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STATUTORY INSTRUMENTS

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**1995 No. 2065**

**EDUCATION, ENGLAND AND WALES**

**The Education (Further Education Institutions  
Information) (England) Regulations 1995**

<i>Made</i>	- - - -	<i>2nd August 1995</i>
<i>Laid before Parliament</i>		<i>4th August 1995</i>
<i>Coming into force</i>	- -	<i>1st September 1995</i>

The Secretary of State for Education and Employment, in exercise of the powers conferred on the Secretary of State by sections 50 and 89(4) of the Further and Higher Education Act 1992,<sup>(1)</sup> and by sections 265, 301(6) and 305(1)(2) of the Education Act 1993<sup>(3)</sup> hereby makes the following Regulations:—

**PART I**  
**GENERAL**

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Education (Further Education Institutions Information) (England) Regulations 1995 and shall come into force on 1st September 1995.

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

**Interpretation**

2.—(1) In these Regulations—

“academic year” means the period from 1st September to the following 31st August;

“the document” has the meaning ascribed to it in regulation 6(2);

“enrolled on a course” means entered in the records of an institution as a student taking that course, but where two institutions have so entered a student in respect of the same course he shall be considered to be enrolled at the institution which has undertaken to him to provide the

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(1) 1992 c. 13.

(2) See the definitions of “prescribed” and “regulations”.

(3) 1993 c. 35.

course and not to be enrolled at the institution which has undertaken to the other institution to provide the course;

“learning agreement” means a document which sets out the planned learning programme for the student and which is signed on behalf of the institution and by the student;

“student” in relation to any examination or qualification means a student who was enrolled on a course leading to that examination or qualification at the institution in respect of which the information is published on the 1st February of the academic year in respect of which the information is published;

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

“GCSE” means General Certificate of Secondary Education;

“GNVQ” means General National Vocational Qualification;

“NVQ” means National Vocational Qualification.

(2) In these Regulations references to students of a particular age are references to students who attained that age during the academic year immediately preceding the academic year in respect of which the information is published.

(3) For the purposes of these Regulations a student shall be considered to have been entered for an examination if—

- (a) at any time during the academic year in respect of which the information is published he was entered for the examination,
- (b) any examination fee payable was paid, and
- (c) the entry was not subsequently withdrawn.

(4) For the purposes of these Regulations a student shall be considered to have been in his final year of studying towards a qualification—

- (a) in a case where there is a learning agreement in relation to that student, if on the 1st February of the academic year to which the information relates, the learning agreement shows a date by which the qualification will be achieved which is not later than the end of that academic year; and
- (b) in any other case, if the governing body of the institution considered, on the 1st February of the academic year to which the information relates, the student to be in his final year.

(5) In these Regulations—

- (a) 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.

### **Qualification of duties**

3. The duties imposed on the governing body or proprietor of an institution by virtue of these Regulations in respect of the publication or distribution of information apply only to the extent that that information is available to the governing body or proprietor before the latest occasion on which the information is required to be published or distributed.

## PART II

### PUBLICATION OF INFORMATION

#### Information to be published by governing bodies

4. The governing body of every institution within the further education sector shall publish annually the information specified in the Schedule and determined in accordance with regulation 5 at the time and in the manner provided for in regulation 6.

#### Determination of information

5.—(1) This regulation applies to the determination of the information specified in the Schedule.

(2) Subject to paragraph (4) if a student was entered for two or more examinations in the same subject in the same academic year 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 the GCSE in two subjects, a student shall be included only once in the number of students 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) Where a student was entered for GCE “A” level and GCE “AS” examinations in the same subject—

- (a) except in the circumstances described in sub-paragraph (b), only the GCE “A” level examination result shall be taken into account;
- (b) where the student achieves grade N or fails to achieve a grade in the GCE “A” level examination but achieves a grade A to E in the GCE “AS” examination only the GCE “AS” examination result shall be taken into account.

(5) For the purposes of paragraphs 5, 6, 7 and 11(1) (c) of the Schedule in calculating the number of GCE “A” level examinations for which a student is entered or for which he has achieved a grade, one GCE “AS” examination shall be treated as the equivalent of half a GCE “A” level examination.

(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:

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.

(7) The information referred to in paragraph 11 of the Schedule shall only take into account information available to the governing body of the institution on or before the 31st December following the end of the academic year to which it relates.

#### Time and manner of publication of information

6.—(1) This regulation applies to the publication of information under regulation 4.

(2) Such information shall be published by the end of each calendar year in a document (“the document”) which contains—

- (a) all the information referred to in paragraphs 1 to 10 of the Schedule in relation to the academic year which ends on the 31st August of the calendar year in question; and
- (b) the information referred to in paragraph 11 of the Schedule in relation to the academic year which immediately precedes the academic year referred to in subparagraph (a).

- (3) The document may contain additional information which—
- (a) sets out the achievements of students in relation to qualifications which are not referred to in the Schedule, and the occupations of students after they have achieved such qualifications;
  - (b) sets out in relation to part-time and full-time students the information required or permitted to be published in relation to students as a whole,
  - (c) explains the information required or permitted to be published, or
  - (d) is a factual and concise description of the institution in respect of which it is published,
- but may not contain any other additional information or material.
- (4) The document shall be published without charge by—
- (a) providing a copy to any person who requests a copy at the institution;
  - (b) sending a copy to the Secretary of State for Education and Employment<sup>(4)</sup> and to any person who requests that a copy be sent to him;
  - (c) providing to all—
    - (i) public libraries,
    - (ii) Training and Enterprise Council offices, and
    - (iii) offices of persons providing services in accordance with arrangements made, or directions given, under section 10 of the Employment and Training Act 1973<sup>(5)</sup>
 in any locality in which the institution provides education for the residents of that locality, copies for reference in those libraries or offices;
  - (d) providing to—
    - (i) the governing bodies of all maintained, grant-maintained and grant-maintained special schools which provide secondary education, and
    - (ii) the proprietors of all city technology colleges and city colleges for the technology of the arts,
 in any locality in which the institution provides education for the residents of that locality, copies for distribution in accordance with regulation 7.
- (5) Paragraph (4)(c) and (d) shall not apply to the Workers' Educational Association.

## PART III

### DISTRIBUTION OF INFORMATION

#### **Distribution of information**

7. The governing body of every school and the proprietor of every city technology college and city college for the technology of the arts to whom copies of the document have been provided under regulation 6(4)(d) shall distribute those copies in the form in which they are received—

- (a) to all pupils who are in the second year of the fourth key stage,<sup>(6)</sup> or

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(4) The document should be sent to the Department for Education and Employment, Sanctuary Buildings, 20 Great Smith Street, London SW1P 3BT.

(5) 1973 c. 50. Section 10 was substituted by section 45 of the Trade Union Reform and Employment Rights Act 1993 (c. 19).

(6) See the definition in section 3(3)(d) of the Education Reform Act 1988 c. 40; section 3(3) was amended by the Education Act 1993 (c. 35), Schedule 19, para. 113(a).

- (b) if the number of copies is less than the number of such pupils, to such number of pupils as the number of copies supplied allows, on a basis determined by the governing body or proprietor.

#### **Time of distribution**

**8.** The copies of the document shall be distributed in accordance with regulation 7 on or before the 31st January which immediately follows the end of the calendar year by which the document was required to be published by regulation 6(2).

## **PART IV**

### **REVOCATION AND TRANSITIONAL PROVISIONS**

#### **Revocation**

- 9.** The following regulations are hereby revoked:
- (a) the Education (Further Education Institutions Information) (England) Regulations 1993;(7) and
  - (b) the Education (Distribution by Schools of Information about Further Education Institutions) (England) Regulations 1993.(8)

#### **Transitional provisions**

**10.**—(1) Notwithstanding regulations 4 and 6(2)(b) the document required to be published by the end of 1995 shall not contain the information referred to in paragraph 11 of the Schedule in relation to the academic year which ended on 31st August 1994 but shall instead contain the information referred to in paragraph 11 of the Schedule in relation to the academic year ending on 31st August 1995 with the modifications to that paragraph specified in paragraph (2) and regulation 5(7) shall not apply to such information.

(2) The modifications to paragraph 11 of the Schedule referred to in paragraph (1) are that in place of subparagraph (3) there shall be substituted the following subparagraph—

“(3) The percentages of the numbers of students referred to in subparagraphs (1) and (2) whose intention was, on achieving the qualification—

- (a) to follow a course of further education;
- (b) to follow a course of higher education;
- (c) to commence or continue in employment;
- (d) to undertake an occupation other than the occupations referred to in subparagraphs (a) to (c); or
- (e) not known to the governing body of the institution publishing the information.”

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(7) S.I.1993/1993.

(8) S.I. 1993/3197.

## SCHEDULE

Regulation 4

### INFORMATION TO BE PUBLISHED BY GOVERNING BODIES

1. The name, address and telephone number of the institution.
- 2.—(1) Subject by subject, the numbers of students aged 16, 17 or 18 entered for examinations for the GCSE, and the percentages of those numbers who—
  - (a) achieved grades A\* to C;
  - (b) achieved grades D to G;
  - (c) failed to achieve a pass or did not attempt the examination.(2) The information referred to in subparagraphs (1) in relation to students aged 19 or over.
- 3.—(1) Subject by subject, the numbers of students aged 16, 17 or 18 entered for GCE “A” level examinations, and the percentages of those numbers who—
  - (a) achieved each grade from A to N;
  - (b) attempted the examination but failed to achieve a grade;
  - (c) did not attempt the examination.(2) The information referred to in subparagraph (1) in relation to students aged 19 or over.
- 4.—(1) Subject to subject, the numbers of students aged 16, 17 or 18 entered for GCE “AS” examinations, and the percentages of those numbers who—
  - (a) achieved each grade from A to N;
  - (b) attempted the examination but failed to achieve a grade;
  - (c) did not attempt the examination.(2) The information referred to in subparagraph (1) in relation to students aged 19 or over.
- 5.—(1) The number of students aged 16, 17 or 18 entered for fewer than two GCE “A” level examinations or the GCE “AS” equivalent.
  - (2) The percentage of the number of students referred to in subparagraph (1) whose point scores fell within the following ranges: 0— 4 points; 5— 9 points; 10— 15 points.
  - (3) The average point score of the number of students referred to in subparagraph (1).
  - (4) The information referred to in subparagraphs (1) to (3) in relation to students aged 19 or over.
- 6.—(1) The number of students aged 16, 17 or 18 entered for two or more GCE “A” level examinations or the GCE “AS” equivalent.
  - (2) The percentage of the number of students referred to in subparagraph (1) whose point scores fell within the following ranges: 0— 4 points, 5— 9 points, 10— 14 points, 15— 19 points, 20— 24 points, 25— 29 points, 30 points or more.
  - (3) The average point score of the number of students referred to in subparagraph (1).
  - (4) The information referred to in subparagraphs (1) to (3) in relation to students aged 19 or over.
- 7.—(1) The average point score for all GCE “A” level and “AS” examinations entered by students aged 16, 17 or 18.
  - (2) The information referred to in subparagraph (1) in relation to students aged 19 or over.

**8.**—(1) Subject by subject and level by level, the numbers of students aged 16, 17 or 18 who were in the final year of studying towards—

- (a) a GNVQ at foundation, intermediate or advanced level;
- (b) a Business and Technology Education Council first or national qualification;
- (c) a City and Guilds of London Institute Diploma of Vocational Education at intermediate or national level.

(2) The percentages of the numbers referred to in subparagraph (1)(a) who achieved—

- (a) passes (with or without merit or distinction);
- (b) passes with merit;
- (c) passes with distinction.

(3) The percentages of the numbers referred to in subparagraph (1)(b) and (c) who achieved passes.

(4) The information referred to in subparagraphs (1) to (3) in relation to students aged 19 or over.

(5) Subject to subparagraphs (6) and (7) in publishing the information referred to in subparagraph (1)(b) and (c) governing bodies shall so far as possible refer to the equivalent GNVQ subject and level and shall publish such information alongside the information referred to in subparagraph (1)(a) which relates to the equivalent subject and level.

(6) For the purposes of subparagraph (5)—

- (a) the Business and Technology Education Council first qualification, and
  - (b) the City and Guilds of London Diploma of Vocational Education at intermediate level
- shall be treated as equivalent to the GNVQ intermediate level, and
- (c) the Business and Technology Education Council national qualification, and
  - (d) the City and Guilds of London Diploma of Vocational Education at national level

shall be treated as equivalent to the GNVQ advanced level.

(7) To the extent that it is not possible to treat a subject as equivalent to a GNVQ subject for the purposes of subparagraph (5) governing bodies need not publish the information relating to the qualifications referred to in subparagraphs (1)(b) and (c) subject by subject.

**9.**—(1) Subject by subject and level by level, the numbers of students aged 16, 17 or 18 who were in the final year of studying towards an NVQ, and the percentages of those numbers who achieved an award.

(2) The information referred to in subparagraph (1) in relation to students aged 19 or over.

**10.**—(1) Subject by subject and level by level, the numbers of students aged 16, 17 or 18 who were in the final year of studying towards vocational qualifications which are included in the Database of the National Council for Vocational Qualifications,<sup>(9)</sup> but which are not referred to in paragraphs 8 or 9,<sup>(10)</sup> and the percentages of those numbers who achieved an award.

(2) The information referred to in subparagraph (1) in relation to students aged 19 or over.

**11.**—(1) Under the following headings the numbers of students aged 16, 17 or 18 who achieved the following qualifications—

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<sup>(9)</sup> The National Council for Vocational Qualifications' database of vocational qualifications may be purchased from its offices at 222 Euston Road, London NW1 2BZ.

<sup>(10)</sup> A list of the vocational qualifications which meet these criteria will be provided to institutions within the further education sector and may be inspected at the Department for Education and Employment, Sanctuary Buildings, 20 Great Smith Street, London SW1P 3BT.

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

- (a) under the heading “Foundation and level 1 qualifications”—
    - (i) 4 or more grades A\* to G in examinations for the GCSE, but not including those who achieved 5 or more grades A\* to C;
    - (ii) GNVQ foundation level;
    - (iii) NVQ level 1;
    - (iv) level 1 of the qualifications referred to in paragraph 10;
  - (b) under the heading “Intermediate and level 2 qualifications”—
    - (i) 5 or more grades A\* to C in examinations for the GCSE;
    - (ii) GNVQ intermediate level;
    - (iii) the qualifications referred to in paragraph 8(6)(a) and (b);
    - (iv) NVQ level 2;
    - (v) level 2 of the qualifications referred to in paragraph 10;
  - (c) under the heading “Advanced and level 3 qualifications”—
    - (i) fewer than two grades A to E in GCE “A” level examinations or the GCE “AS” equivalent;
    - (ii) two or more grades A to E in GCE “A” level examinations or the GCE “AS” equivalent;
    - (iii) GNVQ advanced level;
    - (iv) the qualifications referred to in paragraph 8(6)(c) and (d);
    - (v) NVQ level 3;
    - (vi) level 3 of the qualifications referred to in paragraph 10;
  - (d) under the heading “Level 4 qualifications”—
    - (i) NVQ level 4;
    - (ii) level 4 of the qualifications referred to in paragraph 10;
  - (e) under the heading “Level 5 qualifications”—
    - (i) NVQ level 5;
    - (ii) level 5 of the qualifications referred to in paragraph 10.
- (2) The information referred to in subparagraph (1) in relation to students aged 19 or over.
- (3) The percentages of the numbers of students referred to in subparagraphs (1) and (2) whose main occupation after achieving the qualification was—
- (a) following a course of further education;
  - (b) following a course of higher education;
  - (c) employment;
  - (d) an occupation other than the occupations referred to in subparagraphs (a) to (c); or
  - (e) not known to the governing body of the institution publishing the information.



2nd August 1995

*Cheryl Gillan*  
Parliamentary Under Secretary of State,  
Department for Education and Employment

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## EXPLANATORY NOTE

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

These Regulations, made under section 50 of the Further and Higher Education Act 1992 and section 265 of the Education Act 1993, revoke and replace with modifications the Education (Further Education Institutions Information) (England) Regulations 1993 and the Education (Distribution by Schools of Information about Further Education Institutions) (England) Regulations 1993. They apply to educational institutions in England (regulation 1).

They require the governing bodies of institutions within the further education sector to publish information about the educational achievements of their students and their occupations after completing their courses (regulation 4). They prescribe how the information to be published is to be determined (regulation 5), and the time and manner of publication (regulation 6).

They also require the governing bodies of maintained, grant-maintained and grant-maintained special schools which provide secondary education, and the proprietors of city technology colleges and city colleges for the technology of the arts, to distribute to pupils in the second year of the fourth key stage the published information which is provided to them (regulation 7).

The Schedule contains a detailed description of the information to be published and distributed.