school year—
- (a) the number of registered pupils aged 16, 17 or 18 who were entered for the International Baccalaureate Diploma; and
 - (b) the number of those pupils who achieved this qualification.

SCHEDULE 4

Regulation 9

Provision of Information to the Secretary of State: Authorised and Unauthorised Absence

- 1.—(1) The number of pupils of compulsory school age registered at any time on or before the Friday before the last Monday in May during the reporting school year.
- (2) For the purposes of this Schedule, a pupil is of compulsory school age unless before 1st September in the reporting school year—
- (a) he has not attained the age of five years; or
 - (b) he has attained the age of sixteen years.
2. The total number of morning and afternoon sessions in the reporting school year.
3. The number of registered pupils in respect of whom at least one authorised or unauthorised absence has been recorded during the reporting school year.
4. The number of—
- (a) authorised absences; and
 - (b) unauthorised absences,
- during the reporting school year.
5. For the purposes of this Schedule “pupil” does not include a boarding pupil.

SCHEDULE 5

Regulation 10

Provision of General Information to the Secretary of State: Secondary Schools (excluding middle deemed secondary schools)

1. The name, address and telephone number of the school.
2. The number of registered pupils on the third Thursday in January in the reporting school year.
3. The age range of pupils at the school, and the number of registered pupils (if any) aged 17 or 18.
4. The number of registered pupils who have special educational needs but in respect of whom no statement of special educational needs is maintained under section 324(a) of the 1996 Act.
5. The number of registered pupils aged 15 who have special needs.
6. The total number of registered pupils for whom a statement of special educational needs is maintained under section 324 of the 1996 Act.
7. The classification of the school as—
 - (a) community, foundation, voluntary controlled, voluntary aided, special (non-maintained), community special, foundation special, CTC, independent school approved by the Secretary of State under section 347(1) of the 1996 Act (independent schools suitable for children with statements), or other independent school;

(a) Section 324 was amended by paragraphs 57 and 77 of Schedule 30 to the School Standards and Framework Act 1998.

- (b) boys' single sex, girls' single sex, or mixed.
8. In the case of a school—
- (a) which is not a special school; and
 - (b) which is not an independent school other than a CTC,
- whether the school is—
- (i) comprehensive (admitting pupils wholly or mainly without reference to ability or aptitude or to whether they have been selected for a place at a selective school);
 - (ii) selective (admitting pupils wholly or mainly with reference to ability or aptitude); or
 - (iii) modern (admitting pupils wholly or mainly—
 - without reference to ability or aptitude; and
 - who have not been selected for a place at a selective school).
9. In the case of an independent school other than a CTC, whether the school is selective.
10. In the case of a school which has been approved by the Secretary of State as a school which specialises in—
- (a) mathematics, science and technology;
 - (b) modern foreign languages;
 - (c) the fine arts, performing arts or the media arts; or
 - (d) sport,
- which of those specialisms applies to the school.

SCHEDULE 6

Regulations 11 and 16

Provision of General Information to the Secretary of State: Primary Schools and Middle Deemed Secondary Schools

1. The name, address and telephone number of the school.
2. The number of registered pupils on the third Thursday in January in the reporting school year.
3. The number of registered pupils aged 10.
4. The age range of pupils at the school.
5. The number of registered pupils for whom a statement of special educational needs is maintained under section 324 of the 1996 Act.
6. The number of registered pupils who have special educational needs but in respect of whom no statement of special educational needs is maintained under section 324 of the 1996 Act.
7. The classification of the school as community, foundation, voluntary controlled, voluntary aided, community special or foundation special.
8. The number of registered pupils at or near the end of the final year of the second key stage who have special educational needs.

SCHEDULE 7

Regulations 14 and 15

Provision of Information to the National Data Collection Agency and the External Marking Agency

PART I

SECOND KEY STAGE RESULTS: NATIONAL DATA COLLECTION AGENCY

- 1.—(1) In respect of each registered pupil at or near the end of the final year of the second key stage, the pupil's gender, date of birth and surname followed by the first name or, if more than one, each first name.
- (2) In respect of each such pupil, the following information, as appropriate, in respect of each core subject—
- (a) the level of the National Curriculum level scale achieved by the pupil as determined by teacher assessment;
 - (b) whether the pupil was assessed by a teacher as working towards level 1;
 - (c) whether the pupil was exempted from teacher assessment under section 364 or 365 of the 1996 Act; or
 - (d) whether a teacher assessment result is not available because of the pupil's absence.

PART II

THIRD KEY STAGE RESULTS: NATIONAL DATA COLLECTION AGENCY

2.—(1) In respect of each registered pupil at or near the end of the final year of the third key stage, the pupil's gender, date of birth and surname followed by the first name or, if more than one, each first name.

(2) In respect of each such pupil, the following information in history, geography, design and technology, information technology, a modern foreign language and each core subject—

- (a) the level of the National Curriculum level scale achieved by the pupil as determined by teacher assessment;
- (b) whether the pupil was assessed by a teacher as working towards level 1;
- (c) whether the pupil was assessed by the teacher as being at the level of the National Curriculum level scale entitled "Exceptional Performance";
- (d) whether the pupil was exempted from teacher assessment under section 364 or 365 of the 1996 Act; and
- (e) whether a teacher assessment result is not available because of the pupil's absence.

PART III

SECOND KEY STAGE ASSESSMENTS: EXTERNAL MARKING AGENCY

3. In respect of each registered pupil at or near the end of the final year of the second key stage, the pupil's gender, date of birth and surname followed by the first name or, if more than one, each first name.

4. In respect of each such pupil, the following information, in respect of each core subject—
- (a) whether in the opinion of the head teacher the pupil was working below level 3 and NC tests were not administered to him;
 - (b) whether the pupil was exempted from NC tests under section 364 or 365 of the 1996 Act; or
 - (c) whether an NC test result is not available because the pupil was absent on the day the NC test was administered.

PART IV

THIRD KEY STAGE ASSESSMENTS: EXTERNAL MARKING AGENCY

5. In respect of each registered pupil at or near the end of the final year of the third key stage, the pupil's gender, date of birth and surname followed by the first name or, if more than one, each first name.

6. In respect of each such pupil, the following information—
- (a) whether, in the opinion of the head teacher, the pupil was working below level 3 in mathematics and science and NC tests were not administered to him;
 - (b) whether, in the opinion of the head teacher, the pupil was working below level 4 in English and NC tests were not administered to him;
 - (c) whether, in respect of each core subject, the pupil was exempted from an NC test under section 364 or 365 of the 1996 Act; or
 - (d) whether, in respect of each core subject, an NC test is not available because the pupil was absent on the day the NC test was administered.

SCHEDULE 8

Regulation 16

FORM IN WHICH INFORMATION IS TO BE PUBLISHED BY LOCAL EDUCATION AUTHORITIES

| School | Charter Mark Holder | Indicator showing whether seriously affected by Foot and Mouth outbreak | Classification of school as community, foundation, voluntary controlled, voluntary aided, community special or foundation special | Age range | Failed to confirm performance information | Failed to confirm general information | Total number of pupils on roll | Number of registered pupils aged 10 | Total number and percentage of pupils with special educational needs | | Number of pupils at or near the end of the final year of the second key stage | Number and percentage of pupils at or near the end of the final year of the second key stage with special educational needs | English | Mathematics | Science | Average point score | Sums of percentages achieving level 4 or above | | | Number of day pupils of compulsory school age | % of half days missed due to | |
|---|---------------------|---|---|-----------|---|---------------------------------------|--------------------------------|-------------------------------------|--|--------------------|---|---|---|---|---|---------------------|--|------|------|---|------------------------------|--------------------|
| | | | | | | | | | with statements | without statements | | | | | | | 1998 | 1999 | 2000 | | 2001 | authorised absence |
| For all Community, Foundation, Voluntary Controlled and Voluntary Aided Schools | | | | | | | | | | | | | | | | | | | | | | |
| Name, address and telephone number of school | | | | | | | | | | | | | % (achieving level 4 or above) % (absent or exempted) | % (achieving level 4 or above) % (absent or exempted) | % (achieving level 4 or above) % (absent or exempted) | | | | | | % | % |
| For all Community, Special and Foundation Special Schools | | | | | | | | | | | | | | | | | | | | | | |
| Name, address and telephone number of school | | | | | | | | | | | | | % (achieving level 4 or above) % (absent or exempted) | % (achieving level 4 or above) % (absent or exempted) | % (achieving level 4 or above) % (absent or exempted) | | | | | | % | % |
| Average for schools in area of local education authority | | | | | | | | | | | | | % | % | % | | | | | | % | % |
| Average for schools in England | | | | | | | | | | | | | % | % | % | | | | | | % | % |

SCHEDULE 9

Regulation 12

Provision of Information to Local Education Authorities about Excluded Pupils

1. Where the head teacher has excluded a pupil from the school the information referred to in paragraphs 2 to 6 is to be provided in respect of the pupil.
2. The pupil's gender, date of birth, ethnic group and surname followed by first name or, if more than one, each first name.
3. Whether the pupil had a statement of special educational needs within the meaning of section 324 of the 1996 Act on the date when the head teacher excluded the pupil.
4. Where the pupil has special educational needs, which stage of the five stage scale referred to in "The Code of Practice on the Identification and Assessment of Special Educational Needs" issued, and from time to time revised, under section 313 of the 1996 Act(a) applies to him, or, in the event of another scale being used, which stage of that scale applies to him.
5. Where the pupil is to the knowledge of the governing body in the care of a local authority, the fact that the pupil is in such care and the name of the local authority.
6. Except where the head teacher has already informed the authority pursuant to the duty under section 65(4) of the School Standards and Framework Act 1998, the period of the exclusion and the reasons for it.

SCHEDULE 10

Regulation 13

Provision of Information to Local Education Authorities about Permanently Excluded Pupils

PART I

1. The pupil's gender, date of birth and surname followed by the first name or, if more than one, each first name.
2. The date on which the pupil's permanent exclusion took effect.
3. The date on which the name of the pupil was deleted from the register.

PART II

4. The pupil's gender, date of birth and surname followed by the first name or, if more than one, each first name.
5. The date on which the pupil was admitted to the school.
6. Whether the pupil was shown as a registered pupil at the school in the register as at the third Thursday in January in the reporting school year.
7. The name of the school from which the pupil was permanently excluded.

(a) Section 313 was amended by paragraphs 57 and 72 of Schedule 30 to the School Standards and Framework Act 1998.

SCHEDULE 11

Regulation 4

Revocations

| <i>Number</i> | <i>Regulations revoked</i> | <i>Reference</i> |
|---------------|---|------------------|
| 1. | The Education (School Performance Information) (England) Regulations 1999 | S.I. 1999/1178 |
| 2. | The Education (School Performance Information) (England) (Amendment) Regulations 1999 | S.I. 1999/2158 |
| 3. | The Education (School Performance Information) (England) (Amendment) (No. 2) Regulations 1999 | S.I. 1999/2387 |
| 4. | The Education (Amendment of School and Pupil Information) (England) Regulations 1999 | S.I. 1999/2937 |
| 5. | The Education (School Performance Information) (England) (Amendment) Regulations 2000 | S.I. 2000/1089 |
| 6. | The Education (School Performance Information) (England) (Amendment) (No. 2) Regulations 2000 | S.I. 2000/2116 |
| 7. | The Education (School Performance Information) (England) (Amendment) (No. 3) Regulations 2000 | S.I. 2000/2832 |

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, made under sections 29(3), 408, 537, 537A and 569(4) of the Education Act 1996, apply in relation to schools in England. They consolidate with amendments the Education (School Performance Information) (England) Regulations 1999 (“the 1999 Regulations”) as amended, which are revoked.

The Regulations relate to the collection and publication of information about the performance of schools.

Part I of the Regulations comprises general provisions.

Part II imposes duties on head teachers of maintained schools to make available information to governing bodies for the purpose of enabling them to comply with their obligations under these Regulations (*regulation 5*).

Part III contains detailed provisions relating to the provision of information to the Secretary of State and to local education authorities.

Governing bodies of maintained schools must provide local education authorities with information about first key stage assessment results (*regulation 6 and Schedule 1*).

Governing bodies of maintained primary or middle deemed secondary schools, including special schools, must provide the Secretary of State with information about second key stage assessment results (*regulation 7 and Schedule 2*).

Governing bodies of maintained schools and proprietors of non-maintained special schools and independent schools with pupils aged 15, 16, 17 or 18 must provide the Secretary of State with specified information about their results, including results leading to information technology key skill qualifications (*regulation 8 and Schedule 3*).

Governing bodies of maintained schools and the proprietors of independent and non-maintained special schools (not providing education for boarders only) must provide the Secretary of State with information about authorised and unauthorised absences (*regulation 9 and Schedule 4*).

Governing bodies of maintained secondary schools and the proprietors of secondary independent and non-maintained special schools must provide the Secretary of State with general information about the school (*regulation 10 and Schedule 5*).

Governing bodies of maintained primary schools (including middle-deemed secondary schools and special schools) must also provide the Secretary of State with general information about the school (*regulation 11 and Schedule 6*).

Governing bodies of maintained schools must also provide local education authorities with information about excluded pupils and permanently excluded pupils (*regulations 12 Schedule 9 and regulation 13 Schedule 10*).

Part IV requires governing bodies of maintained schools to provide, respectively, the National Data Collection Agency (a body which collates information about pupils’ National Curriculum assessment results) and the external marking agency (a body which marks pupils’ responses to National Curriculum tests) with individual pupil information relating to pupils who are at or near the end of the final year of, as the case may be, the second or third key stage (*regulations 14 and 15 and Schedule 7*).

Part V contains provisions relating to the publication of information. Local education authorities are required to publish certain information about the performance of pupils in National Curriculum assessments in the final year of the second key stage at maintained primary or middle-deemed secondary schools, including special schools, in their area and other general information relating to those schools (*regulation 16*).

They are also required to provide certain supplementary information about schools, including information about average percentage figures and average point scores relating to the performance of pupils in National Curriculum assessments in the final year of the second key stage at all maintained schools providing primary education in the area of the local education authority and at all such schools in England (*regulation 16(6)*).

Copies of the document containing the information to be published by the local education authority are to be provided to the Secretary of State, governing bodies of maintained schools, proprietors of City Technology Colleges 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 (*regulation 16(7) and (8) and Schedule 8*).

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