
STATUTORY INSTRUMENTS

1994 No. 1421

**The Education (School Information)
(England) Regulations 1994**

**PART I
GENERAL**

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (School Information) (England) Regulations 1994 and shall come into force on 21st June 1994.

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

Revocation

2. The Education (School Information) (England) Regulations 1993(1), and the Education (School Information) (Amendment) (England) Regulations 1993(2), are hereby revoked.

Interpretation

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

“the 1980 Act” means the Education Act 1980;

“the 1988 Act” means the Education Act 1988;

“admission school year” means a school year at the beginning of which pupils are to be admitted to any school;

“assess” means assess pursuant to orders made under section 4 of the 1988 Act(3), and “assessment” shall be construed accordingly;

“attainment targets” has the meaning given by section 2 of the 1988 Act;

“authority” means a local education authority and, in relation to an authority, “the offices” means the education offices;

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

“GCSE” means General Certificate of Secondary Education;

“local average figures” means the average figures for all schools maintained by the relevant authority (other than any special school established in a hospital), all grant-maintained schools, grant-maintained special schools (other than any established in a hospital), and all city

(1) S.I.1993/1502.

(2) S.I. 1993/2824.

(3) The orders currently in force are the Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 1) Order 1993, S.I. 1993/1983 and the Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 3) Order 1993, S.I. 1993/1984.

technology colleges and city colleges for the technology of the arts in the area of the relevant authority;

“maintained school” means:

- (a) any county or voluntary school;
- (b) any special school maintained by an authority which is not established in a hospital;
- (c) any grant-maintained school or grant-maintained special school which is not established in a hospital

but excludes any nursery school;

“national average figures” means the average figures for all schools in England and, in relation to pupils aged 16, 17 or 18, also include the figures for all institutions within the further education sector;

“non-maintained special school” means a special school which is not maintained by an authority nor a grant-maintained special school (and which is not established in a hospital);

“previous school year” means the school year immediately preceding the reporting school year;

“publication school year” means the school year immediately preceding the admission school year;

“public examinations” means public examinations which are for the time being prescribed by regulations made under section 106 of the 1988 Act(4);

“primary education” does not include such education provided at a middle school;

“relevant authority”, in relation to a maintained school, means the authority by which the school is maintained;

“reporting school year” means the school year immediately preceding the publication school year;

“special educational needs” and “special educational provision” have the same meanings as in section 156 of the Education Act 1993;

“special school” has the meaning assigned to it by section 182(1) of the Education Act 1993;

“unit” in relation to a vocational qualification, means a module or part of a course leading to that qualification which, when successfully completed, can be counted together with other modules or parts towards obtaining that qualification.

(2) In these Regulations, 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 sub-paragraph is a reference to a sub-paragraph of that paragraph and any reference to a Schedule is to a Schedule to these Regulations.

(3) In these Regulations any reference to a 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 relevant local education authority under section 6(1) of the 1980 Act, a parent wishing education to be provided for his child in the exercise of the authority’s functions should express such a preference.

(4) In these Regulations, unless the context otherwise requires, a reference to publication by the governing body of a school includes a reference to publication on behalf of the governing body by the relevant authority by virtue of section 8(6) of the 1980 Act.

(5) In these Regulations references to the first key stage and the third key stage are references to the periods set out in paragraphs (a) and (c) of section 3(3) of the 1988 Act.

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

(6) In these Regulations, unless the context otherwise requires, 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.

(7) In these Regulations—

- (a) except where otherwise provided, 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;
- (b) where an average point score which is required to be calculated by virtue of these Regulations is not a whole number, it shall be calculated to one decimal place.

(8) In these Regulations, references to examinations for which pupils at the school were entered include examinations for which they were entered otherwise than in pursuance of section 117 of the 1988 Act.

(9) For the purposes of these Regulations, any examination for the GCSE for which a pupil aged 15 was entered during the previous school year or any earlier school year shall be treated as such an examination for which the pupil was entered during the reporting school year.

Qualification of Duties

4. The duties imposed on governing bodies and authorities by virtue of these Regulations in respect of provision or publication of information apply only to the extent that that information is available to the governing body or the authority before the latest occasion on which the information is required to be provided or published, as the case may be.

PART II

PROVISION OF INFORMATION BY HEAD TEACHER

Provision of information by head teacher to governing body

5. For the purpose of enabling the governing body to comply with their obligations under these Regulations, the head teacher of every maintained school shall make available to the governing body information about the matters mentioned in Schedule 2.

PART III

INFORMATION TO BE PUBLISHED OR PROVIDED BY AUTHORITIES

General information to be published by authorities

6.—(1) An authority shall publish with respect to its policy and arrangements in respect of primary and secondary education (including such education provided in a middle school) in its area information in respect of each of the matters specified in Schedule 1.

(2) Where changes in respect of any of those matters have been decided on by the authority but not yet implemented, the authority shall also publish information about those changes.

(3) This information shall be published as provided in regulation 7.

Time and manner of publication by authorities of general information and particulars of school admission arrangements and related matters.

7.—(1) This regulation shall apply in relation to the publication by an authority of—

- (a) information in respect of the matters specified in Schedule 1;
- (b) particulars of the arrangements mentioned in section 8(1), (3) and (4) of the 1980 Act⁽⁵⁾; and
- (c) any other information pursuant to sections 8(5) and (6) of the 1980 Act.

(2) Such information and particulars shall be published before the end of the publication school year and, except in so far as they relate exclusively to primary education or special educational provision, they shall be published no later than six weeks before the date up to which parents may express a preference for a school in respect of the admission school year.

(3) Subject to paragraphs (4) to (9), such information and particulars shall be published—

- (a) by copies being made available for distribution without charge to parents on request, and for reference by parents and other persons—
 - (i) at the offices of the relevant authority, and
 - (ii) at every school maintained by that authority, other than a nursery school or a special school;
- (b) by copies being distributed without charge to parents of pupils at schools maintained by the relevant authority, other than nursery schools or special schools, who, in the publication school year, are in the final year at such schools and who might transfer to other schools so maintained; and
- (c) by copies being made available for reference by parents and other persons at the public libraries in the area of the relevant authority.

(4) So far as the information in respect of the matters specified in paragraphs 3, 4 and 5 of Schedule 1 is concerned (schools maintained by the authority), the information in respect of schools in a particular part of the relevant local education authority's area need not—

- (a) be made available at offices, schools and libraries outside that part; or
- (b) be distributed to the parents of pupils who are at schools outside that part,

if information about how it may be obtained is available at those offices, schools and libraries or, as the case may be, is distributed to those parents.

(5) It shall be a sufficient compliance with paragraph (3) (a) (ii) if so much of the information and particulars as relates to schools classified as—

- (a) primary schools;
- (b) middle schools; or
- (c) secondary schools,

(irrespective of the terminology used) is available only in schools of the classification in question.

(6) It shall be a sufficient compliance with paragraph (3) (b) if there is published so much of the information and particulars as is relevant having regard to the schools to which pupils in the final year at that school might transfer.

(7) So far as the particulars specified in Part II of Schedule 1 are concerned (special education provision), paragraphs (3), (4), (5) and (6) shall not apply but the particulars shall be published—

- (a) by copies being available for distribution without charge to parents on request, and for reference by parents and other persons, at the relevant authority; and

(5) Section 8(3) of the 1980 Act was amended by section 31(2) of the 1988 Act.

(b) by copies being available for reference by parents and other persons—

- (i) at every school maintained by the relevant authority, and
- (ii) at the public libraries in the area of that authority.

(8) Without prejudice to the foregoing provisions of this regulation, such particulars of the arrangements made by the relevant authority under section 7(1) of the 1980 Act⁽⁶⁾ (appeals against admission decisions) and mentioned in section 8(1)(c) of that Act shall also be published by being set out in any document containing a notification to parents of a decision referred to in section 7(1) of that Act refusing their child admission to a school for which the parents have expressed a preference in accordance with arrangements made under section 6(1) of that Act.

(9) Information about the matters mentioned in paragraphs 7(2) and 18 of Schedule 1 (transport arrangements and policies) shall also be published by copies being distributed without charge to institutions within the further education sector or at which a further education funding council has secured provision which (in either case) the authority consider students resident within its area may wish to attend.

PART IV

INFORMATION TO BE PUBLISHED BY GOVERNING BODIES

General information to be published by governing bodies

8.—(1) Subject to regulations 9 and 10, the governing body of a maintained school shall publish as respects that school the information specified in Schedule 2.

(2) Subject to regulations 9 and 10, this information shall be published as provided in regulation 11.

Determination of examination results particulars

9.—(1) The provisions of this regulation have effect for the purpose of determining the information specified in Schedule 2.

(2) 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 3(9), only the examination in which he achieved the higher or highest grade shall be taken into account.

(3) In the case of an examination leading to the award of GCSE in two subjects, a pupil shall be included only once in the number of pupils entered for the examination and taken into account only once in calculating the relevant percentages, but each grade awarded to him shall be treated as having been awarded in a separate subject.

(4) In the case of examinations for the GCSE for which pupils aged 15 were entered, the information shall commence with the subjects listed in the first column of Schedule 3 in the order in which they are so listed.

(5) For the purposes of this regulation, an examination for the GCSE in a subject listed in the first column of Schedule 3 is not to be treated as such unless the examination is in a syllabus referred to in the second column opposite that 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.

(6) Section 7(1) of the 1980 Act was amended by paragraph 73 of Schedule 19 to the Education Act 1993.

(7) Subject to paragraph (6), in calculating the number of GCE ‘A’ levels a pupil is entered for, one GCE ‘AS’ shall be treated as the equivalent of half a GCE ‘A’ level.

(8) Subject to paragraph (6), for the purpose of determining point 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.

Performance information not relating to the reporting school year

10.—(1) This regulation applies where the information relating to the results of assessment, public examination results, vocational qualifications and units and school attendance referred to in paragraphs 15 and 16, 17(b) and (c), 18, 19 and 21 of Schedule 2 is not available for assessment undertaken, examinations held or qualifications achieved in or attendance during the reporting school year.

(2) Where this regulation applies, the governing body 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 (3) of regulation 11, publish that information as a supplement to the school prospectus in the manner required by that regulation for the publication of the prospectus.

Publication of school prospectuses

11.—(1) This regulation applies in relation to the publication by the governing body of a maintained school of information in relation to the school specified in Schedule 2.

(2) In the case of any maintained school—

- (a) such information shall be published in a single document to be known as the school prospectus; and
- (b) copies shall be made available at the school for distribution without charge to parents on request and for reference by parents and other persons.

(3) The school prospectus shall be published during the publication school year and, except in the case of a primary school (other than a middle school deemed to be a primary school) or of a special school, it shall be published not later than six weeks before whichever is the earlier of the following dates—

- (a) the date by which an application for admission to that school in respect of the admission school year should be made in accordance with the arrangements for admission to that school;
- (b) the date up to which parents may express a preference for a school in respect of the admission school year.

(4) Where any information of the kind referred to in Schedule 2 is to be published by the relevant authority, it shall be supplied to them by the governing body and shall be published without material alteration.

(5) In the case of a special school such information shall also be published by copies being made available at the offices of the relevant authority for distribution without charge to parents on request and reference by parents and other persons.

PART V

SUPPLEMENTARY

Supplementary provisions relating to published documents

12.—(1) This regulation shall apply in relation to any document which contains such information or particulars as are mentioned in the preceding provisions of these Regulations and which is published in accordance with them.

(2) Such a document shall state the school year to which the information or particulars contained in it relate and contain a warning that, although they were correct in relation to that year at a date specified in the document (not being earlier than six months before that of its publication), it should not be assumed that there will be no change affecting the relevant arrangements or some matter particularised—

- (a) before the start of, or during, the school year in question, or
- (b) in relation to subsequent school years.

(3) If it appears requisite to the governing body or, as the case may be, an authority, that a translation of such a document in a language other than English should be available, it shall be translated into that language and the translated document shall be published in such manner as appears to the governing body or authority to be appropriate.

(4) Parents shall not be charged for a copy of such a translated document if they are entitled without charge to a copy of the original document.