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STATUTORY INSTRUMENTS

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**1997 No. 2364**

**EDUCATION, ENGLAND AND WALES**

**The Education (School Performance Information)  
(England) (Amendment) (No. 2) Regulations 1997**

<i>Made</i>	- - - -	<i>1st October 1997</i>
<i>Laid before Parliament</i>		<i>1st October 1997</i>
<i>Coming into force</i>	- -	<i>22nd October 1997</i>

In exercise of the powers conferred on the Secretary of State by sections 537, 537A(1) and 569(4) and (5) of the Education Act 1996(1) the Secretary of State for Education and Employment hereby makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Education (School Performance Information) (England) (Amendment) (No. 2) Regulations 1997 and shall come into force on 22nd October 1997.

(2) Any reference in these Regulations to the principal Regulations is a reference to the Education (School Performance Information) (England) Regulations 1996(2).

**Amendment**

2.—(1) Regulation 2(1) of the principal Regulations (interpretation) shall be amended as follows.

(2) There shall be substituted for the definition of “NC tests” and “NC tasks” the following definition—

““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;”.

3.—(1) Schedule 2 to the principal Regulations (additional provision of information to the Secretary of State: second key stage results) shall be amended as follows.

(2) There shall be substituted for paragraphs 1 to 6 the following paragraphs—

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(1) 1996 c. 56; section 537A was inserted by section 20 of the Education Act 1997 (c. 44); for the meaning of “prescribed” and “regulations” see section 579(1).  
(2) S.I. 1996/2577, amended by S.I. 1997/2060.

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

2. The number or 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 the results of NC tests and by teacher assessment.

3. The number or 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 the NC test was administered.

4. The number or 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 teacher assessment under section 364 or 365 of the 1996 Act or there is no teacher assessment result available because of their absence.

5.—(1) In respect of each pupil at or near the end of the final year of the second key stage, the pupil’s gender and any one of the following—

- (i) his surname and initial or initials;
- (ii) his surname and first name or names; and
- (iii) a number or letter (or numbers or letters) or any combination of these, enabling the identity of the individual pupil to be ascertained by use of the appropriate key<sup>(3)</sup>.

(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 and by teacher assessment;
- (ii) whether the pupil was assessed by a teacher as working towards level 1;
- (iii) whether an NC test result is not available for the pupil because, in the opinion of the headteacher, he was working below level 3 of the National Curriculum level scale and an NC test was not administered to the pupil;
- (iv) 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;
- (v) whether the pupil was exempted from an NC test or teacher assessment under section 364 or 365 of the 1996 Act;
- (vi) whether an NC test result is not available because the pupil was absent on the day the NC test was administered; or
- (vii) whether a teacher assessment result is not available because of the pupil’s absence.”.

1st October 1997

*Kim Howells*  
Parliamentary Under-Secretary of State,  
Department for Education and Employment

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(3) This is the manner of identification of individual pupils prescribed in the Education (Individual Performance Information) (Identification of Individual Pupils) Regulations 1997 (S.I. 1997/1489).

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## EXPLANATORY NOTE

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

These Regulations amend the Education (School Performance Information) (England) Regulations 1996 (S.I.1996/2577). They replace the existing required information in relation to the additional information about second key stage assessment results which must be provided to the Secretary of State by governing bodies of certain schools following a written request from him (regulation 7 of, and Schedule 2 to, S.I. 1996/2577) (regulation 3(2)).

The required information now relates to the provision of information about the number of pupils at or near the end of the final year of the second key stage and the number of, or percentage figures for, such pupils who, as the case may be, achieved level 4 or above of the National Curriculum level scale, failed to achieve a level or were exempted from NC tests or teacher assessment. There is no longer a requirement as to the provision of information relating to “NC tasks” at the second key stage.

The requirements also relate to the provision of “individual performance information”. This means information within the meaning of section 537A(2) of the Education Act 1996, which section was created and inserted into the Education Act 1996, by section 20 of the Education Act 1997. Section 537A(2) defines “individual performance information” to mean:

“information about the performance of individual pupils (identified in the prescribed manner)—

- (a) in any assessment made for the purposes of the National Curriculum or in accordance with a baseline assessment scheme (within the meaning of Chapter 1 of Part IV of the Education Act 1997);
- (b) in any prescribed public examination;
- (c) in connection with the attainment of any vocational qualification; or
- (d) in any such other assessment or examination, or in connection with the attainment of any such other qualification, as may be prescribed”.