
STATUTORY INSTRUMENTS

1992 No. 1385

EDUCATION, ENGLAND AND WALES

**The Education (School Performance
Information) (England) Regulations 1992**

<i>Made</i>	- - - -	<i>10th June 1992</i>
<i>Laid before Parliament</i>		<i>19th June 1992</i>
<i>Coming into force</i>	- -	<i>1st August 1992</i>

In exercise of the powers conferred on the Secretary of State by sections 8(5) and (7) and 35(4) of the Education Act 1980(1), sections 22 and 232(5) and (6) of the Education Reform Act 1988(2), and sections 16 and 19(3) of the Education (Schools) Act 1992(3), 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 (School Performance Information) (England) Regulations 1992 and shall come into force on 1st August 1992.

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

Interpretation

2.—(1) In these Regulations—

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

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

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

“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;

(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.

(3) 1992 c. 38.

“maintained secondary school” means—

- (a) any county or voluntary secondary school;
- (b) any maintained special school which is not established in a hospital and which provides secondary education; and
- (c) any grant-maintained secondary school;

but excludes schools deemed to be secondary schools by virtue of the Education (Middle Schools) Regulations 1980(4);

“prescribed public examination” means a public examination which is for the time being prescribed by regulations made under section 106 of the 1988 Act(5);

“previous school year” means the school year immediately preceding the reporting school year, but subject to paragraph (5) excludes the school year 1990/91;

“reporting school year” means the school year immediately preceding the school year in which information is required to be provided to the Secretary of State pursuant to regulation 5; and

“special class” means a class so designated by the education authority (in the case of a school maintained by the authority), governing body (in the case of a grant-maintained school) or proprietor (in the case of a CTC), in which all or the majority of pupils have special educational needs.

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

- (a) references to pupils of a particular age are to pupils who attained that age during the period of twelve months ending on the 31st August immediately preceding the commencement of the reporting school year and who were registered pupils at the school on the third Thursday in January in the reporting school year;
- (b) references to examinations for which pupils at the school were entered include examinations for the syllabuses of which pupils were prepared at the school (within the meaning of section 106(11) of the 1988 Act) but for which they were entered otherwise than in pursuance of section 117 of the 1988 Act; and
- (c) any reference to the date up to which parents may express a preference for a school is a reference to the date by which, in accordance with arrangements made by the local education authority in pursuance of section 6(1) of the Education Act 1980, a parent wishing education to be provided for his child in the exercise of the authority’s functions should express such a preference.

(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 any prescribed public examination for which a pupil aged 15 or 17 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 Schedule 2 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(6).

(4) S.I. 1980/918.

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

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

(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, any reference in a paragraph to a subparagraph is a reference to a subparagraph of that paragraph and any reference to a Schedule is to a Schedule to these Regulations.

Amendment of the Education (School Information) Regulations 1981

3. The Education (School Information) Regulations 1981(7) are amended as follows—
- (a) in paragraph (6)(b) of regulation 2 for “sub-paragraph (1)(d)” there is substituted “sub-paragraph (1)(a)”;
 - (b) for regulation 4A there is substituted the following regulation—

“4A.—(1) This regulation applies where the information relating to prescribed public examination results referred to in paragraph 15(1)(b) of Schedule 2 (“the public examination 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 reporting school year”).

(2) Where this regulation applies the persons referred to in paragraph (1) of regulation 4 shall as soon as practicable after the information in question for the reporting school year is made available to them, and in any event not later than two weeks before the earlier of the two dates referred to in paragraph (2) of regulation 6, publish that information as a supplement to the school prospectus in the manner required by that regulation for the publication of the prospectus.”;
 - (c) in subparagraph (1) of paragraph 15 of Schedule 2, for “in year groups 11 or 13”, there is substituted “aged 15 or 17”;
 - (d) for subparagraph (1)(b) of that paragraph there is substituted—

“(b) in relation to all prescribed public examinations held in the relevant school year—

 - (i) the particulars referred to in Parts I and II of Schedule 1 to the Education (School Performance Information) (England) Regulations 1992; and
 - (ii) the corresponding national figures.”;
 - (e) for subparagraph (2)(a) of that paragraph there is substituted—

“(a) references to pupils of a particular age are to pupils who attained that age during the period of twelve months ending with the 31st August immediately preceding the school year in question and who were registered as pupils at the school on the third Thursday in January in that year”; and
 - (f) after subparagraph (2)(c) of that paragraph there is added “and” and the following paragraph—

“(d) “corresponding national figures” means the average figures for all schools in England providing secondary education (other than special schools established in hospitals) which correspond to the figures referred to in paragraphs 13, 15 and 16 of Schedule 1 to the said Regulations of 1992.”.

Provision of school examination results by head teacher to governing body and education authority

4.—(1) For the purpose of enabling the governing body to satisfy the statutory requirements, the head teacher of every maintained secondary school shall each year make available to the governing body such particulars relating to examinations for which registered 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 aged 15 or 17, in Parts I and II of Schedule 1 and in Schedule 3;
- (b) in the case of a school providing education for pupils aged 15, as are referred in Part III of Schedule 1; and
- (c) in the case of a school providing education for pupils aged 17, in Part IV of Schedule 1.

(2) For the purpose of enabling the education authority to satisfy the statutory requirements, the head teacher of every county and voluntary controlled secondary school shall each year make available to the education authority the particulars referred to in sub-paragraph (a) of paragraph (1).

(3) In this regulation “the statutory requirements” means any requirements relating to the provision of information about schools imposed by or under the Education Act 1980, the Education (No. 2) Act 1986⁽⁸⁾, the 1988 Act or the Education (Schools) Act 1992 (including, in the case of the last-mentioned Act, these Regulations).

Provision of school examination results to Secretary of State

5.—(1) The governing body of every maintained secondary school and the proprietor of every CTC shall within two weeks of receiving a written request from the Secretary of State during the first term of each school year make available to him such particulars relating to examinations for which registered pupils at the school were entered during the reporting school year and the previous school year and such other information as are referred to—

- (a) in the case of a school providing education for pupils aged 15, in Part III of Schedule 1;
- (b) in the case of a school providing education for pupils aged 17, in Part IV of Schedule 1; and
- (c) in both cases, in Schedule 3.

Determination of examination results particulars

6.—(1) The provisions of this regulation have effect for the purpose of determining the particulars referred to in Schedule 1.

(2) In the case of examinations for the GCSE for which pupils aged 15 were entered, the particulars shall commence with the subjects listed in column 1 of Schedule 2 in the order in which they are so listed, and for those subjects 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 Schedule 2 is not to be treated as such unless the examination is in a syllabus referred to in column 2 opposite that subject.

(4) Subject to paragraph (6) if a pupil has been entered for two or more examinations in the same subject in the same school year, or in different school years which are treated as the same school year by virtue of regulation 2(5), only the examination in which he achieved the higher or highest grade shall be taken into account.

(5) In the case of an examination leading to the award of the GCSE in two subjects, a pupil shall be included only once in the number of pupils entered for the examination and taken into account

⁽⁸⁾ 1986 c. 40.

only once in calculating the relevant percentages but each grade awarded to him shall be treated as having been awarded in a separate subject.

(6) 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 examination result shall be taken into account.

(7) For the purpose of determining points scores in GCE `A' level and GCE `AS' examinations the following grades of achievement 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.

Publication of local and national examination results information by governing body

7.—(1) The governing body of every maintained secondary school shall provide the information referred to in paragraph (2) in the form and manner and to the persons specified in paragraph (3).

(2) The information referred to in paragraph (1) is information about the results of examinations taken by pupils at secondary schools in the area of the education authority and in England in the reporting school year and the other information relating to those schools contained in a document provided to the governing body by the Secretary of State.

(3) The information shall be provided in the document in which it was provided by copies being made available at the school for reference by parents and other persons.

(4) The governing body of every maintained primary school providing education for pupils aged 9 and every maintained school deemed to be a secondary school by virtue of the Education (Middle Schools) Regulations 1980 shall provide the information referred to in paragraph (2) by distributing the document without charge to parents of pupils who are in their final year at the school before transferring to secondary schools and by making copies of the document available at the school for reference by parents and other persons.

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

8.—(1) If, when the governing body of a maintained secondary school publish in their annual report to parents in pursuance of section 30(2)(i) of the Education (No. 2) Act 1986 or section 58(5)(j) of the 1988 Act the results of examinations held during the period to which the report relates, there are available to them the corresponding local figures for that period, they shall publish those figures with the report.

Grant-maintained school prospectus: examination results information

9. Where the information relating to prescribed public examinations results which is published by the governing body of a grant-maintained secondary school pursuant to section 58(5)(j) of the 1988 Act does not relate to examinations held in the reporting school year, the governing body shall as soon as practicable after the information in question for that school year is made available to them, but in any event not later than two weeks before the date by which an application for admission to the school in the school year following the school year in which the information is published should be made, 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 governing body's and local education authority's duty

10. The duties imposed on a governing body and a local education authority by virtue of these Regulations in respect of particulars relating to schools in the area of the education authority or in England apply only to the extent that the relevant particulars have been made available to the governing body or, as the case may be, the education authority by the Secretary of State before the

latest occasion on which the particulars are required to be published by the governing body or the authority.

Avoidance of duplication of information in certain circumstances

11. Nothing in these Regulations shall require a head teacher or governing body to make the same particulars available to the same person on more than one occasion, nor to make available to any person particulars which have been made available to him or them by that person.

Revocation

12. The Education (Information on School Examination Results) (England) Regulations 1991⁽⁹⁾ (“the 1991 Regulations”) are revoked, but the Education (School Information) Regulations 1981 shall continue to have effect with the amendments made by the 1991 Regulations and by regulation 3 of these Regulations.

⁽⁹⁾ S.I. 1991/1265.

SCHEDULE 1

Regulations 4 and 5

INFORMATION TO BE PROVIDED BY HEAD TEACHER TO GOVERNING BODY AND EDUCATION AUTHORITY

PART I

1. The numbers of male pupils and female pupils and the total number of pupils aged 15 and 17.
2. The total number of registered pupils at the school in respect of whom a statement of special educational needs is maintained under section 7 of the Education Act 1981.
3. The respective numbers of pupils aged 15 and 17 who, subject by subject, were entered during the reporting school year for any prescribed public examination.
 - (a) (a) The number of such pupils aged 15 who, subject by subject—
 - (i) attained each grade from A to G in examinations for the GCSE; and
 - (ii) failed to attain any such grade in such examinations.
 - (b) The number of pupils aged 17 who, subject by subject—
 - (i) attained each grade from A to E in GCE 'A' level and GCE 'AS' examinations; and
 - (ii) failed to attain any such grade in such examinations.
 - (c) The respective numbers of pupils aged 15 and 17 who—
 - (i) attained each pass grade in any other prescribed public examination; and
 - (ii) failed to attain any such grade in any such examination.
 - (d) The respective numbers of pupils aged 15 and 17—
 - (i) who did not attempt any prescribed public examination (having been entered therefor); and
 - (ii) were not entered for any such examination.
5. The percentage of male pupils, female pupils and of all pupils aged 15 who during the reporting school year—
 - (a) were entered for an examination for the GCSE in one or more subjects;
 - (b) were entered for such an examination in five or more subjects;
 - (c) achieved grade A, B or C in such an examination in one or more subjects;
 - (d) achieved any grade from A to G in such an examination in one or more subjects;
 - (e) achieved grade A, B or C in such an examination in five or more subjects;
 - (f) achieved any grade from A to G in such an examination in five or more subjects; and
 - (g) achieved no grade in any such examination (whether or not entered for one or more).
6. The particulars for the previous school year corresponding to those referred to in paragraphs 1 to 5.

PART II

7. The numbers of male pupils, female pupils and all pupils aged 17 who were entered during the reporting school year—
 - (a) for at least one GCE 'A' level or GCE 'AS' examination;

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- (b) for any other prescribed public examination; and
 - (c) for no prescribed public examination.
8. The percentages of all pupils aged 17 entered for GCE 'A' level or GCE 'AS' examinations whose achievements 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.
9. The average number of points of male pupils, female pupils and all pupils aged 17 entered for GCE 'A' level or GCE 'AS' examinations.
10. The particulars for the previous school year corresponding to those referred to in paragraphs 7 to 9.

**INFORMATION TO BE PROVIDED BY HEAD TEACHER TO GOVERNING BODY,
AND BY GOVERNING BODY OR PROPRIETOR TO SECRETARY OF STATE**

PART III

11. The number of pupils aged 15.
12. The total number of registered pupils at the school in respect of whom a statement of special educational needs is maintained under section 7 of the Education Act 1981.
13. The percentage of pupils aged 15 who during the reporting school year—
- (a) achieved grade A, B or C in an examination for the GCSE in one or more subjects;
 - (b) achieved any grade from A to G in such an examination in one or more subjects;
 - (c) achieved grade A, B or C in such an examination in five or more subjects; and
 - (d) achieved any grade from A to G in such an examination in five or more subjects.

PART IV

14. The number of pupils aged 17.
15. The percentage of such pupils who were entered during the reporting school year for at least one GCE 'A' level or GCE 'AS' examination.
16. The average number of points of such pupils entered for at least one GCE 'A' level or GCE 'AS' examination.

SCHEDULE 2

Regulation 6

**ORDER IN WHICH GCSE RESULTS OF PUPILS AGED 15 TO
BE MADE AVAILABLE AND SYLLABUSES COUNTING AS
GCSE SYLLABUSES FOR THE PURPOSES OF REGULATION 6**

English

All syllabuses entitled *English* which conform to *Section A* of the GCSE National Criteria for English.

Mathematics	All syllabuses entitled <i>Mathematics</i> which conform to the GCSE National Criteria for Mathematics.
Science:	
Science single award	All combined or integrated science syllabuses entitled <i>Science</i> , which 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 <i>The Sciences: Double Award</i> , which conform to the GCSE National Criteria for Science, and which lead to two GCSE awards.
Biology	All syllabuses entitled <i>Biology</i> which conform to GCSE National Criteria for Biology.
Chemistry	All syllabuses entitled <i>Chemistry</i> which conform to GCSE National Criteria for Chemistry.
Physics	All syllabuses entitled <i>Physics</i> which conform to GCSE National Criteria for Physics.

SCHEDULE 3

Regulations 4 and 5

GENERAL INFORMATION ABOUT SCHOOLS

1. The name, address and telephone number.
2. The number of registered pupils.
3. The number of registered pupils aged 16 and over.
4. Whether the school has one or more special classes.
5. The classification of the school as—
 - (a) county; voluntary controlled; voluntary aided; special (maintained by local education authority); special (not so maintained); special agreement; grant-maintained; or city technology college/city college for the technology of the arts;
 - (b) comprehensive (admitting pupils without reference to ability); selective (admitting pupils wholly or partially with reference to ability or aptitude); or modern (admitting pupils not selected for a place at a selective school);
 - (c) boys' single sex, girls' single sex; mixed; boys' with mixed sixth form; or girls' with mixed sixth form.
6. The age range of pupils at the school.

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

10th June 1992

John Patten
Secretary of State for Education and Science

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, made under section 8 of the Education Act 1980, section 22 of the Education Reform Act 1988 and section 16 of the Education (Schools) Act 1992, apply mainly to secondary schools maintained by local education authorities and to grant-maintained schools in England. They replace the Education (Information on School Examination Results) (England) 1991, which are revoked.

The Regulations impose duties on head teachers to provide specified information to governing bodies and on governing bodies and proprietors of city technology colleges to provide specified information to the Secretary of State, in each case about the examination results of pupils at the school (including, in particular, the results of GCSE and GCE examinations). General information about the school must also be provided (regulations 4 to 6 and Schedules 1 and 3).

The Education (School Information) Regulations 1981 are amended to require the inclusion of much of this information in the school prospectuses. If the information in the prospectus does not include the results of the examinations most recently held, those results must be published as a supplement when they become available and in any event at least two weeks before the time by which parents must apply for admission to or express a preference for a secondary school (regulation 3). The governing body must publish with their annual report to parents corresponding local examination results if these are available at the time of publication (regulation 8).

The governing body of every maintained primary and secondary school is required to make available for reference by parents a document supplied by the Secretary of State showing the examination results of schools in the education authority's area, with local and national averages figures. The governing body of a primary school (other than an infants' school) and a middle deemed secondary school is also required to distribute the document to parents of pupils in their final year at the school (regulation 7).

Except during the first year in which they are in force the regulations require information about the school year being reported on to be accompanied by the corresponding information about the previous school year.