
STATUTORY INSTRUMENTS

1991 No. 1265

EDUCATION, ENGLAND AND WALES

The Education (Information on School Examination Results) (England) Regulations 1991

<i>Made</i>	- - - -	<i>29th May 1991</i>
<i>Laid before Parliament</i>		<i>30th May 1991</i>
<i>Coming into force</i>		
<i>except for regulations 6(1)(d) and 7(1)(e)</i>		<i>1st August 1991</i>
<i>regulations 6(1)(d) and 7(1)(e)</i>		<i>1st August 1992</i>

In exercise of the powers conferred on the Secretary of State by section 8(5) and (7) of the Education Act 1980⁽¹⁾ and sections 22 and 232(5) of the Education Reform Act 1988⁽²⁾, and after consulting with such persons with whom consultation appeared to him to be desirable, the Secretary of State for Education and Science hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Information on School Examination Results) (England) Regulations 1991 and shall come into force—

- (a) except for regulations 6(1)(d) and 7(1)(e), on 1st August 1991; and
- (b) as respects regulations 6(1)(d) and 7(1)(e), on 1st August 1992.

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

Interpretation

2.—(1) In these Regulations—

“the 1988 Act” means the Education Reform Act 1988;

“education authority”, in relation to a school maintained by a local education authority, means that authority and, in relation to a grant-maintained school, means the authority in whose area the school is situated;

(1) 1980 c. 20.

(2) 1988 c. 40. For matters to be prescribed, see section 235(7) of this Act and section 114(1) of the Education Act 1944 (c. 31), and for the transfer of functions to the Secretary of State see S.I. 1964/490.

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

“GCSE” means General Certificate of Secondary Education;

“maintained secondary school” means—

- (a) any county or voluntary secondary school;
 - (b) any maintained special school which provides secondary education and which is not established in a hospital; and
 - (c) except in relation to a local education authority, any grant-maintained secondary school;
- “prescribed public examination” means a public examination which is for the time being prescribed by regulations made under section 106 of the 1988 Act(3); and
- “previous school year” and “reporting school year” have the meanings given to them respectively by regulation 4.

(2) In these Regulations references to year groups 11 and 13 are references to the year groups at a school in which the majority of pupils attain the ages of sixteen and eighteen respectively during the school year.

(3) Where a percentage which is required to be calculated by virtue of these Regulations is not a whole number it shall be rounded to the nearest whole number, the fraction of one half being rounded upwards to the next whole number.

(4) 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.

(5) For the purposes of these Regulations—

- (a) any prescribed public examination for which a pupil in year group 11 was entered during any school year preceding the reporting school year shall be treated as such an examination for which the pupil was entered during the reporting school year; and
- (b) any prescribed public examination for which a pupil in year group 13 was entered during the previous school year shall be treated as such an examination for which the pupil was entered during the reporting school year.

(6) References in column 2 of the Schedule to these Regulations to GCSE National Criteria are to criteria which are applied by the School Examinations and Assessment Council (being a body designated by the Secretary of State pursuant to section 5(3) of the 1988 Act) in determining whether to approve a syllabus for the purposes of section 5(1)(a) of the 1988 Act(4).

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

Amendment of the Education (School Information) Regulations 1981

3. The Education (School Information) Regulations 1981(5) shall be amended as follows—

- (a) at the beginning of paragraphs (1) and (2) of regulation 4 there shall be added the words “Subject to regulation 4A”;
- (b) after regulation 4 there shall be added the following regulation—

(3) The regulations in force at the date these regulations are made are the Education (Prescribed Public Examinations) Regulations 1989 (S.I. 1989/377).

(4) The criteria are contained in the publication “GCSE: the National Criteria” (ISBN 0 11 270569 3).

(5) S.I. 1981/630, to which there are relevant amendments in S.I. 1988/1023 and 1989/398.

“4A.—(1) This regulation applies where the information relating to prescribed public examinations results referred to in paragraph 15(1)(b) of Schedule 2 (“the public examinations results information”) which is published in accordance with subsection (5) of section 8 of the Act of 1980 (read with regulations 4 and 6) does not relate to examinations held in the school year immediately preceding the school year in which the information is published (“the previous school year”).

(2) Where this regulation applies the persons referred to in paragraph (1) of regulation 4 shall, as soon as practicable after the public examinations results information for the previous school year is made available to them, publish that information as a supplement to the school prospectus as provided in regulation 6 (disregarding paragraph (2) thereof).”;

- (c) in paragraph (1) of regulation 6 for the words “regulation 4” there shall be substituted the words “regulations 4 and 4A”;
- (d) for paragraph 15 of Schedule 2 there shall be substituted the following paragraph—

“15.—(1) In the case of a school in England (including a special school) providing education for pupils in year groups 11 or 13, the following information relating to public examinations, namely—

- (a) the policy in respect of entering such pupils for public examinations; and
- (b) in relation to all prescribed public examinations held in the relevant school year the particulars made available to the governing body by the head teacher pursuant to regulation 4 of the Education (Information on School Examination Results) (England) Regulations 1991.

(2) In this paragraph—

- (a) references to year groups 11 and 13 are references to the year groups at a school in which the majority of pupils attain the ages of sixteen and eighteen respectively during the school year;
- (b) references to the relevant school year are to the last school year for which the particulars referred to in sub-paragraph (1)(b) of this paragraph were available at the date specified for the purposes of regulation 8(2); and
- (c) “prescribed public examinations” means public examinations which are for the time being prescribed by regulations made under section 106 of the Education Reform Act 1988.”

Provision of school examination results by head teacher

4.—(1) Subject to regulations 12 and 13 the head teacher of every maintained secondary school, other than a grant-maintained secondary school, shall not later than 31st October in each year make available to the governing body of the school and to the education authority such particulars relating to examinations for which pupils at the school were entered during the reporting school year and the previous school year as are referred to—

- (a) in the case of a school providing education for pupils in year group 11 or year group 13, in regulation 5;
- (b) in the case of a school providing education for pupils in year group 11, in regulation 6; and
- (c) in the case of a school providing education for pupils in year group 13, in regulation 7.

(2) In this regulation and regulations 5 to 7 references to the reporting school year are references to the school year immediately preceding the school year in which the relevant 31st October falls and references to the previous school year are to the school year immediately preceding the reporting school year.

5.—(1) Subject to paragraphs (2) and (3) the particulars in the case of a school providing education for pupils in year group 11 or 13 referred to in regulation 4(a) are:

- (a) the respective number of pupils in year groups 11 and 13 who, subject by subject, were entered during the reporting school year for any prescribed public examination;
- (b) the number of such pupils who, subject by subject—
 - (i) in the case of examinations for the GCSE—
 - (aa) attained each grade from A to G; and
 - (bb) failed to attain any such grade;
 - (ii) in the case of GCE “A” level and GCE “AS” examinations—
 - (aa) attained each grade from A to E; and
 - (bb) failed to attain any such grade;
 - (iii) in the case of any other prescribed public examination—
 - (aa) attained each pass grade in each such examination; and
 - (bb) failed to attain any such grade; and
 - (iv) in all cases, did not attempt each such examination.
- (c) the numbers for the previous school year corresponding to those referred to in sub-paragraphs (a) and (b).

(2) In the case of examinations for the GCSE for which pupils in year group 11 were entered, the particulars shall commence with the number relating to each subject for which such pupils were entered listed in column 1 of the Schedule hereto in the order in which they are listed, and for those subjects only shall show separately the number of male pupils, of female pupils and of all pupils.

(3) For the purposes of paragraph (2) an examination for the GCSE in a subject listed in column 1 of the Schedule hereto is not to be treated as such unless the examination is in a syllabus referred to in column 2 opposite that subject.

6.—(1) The particulars in the case of a school providing education for pupils in year group 11 referred to in regulation 4(b) are—

- (a) the number of male pupils and female pupils and the total number of pupils at the school on the third Thursday in January in the reporting school year who were aged 15 on 31st August immediately preceding the commencement of that school year;
- (b) the percentage of male pupils and of female pupils and of all pupils at the school in year group 11 who during the reporting school year—
 - (i) were entered for an examination for the GCSE in one or more subjects;
 - (ii) were entered for an examination for the GCSE in five or more subjects;
 - (iii) achieved grade A, B or C in such examinations in one or more subjects;
 - (iv) achieved any grade from A to G in such examinations in one or more subjects;
 - (v) achieved grade A, B or C in such examinations in not less than five subjects; and
 - (vi) achieved any grade from A to G in such examinations in not less than five subjects; and
 - (vii) achieved no grade in any such examination (whether or not entered for one or more).
- (c) the numbers and percentages for the previous school year corresponding to those referred to in sub-paragraphs (a) and (b); and

(d) the percentages for the previous school year for all secondary schools maintained by the education authority and for all maintained secondary schools in England corresponding to those referred to in sub-paragraph (b).

(2) For the purposes of this regulation in calculating percentages of pupils in year group 11 the number of pupils in that year group shall be taken to be the number referred to in sub-paragraph (a) of paragraph (1).

7.—(1) The particulars in the case of a school providing education for pupils in year group 13 referred to in regulation 4(c) are—

(a) the number of male pupils and female pupils and the total number of pupils at the school on the third Thursday in January in the reporting school year who were aged 17 on the 31st August immediately preceding the commencement of that school year;

(b) the percentages of male pupils and of female pupils and of all pupils in year group 13 who were entered during the reporting school year or the previous school year for GCE 'A' level or GCE AS examinations and whose achievements, calculated in accordance with paragraph (2), fall into each of the following ranges of points, namely: 0 to 4 points; 5 to 9 points; 10 to 14 points; 15 to 19 points; 20 to 24 points; 25 to 29 points; and 30 or more points.

(c) the average number of points so calculated for male pupils, female pupils and all pupils;

(d) the numbers and percentages for the previous school year corresponding to those referred to in sub-paragraphs (a) to (c); and

(e) the numbers and percentages for the previous school year for all secondary schools maintained by the education authority and for all maintained secondary schools in England corresponding to those referred to in sub-paragraphs (b) and (c).

(2) For the purposes of paragraph (1) the following grades of achievement in GCE "A" level and GCE "AS" examinations equate to the following points, namely:

GCE "A" level: grade A = 10 points; grade B = 8 points; grade C = 6 points; grade D = 4 points; and grade E = 2 points.

GCE "AS": grade A = 5 points; grade B = 4 points; grade C = 3 points; grade D = 2 points; and grade E = 1 point.

(3) In the case of a pupil who has been entered for both GCE "A" level and GCE "AS" examinations in the same subject only the GCE "A" level examinations shall be taken into account for the purposes of paragraph (1)(b).

(4) In calculating percentages of pupils in year group 13 the number of pupils in that year group shall be taken to be the number referred to in sub-paragraph (a) of paragraph (1).

8. Subject to regulation 11 the head teacher of every grant-maintained secondary school shall make available to the governing body of the school, not later than 31st October in each year, a copy of the particulars referred to in regulations 5, 6 and 7.

Provision of results by education authority

9. Every education authority shall not later than 31st May in each year make available to the head teacher of every secondary school which it maintains the particulars referred to in paragraph (1)(d) of regulation 6 and paragraph (1)(e) of regulation 7.

Governing body's annual report to parents: supplementary examination results information

10. Where the information relating to prescribed public examinations results given in the annual report to parents of the governing body of a maintained secondary school pursuant to section 30(2)(i)

of the Education (No. 2) Act 1986(6) or section 58(5)(j) of the 1988 Act does not contain the results of such examinations held during the period to which the report relates, the governing body shall publish such results with the annual report.

Grant maintained school prospectus: examination results information

11. Where the information relating to prescribed public examinations results (“the public examinations results information”) which is published by the governing body of a grant-maintained secondary school pursuant to section 58(5)(j) of the Act does not relate to examinations held in the school year immediately preceding the school year in which the information is published the governing body shall as soon as practicable after the public examination results information for that school year is made available to them publish that information as a supplement to the school prospectus in the manner required by the school’s articles of government for publication of the prospectus.

Qualification of head teacher’s and local education authority’s duty

12. The duty imposed on a head teacher or a local education authority by these Regulations in respect of particulars relating to maintained secondary schools in the area of the education authority or in England applies only to the extent that the relevant particulars have been made available to the head teacher by the authority pursuant to regulation 12 or by the Secretary of State (as the case may be) before the date on which the particulars are required to be made available by the head teacher or the local education authority.

Avoidance of duplication of information in certain circumstances

13. Nothing in these Regulations shall require the head teacher to make the same particulars available to the education authority on more than one occasion, nor to make available to the authority particulars which have been made available to him by that authority.

SCHEDULE

Regulation 5(2) and (3)

ORDER IN WHICH GCSE RESULTS OF PUPILS IN YEAR GROUP
11 TO BE MADE AVAILABLE AND SYLLABUSES COUNTING AS
GCSE SYLLABUSES FOR THE PURPOSES OF REGULATION 5(3)

English	All syllabuses entitled English or which otherwise conform to Section A of the GCSE National Criteria for English.
Mathematics	All syllabuses entitled Mathematics or which otherwise conform to the GCSE National Criteria for Mathematics.
Science:	
Science single award	All combined or integrated science syllabuses entitled Science, or which otherwise conform to the GCSE National Criteria for Science, which lead to a single GCSE award.
Science double award	All combined or integrated science syllabuses entitled The Sciences: Double Award, or which otherwise conform to the GCSE National Criteria for Science and which lead to two GCSE awards.
Biology	All syllabuses entitled Biology or which otherwise conform to GCSE National Criteria for Biology.
Chemistry	All syllabuses entitled Chemistry or which otherwise conform to GCSE National Criteria for Chemistry.
Physics	All syllabuses entitled Physics or which otherwise conform to GCSE National Criteria for Physics.

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

Signed by authority of the Secretary of State for Education and Science

29th May 1991

Tim Eggar
Minister of State,
Department of Education and Science

EXPLANATORY NOTE

(This note is not part of the Regulations)

These regulations, made under section 8 of the Education Act 1980 and sections 22 and 232 of the Education Reform Act 1988, apply to secondary schools maintained by local education authorities (“LEAs”) and to grant-maintained schools in England.

They impose duties on head teachers to provide by 31st October each year specified information to governing bodies and LEAs on the aggregate public examination results of pupils in year groups 11 and 13 in the school (regulations 4—8 and 11).

The Education (School Information) Regulations 1981 are amended to require the inclusion of this information in school prospectuses (regulation 3). If the information in the prospectus does not include the results of the most recently held examinations, those results must be published as a supplement when they become available (regulations 3 and 11). Similarly, where the governing body’s annual report to parents does not contain the most recent results they must be published with the report (regulation 10).

The results must be published along with comparable figures for the previous year. Head teachers and governing bodies are also required to provide the equivalent summary information for the area of the LEA which maintains the school or (in the case of a grant-maintained school) in which the school is located and for England (regulations 4—8 and 11).