
STATUTORY INSTRUMENTS

1998 No. 3260

EDUCATION, ENGLAND AND WALES

**The Education (School Performance Information)
(England) (Amendment) Regulations 1998**

Made - - - - *21st December 1998*
Laid before Parliament *23rd December 1998*
Coming into force - - *14th January 1999*

In exercise of powers conferred on the Secretary of State by sections 537A(1) and (2) 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) Regulations 1998 and shall come into force on 14th January 1999.

(2) Any reference in these Regulations to the principal Regulations is a reference to the Education (School Performance Information) (England) Regulations 1998⁽²⁾.

Amendment

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

(2) In paragraph (1)—

(a) there shall be inserted after the definition of “non-maintained special school” the following definition—

““permanent exclusion” means the permanent exclusion of a pupil from a school on disciplinary grounds and “permanently excluded” shall be construed accordingly;”

(b) there shall be inserted after the definition of “public examination” the following definition—

““Register” means the register of pupils kept under section 434 of the 1996 Act and in accordance with the Education (Pupil Registration) Regulations 1995⁽³⁾;” and

(1) 1998 c. 56. Section 537A was substituted by paragraph 153 of Schedule 30 to the School Standards and Framework
(2) S.I.1998/1929.
(3) S.I. 1995/2089, amended by S.I. 1997/2624.

(c) there shall be inserted after the definition of “reporting school year” the following definitions—

““school day” has the meaning given by section 579(1) of the 1996 Act;

“school year” has the meaning given by section 579(1) of the 1996 Act;”

(3) In paragraph (2)(a), there shall be substituted for “31st August” the word “day”.

3. There shall be inserted after regulation 11 of Part III of the principal Regulations (provision of information to the Secretary of State) the following regulation—

“Provision of information about permanently excluded pupils

11A.—(1) The governing body of every county and voluntary school and every special school which is maintained by the authority and not established in a hospital to which paragraph (3) applies, shall, before 2nd February 1999, provide to the authority the information referred to in Part I of Schedule 8 in respect of any pupil permanently excluded from the school as referred to in that paragraph.

(2) The governing body of every grant-maintained and grant-maintained special school which is not established in a hospital to which paragraph (3) applies, shall, before 12th February 1999, provide to the authority and the Secretary of State the information referred to in Part I of Schedule 8 in respect of any pupil permanently excluded from the school as referred to in that paragraph.

(3) This paragraph applies where the permanent exclusion from a maintained school of any pupil aged 15 at the start of the school year beginning in 1998 takes effect on or after the beginning of that school year and who, as at 21st January 1999, is not shown as a registered pupil at the school in its Register.

(4) Where any pupil who has been permanently excluded from a school as referred to in paragraph (3) is thereafter and before 22nd January 1999 admitted to any maintained school (referred to in this paragraph as “the admitting school”), the governing body of the admitting school shall—

(a) where the admitting school is a county, voluntary or maintained special school, provide to the authority, before 2nd February 1999, the information referred to in Part II of Schedule 8 in respect of the pupil; or

(b) where the admitting school is a grant-maintained or grant-maintained special school, provide to the authority and the Secretary of State, before 12th February 1999, the information referred to in Part II of Schedule 8 in respect of the pupil.

(5) For the purposes of this regulation and Schedule 8, the permanent exclusion of a pupil takes effect on the first school day on which the pupil misses a school session as a result of that permanent exclusion..”

4. In regulation 12(6) of the principal Regulations (publication of information by local education authorities)—

(a) in sub-paragraph (b), there shall be substituted for “24th January”, the date “24th February”;

(b) at the end of sub-paragraph (b)(iii), there shall be inserted the word “and”;

(c) in sub-paragraph (b)(iv), there shall be omitted the word “and”; and

(d) sub-paragraph (b)(v) shall be omitted.

5. There shall be inserted after Schedule 7 to the principal Regulations the Schedule set out in the Schedule to these Regulations.

21st December 1998

Tessa Blackstone
Minister of State, Department for Education and
Employment

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

SCHEDULE

Regulation 5

“SCHEDULE 8

Regulation 11A

PROVISION OF INFORMATION ABOUT PERMANENTLY EXCLUDED PUPILS

PART 1

1. The pupil’s gender, date of birth and surname followed by the first name or, if more than one, each first name.
2. The date on which the pupil’s permanent exclusion took effect.
3. The date on which the name of the pupil was deleted from the Register.

PART II

1. The pupil’s gender, date of birth and surname followed by the first name or, if more than one, each first name.
2. The date on which the pupil was admitted to the school.
3. Whether the pupil was shown as a registered pupil of the school in the Register as at 21st January 1999.
4. The name of the school from which the pupil was permanently excluded.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (School Performance Information) (England) Regulations 1998 (“the principal Regulations”), which relate to the collection and publication of information about the performance of schools.

They impose requirements on schools under section 537A of the Education Act 1996 (provision of “individual pupil information”) as substituted by paragraph 153 of Schedule 30 to the School Standards and Framework Act 1998 with effect from 20th November 1998. The new requirements relate to the provision of information about individual pupils aged fifteen at the start of the 1998 school year, who have been permanently excluded from a school (*regulations 3 and 5*)

Local education authorities are, under Part IV of the principal Regulations, required to publish information about primary schools in their area. By these Regulations, local education authorities are now required to publish the information before 24th February (rather than 24th January as previously) in each year. The requirement on them under the principal Regulations to make the information available to editors of local newspapers is removed (*regulation 4*).