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STATUTORY INSTRUMENTS

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**1999 No. 2158**

**EDUCATION, ENGLAND**

**The Education (School Performance Information)  
(England) (Amendment) Regulations 1999**

<i>Made</i>	- - - -	<i>27th July 1999</i>
<i>Laid before Parliament</i>		<i>30th July 1999</i>
<i>Coming into force</i>	- -	<i>20th August 1999</i>

In exercise of the powers conferred on the Secretary of State by sections 408, 537, 537A(1) and (2) and 569(4) and (5) of the Education Act 1996<sup>(1)</sup> and after consulting with those persons with whom consultation appeared to him to be desirable, the Secretary of State for Education and Employment hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Education (School Performance Information) (England) (Amendment) Regulations 1999 and shall come into force on 20th August 1999.

**Amendment**

2.—(1) The Education (School Performance Information) (England) Regulations 1999<sup>(2)</sup> shall be amended as follows.

(2) In regulation 2(2)(a) (interpretation), for “day immediately preceding the commencement of the reporting school year” there shall be substituted “31st August preceding the commencement of the reporting school year, where the reporting school year begins after that date, or the 31st August which falls within the reporting school year, where the reporting school year begins on or before that date,”.

(3) After regulation 11 in Part III, there shall be inserted the following regulation—

**“Provision of information about excluded pupils**

**11A.** The governing body of every maintained school shall, within two weeks of receiving a written request from the authority, provide to the authority the information, for the period

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(1) 1996 c. 56; for the meaning of “prescribed” and “regulations” see section 579(1).  
(2) S.I.1999/1178.

to which the request relates, referred to in Schedule 9, as appropriate, in respect of any pupil excluded from the school by the head teacher.”.

(4) In Schedule 3 (provision of information to the Secretary of State: examination and vocational qualification results), for references wherever they occur to “the City and Guilds of London Institute” and “the Royal Society of Arts Examination Board” there shall be substituted references to, respectively, “the Assessment and Qualifications Alliance” and “the Oxford, Cambridge and RSA Examination Boards”.

(5) There shall be substituted for paragraph 8 of Schedule 3, the following paragraphs–

“**8.** At the end of the reporting school year–

- (a) the number of registered pupils aged 16, 17 or 18 who completed the first year of study of a course leading to–
  - (i) the First Certificate or Diploma of the EDEXCEL Foundation;
  - (ii) the Diploma of Vocational Education of the Assessment and Qualifications Alliance at intermediate level; or
  - (iii) an Intermediate GNVQ awarded by the EDEXCEL Foundation, the Assessment and Qualifications Alliance, or the Oxford, Cambridge and RSA Examination Boards; and
- (b) the number of those pupils achieving the qualifications referred to in sub-paragraph (a)(i) to (iii) wholly or partly on the basis of work done in that year.

**8A.** At the end of the reporting school year–

- (a) the number of registered pupils aged 16, 17 or 18 who completed the second year of study of a course leading to–
  - (i) the National Certificate or Diploma of the EDEXCEL Foundation; or
  - (ii) the Diploma of Vocational Education of the Assessment and Qualifications Alliance at national level; and
- (b) the number of those pupils achieving the qualifications referred to in sub-paragraph (a)(i) and (ii) wholly or partly on the basis of work done in that year.”.

(6) In paragraph 9 of Schedule 3–

- (a) for “during the reporting school year, was in the final” there shall be substituted “at the end of the reporting school year, completed the second”;
- (b) at the end of sub-paragraph (b), there shall be omitted the word “and”;
- (c) at the end of sub-paragraph (c), there shall be added the word “; and”; and
- (d) after sub-paragraph (c), there shall be added the following sub-paragraph–
  - “(d) whether the pupil has failed to gain a grade in any subject for which he was registered after the completion of the second year of study.”.

(7) At the end of Schedule 5 (provision of general information to the Secretary of State: secondary schools (excluding middle deemed secondary schools)) there shall be added the following paragraph–

“**10.** In the case of a school which has been approved by the Secretary of State as a school which specialises in–

- (a) mathematics, science and technology;
- (b) modern foreign languages;
- (c) the fine arts, performing arts or the media arts; or
- (d) sport, which of those specialisms applies to the school.”

(8) After Schedule 8, there shall be inserted the Schedule set out in the Schedule to these Regulations.

27th July 1999

*Charles Clarke*  
Parliamentary Under Secretary of State,  
Department for Education and Employment

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SCHEDULE

Regulation 2(8)

“SCHEDULE 9

Regulation 11A

PROVISION OF INFORMATION ABOUT EXCLUDED PUPILS

1. Where the head teacher has excluded a pupil from the school the information referred to in paragraphs 2 to 6 is to be provided in respect of the pupil.
2. The pupil’s gender, date of birth, ethnic group and surname followed by first name or, if more than one, each first name.
3. Whether the pupil had a statement of special educational needs within the meaning of section 324 of the 1996 Act on the date when the head teacher excluded the pupil.
4. Where the pupil has special educational needs, which stage of the five stage scale referred to in “The Code of Practice on the Identification and Assessment of Special Educational Needs” issued, and from time to time revised, under section 313 of the 1996 Act(3) applies to him, or, in the event of another scale being used, which stage of that scale applies to him.
5. Where the pupil is to the knowledge of the governing body in the care of a local authority, the fact that the pupil is in such care and the name of the local authority.
6. Except where the head teacher has already informed the authority pursuant to the duty under section 65(4) of the School Standards and Framework Act 1998(4), the period of the exclusion and the reasons for it.”

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**EXPLANATORY NOTE**

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

These Regulations amend the Education (School Performance Information) (England) Regulations 1999.

They impose requirements on governing bodies of maintained schools under section 537A of the Education Act 1996 (provision of “individual pupil information”). Governing bodies are, by these amendments, required to provide their local education authority, following a written request by them to do so, with information about individual pupils who are excluded by the head teacher from the school (*regulation 2(3) and the Schedule*).

The Regulations also make changes to the information to be provided by schools concerning vocational qualifications. In the case of schools with pupils aged 16, 17 or 18, the information to be provided relates to pupils who have completed the first or second year of their course of studies, rather than, as before, who are in their final year (*regulation 2(5) and (6)*).

Secondary schools are also required to provide information to the Secretary of State as to their designation as an Arts, Language, Sports or Technology College (*regulation 2(7)*).

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(3) ISBN 0 85522 444 4. The Code of Practice, originally issued under section 157 of the Education Act 1993 (c. 35), continues to have effect by virtue of the 1996 Act, Schedule 39, paragraph 1.

(4) 1998 c. 31.

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