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STATUTORY INSTRUMENTS

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**2001 No. 3815**

**EDUCATION, ENGLAND**

**The Education Development Plans (England) Regulations 2001**

*Made* - - - - 30th November 2001

*Laid before Parliament* 30th November 2001

*Coming into force* - - 21st December 2001

In exercise of the powers conferred on the Secretary of State by sections 6(1), (4) and (5), 7(1) and (9) and 138(7) and (8) of the School Standards and Framework Act 1998<sup>(1)</sup>, the Secretary of State for Education and Skills hereby makes the following Regulations:—

**PART I**  
**GENERAL**

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Education Development Plans (England) Regulations 2001 and shall come into force on 21st December 2001.

(2) These Regulations apply in relation to local education authorities in England.

**Interpretation**

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

“the 1980 Regulations” means the Education (Middle Schools) Regulations 1980<sup>(2)</sup>;

“the 1996 Act” means the Education Act 1996<sup>(3)</sup>;

“the 1998 Act” means the School Standards and Framework Act 1998;

“the 1998 Regulations” means the Education (School Performance Targets) (England) Regulations 1998<sup>(4)</sup>;

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(1) 1998 c. 31. By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the powers conferred by these provisions are exercisable by the Secretary of State in relation to England only. For the meaning of “prescribed” and “regulations” see section 142(1).

(2) S.I. 1980/918 as amended by S.I. 1994/581.

(3) 1996 c. 56.

(4) S.I. 1998/1532 as amended by S.I. 1999/2267, S.I. 2001/827 and S.I. 2001/2944.

“the applicable period”, in relation to a school year, means the period starting with the beginning of that year and finishing with the end of the school day falling on the Friday before the last Monday in May in that year;

“absence”, in relation to maintained schools in the authority’s area, means a school session in respect of which a relevant day pupil is recorded as absent from such a school pursuant to the Education (Pupil Registration) Regulations 1995(5);

“breakdown by ethnic origin” means a breakdown as follows—

White—UK Heritage

White—European

White—other

Black—Caribbean Heritage

Black—African Heritage

Black—other

Indian

Pakistani

Bangladeshi

Chinese

Any other minority ethnic group

“children leaving public care” means children who are or have any time been, but are no longer—

- (a) looked after by a local authority within the meaning of section 22(1) of the Children Act 1989(6); or
- (b) the subject of a supervision order within the meaning of section 31(11) of the Children Act 1989;

and in respect of whom the local authority looking after the child or designated for the purposes of the supervision order is the same as the local education authority preparing the second plan;

“the first plan” means the education development plan which was prepared by a local education authority in accordance with section 6(1) of the 1998 Act;

“GCSE” means a General Certificate of Secondary Education;

“GNVQ” means a General National Vocational Qualification;

“level 4” means level 4 of the National Curriculum level scale as determined by the results of the NC tests;

“level 5” means level 5 of the National Curriculum level scale as determined by the results of the NC tests or teacher assessment;

“NC tests” means National Curriculum tests administered to second and third key stage pupils respectively for the purpose of assessing the level of attainment which they have achieved in English, mathematics or science, being tests laid down in provisions made by the Secretary of State under the appropriate order made under section 356(2) of the 1996 Act in force when those tests are administered(7);

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(5) S.I. 1995/2089, as amended by S.I. 1997/2624 and S.I. 1999/2267.

(6) 1989 c. 41; section 22(1) was amended by the Local Government Act 2000 (c. 22), section 107 and Schedule 5, paragraph 19 and by the Children (Leaving Care) Act 2000 (c. 35), section 2(1) and (2).

(7) The appropriate orders currently in force are the Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 1999, S.I. 1999/2188 and the Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (England) Order 1999, S.I. 1999/2189, both as amended by S.I. 2001/1286.

“the overall absence rate”, in relation to a local education authority and to any school year, means the total number of absences from maintained schools in the authority’s area in the applicable period during that year, expressed as a percentage of the total number of possible attendances in that period;

“relevant day pupil”, in relation to a school and to a school year, means a pupil registered at that school apart from—

- (a) a boarder, or
- (b) a pupil who, before the beginning of the September immediately preceding 1st October in that school year, either—
  - (i) has not attained the age of five years, or
  - (ii) has attained the age of sixteen years;

“second key stage pupils” means pupils who are in the second key stage referred to in section 355(1)(b) of the 1996 Act;

“the second plan” means the second education development plan to be prepared by a local education authority in accordance with these Regulations;

“teacher assessment” means assessment by a teacher in accordance with the Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (England) Order 1999<sup>(8)</sup>;

“third key stage pupils” means pupils who are in the third key stage referred to in section 355(1)(c) of the 1996 Act;

“the total number of possible attendances”, in relation to a local education authority and to any school year, means the number produced by multiplying the number of relevant day pupils at maintained schools in the authority’s area by the number of school sessions in the applicable period in that year;

“vocational qualification” means—

- (a) a Part One GNVQ;
- (b) an Intermediate GNVQ;
- (c) a Foundation GNVQ;
- (d) a GNVQ Language Unit, or
- (e) a Vocational GCSE,

approved by the Secretary of State under sections 96 and 98 of the Learning and Skills Act 2000<sup>(9)</sup>.

(2) In these Regulations a reference—

- (a) to a numbered regulation is to the regulation in these Regulations bearing that number;
- (b) in a regulation or schedule to a numbered paragraph is to the paragraph in that regulation or schedule bearing that number.

(3) Any reference in these Regulations to—

- (a) a pupil achieving a grade in a GCSE examination, or
- (b) achieving a vocational qualification,

by the end of the school year, shall be construed as a reference to that pupil achieving that grade or qualification in the school year in which he—

- (i) takes that examination, or

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<sup>(8)</sup> S.I. 1999/2189 as amended by S.I. 2001/1286.

<sup>(9)</sup> 2000 c. 21

(ii) (as the case may be) completes the course leading to the award of that qualification, irrespective of whether the decision to award the grade or qualification is made in a later school year.

(4) The references to pupils achieving particular grades in GCSE examinations in regulations 9 and 14 shall be construed for the purpose of those provisions so as to include references to pupils achieving corresponding awards in an equivalent number of vocational qualifications.

(5) Schedule 1 to these Regulations shall have effect for determining for the purposes of regulations 9 and 14—

(a) questions as to—

- (i) which vocational qualification award corresponds to which GCSE examination grade, and
- (ii) the equivalency between GCSE examination results and vocational qualifications; and

(b) the calculations of the average point score in relation to pupils' achievements in GCSE examinations and vocational qualifications.

### **Preparations of education development plans**

3. Every local education authority shall prepare a second plan in accordance with the provisions of these Regulations.

### **Period to which the statement of proposals must relate**

4. The statement of proposals contained in the second plan must relate to the period beginning on 1st April 2002 and ending at the end of the school year beginning 2006.

### **Submission of education development plan to the Secretary of State**

5. The date by which, in accordance with section 7(1) of the 1998 Act, a local education authority must submit the second plan to the Secretary of State is 31st January 2002.

### **Copies of the education development plan**

6. The persons to whom a local education authority must provide a copy of the second plan or a summary version of that plan, in accordance with section 7(9) of the 1998 Act, are the head teacher and chair of the governing body of every school maintained by the authority.

## **PART II**

### **MATTERS WITH WHICH THE STATEMENT OF PROPOSALS MUST DEAL**

#### **Targets for pupils in the second key stage**

7.—(1) The statement of proposals contained in the second plan must specify the targets referred to in paragraph (2) in connection with the performance of the relevant group of second key stage pupils in NC tests to be administered at or near the end of each of the school years beginning in 2002 and 2003 respectively.

(2) The targets referred to in paragraph (1) are—

- (a) the percentage of the relevant group of second key stage pupils to achieve level 4 or above in such tests in English;

- (b) the percentage of the relevant group of second key stage pupils to achieve level 5 or above in such tests in English;
- (c) the percentage of the relevant group of second key stage pupils to achieve level 4 or above in such tests in mathematics; and
- (d) the percentage of the relevant group of second key stage pupils to achieve level 5 or above in such tests in mathematics.

(3) The statement of proposals contained in the second plan must, as well as stating the overall percentage figure for the targets set out in paragraph (2), contain a breakdown of these targets by ethnic origin of the pupils.

(4) In this regulation, “the relevant group of second key stage pupils”, in relation to each of the school years beginning in 2002 and 2003 respectively, means all persons whom the local education authority estimate will, in the school year in question and at the time the NC tests are undertaken—

- (a) be registered pupils at a school maintained by the authority; and
- (b) be in the final year of the second key stage.

### **Targets for pupils in the third key stage**

**8.**—(1) The statement of proposals contained in the second plan must specify the targets referred to in paragraph (2) in connection with the performance of the relevant group of third key stage pupils in NC tests or, in the case of information and communication technology, teacher assessments, to be administered at or near the end of each of the school years beginning 2002 and 2003 respectively.

(2) The targets referred to in paragraph (1) are—

- (a) the percentage of the relevant group of third key stage pupils to achieve level 5 or above in NC tests in English;
- (b) the percentage of the relevant group of third key stage pupils to achieve level 5 or above in such NC tests in mathematics;
- (c) the percentage of the relevant group of third key stage pupils to achieve level 5 or above in such NC tests in science; and
- (d) the percentage of the relevant group of third key stage pupils to achieve level 5 or above in teacher assessments in information and communication technology.

(3) The statement of proposals contained in the second plan must, as well as stating the overall percentage figure for the targets set out in paragraph (2), contain a breakdown of these targets by ethnic origin of the pupils.

(4) In this regulation, “the relevant group of third key stage pupils”, in relation to each of the school years beginning in 2002 and 2003 respectively, means all persons whom the local education authority estimate will, in the school year in question and at the time the NC tests or teacher assessments are undertaken—

- (a) be registered pupils at a school maintained by the authority, and
- (b) be in the final year of the third key stage.

### **GCSE and vocational qualifications**

**9.**—(1) The statement of proposals contained in the second plan must specify the targets referred to in paragraph (2) in connection with the performance of the relevant group of pupils in GCSE examinations or in obtaining vocational qualifications.

(2) The targets referred to in paragraph (1) are—

- (a) the percentage of the relevant group of pupils to achieve, by the end of each of the school years beginning in 2002 and 2003 respectively, grades A\* to C in five or more subjects in GCSE examinations;
  - (b) the percentage of the relevant group of pupils to achieve, by the end of each of the school years beginning 2002 and 2003 respectively, grades A\* to G in five or more subjects including English and mathematics in GCSE examinations;
  - (c) the average point score to be achieved by the relevant group of pupils by the end of each of the school years beginning 2002 and 2003 respectively, in GCSE and vocational qualifications;
- (3) The statement of proposals contained in the second plan must, as well as stating the overall percentage figure for the targets set out in sub-paragraphs (2)(a) to (c), contain a breakdown of these targets by ethnic origin of the pupils.
- (4) In this regulation, “the relevant group of pupils”, in relation to each of the school years beginning in 2002 and 2003 respectively, means all persons whom the local education authority estimate—
- (a) will on the third Thursday in January of the school year in question be registered pupils at a school maintained by the authority, and
  - (b) will attain the age of 16 during that school year.

### **Targets for attendance**

**10.**—(1) The statement of proposals contained in the second plan shall specify the targets referred to in paragraph (2).

(2) The targets referred to in paragraph (1) are the overall absence rate in each of the school years beginning in 2002 and 2003 respectively, in—

- (a) maintained schools (other than special schools and any school situated in a hospital) in the authority’s area which are primary schools or middle schools deemed to be primary schools in accordance with regulation 3 of the 1980 Regulations;
- (b) maintained schools (other than special schools and any school situated in a hospital) in the authority’s area which are secondary schools or middle schools deemed to be secondary schools in accordance with regulation 4 of the 1980 Regulations; and
- (c) maintained schools (other than any school situated in a hospital) in the authority’s area which are special schools.

### **Information used by a local education authority in the setting of targets**

**11.** The statement of proposals contained in the second plan shall contain a statement—

- (a) explaining how the local education authority has arrived at the targets referred to in regulations 7 to 10 by reference to a summary of the information used; and
- (b) describing the way in which the local education authority engages with schools maintained by the authority to assist the governing bodies of such schools to set the targets they are required to set by virtue of the 1998 Regulations, including a description of the information given by the authority to such schools to assist such schools to set those targets.

### **Priorities for school improvement**

**12.**—(1) The statement of proposals contained in the second plan shall set out the priorities identified by the local education authority for the period set out in regulation 4 for raising

the standards of education provided for children in the authority's area and for improving the performance of schools maintained by the authority.

(2) In setting out these priorities in the statement of proposals, the authority shall set out in the statement of proposals—

- (a) a description of changes in the key characteristics of the authority which have occurred since the preparation of the first plan and which the authority consider relevant to the improvement of, and the raising of standards in, schools in its area;
- (b) a description of the processes by which the authority have evaluated their own progress and the progress of schools maintained by the authority since they prepared the first plan, in the light of the activities set out in the first plan which they have undertaken, and the outcomes of that evaluation;
- (c) a description of the processes by which the authority have reviewed their own performance and the performance of schools maintained by the authority based on the latest available performance information immediately prior to the preparation of the second plan, and the outcome of that review; and
- (d) the basis on which each of the priorities was identified and how each priority will contribute to raising the standards of education for all children in their area, including those with special educational needs, and to achieving the targets referred to in regulations 7 to 10.

(3) The statement of proposals contained in the second plan shall indicate in broad terms the activities which the authority propose to undertake in the financial year beginning in 2002 to address each of the priorities identified in the statement of proposals in accordance with paragraph (1).

### PART III

#### MATERIAL TO BE CONTAINED IN ANNEXES TO THE STATEMENT OF PROPOSALS

##### General

13. The annexes to the statement of proposals contained in the second plan must contain the material specified in regulations 14 to 18.

##### Targets

14. The material referred to in regulation 13 includes a table showing—
- (a) the targets for the school year beginning in 2002 which the governing body of each maintained school in the authority's area have set by virtue of regulation 3, 3A, 4 or 4A (or, as the case may be, several or all) of the 1998 Regulations;
  - (b) the targets for the school year beginning in 2002 which the governing body of any maintained school in the authority's area have set by virtue of regulation 3 of the Education (School Attendance Targets) (England) Regulations 1999<sup>(10)</sup>;
  - (c) the targets for the percentage of children leaving public care by the end of each of the school years beginning in 2002 and 2003 respectively and who will have attained the age of at least 16, to achieve grades A\* to C in five or more subjects in GCSE examinations in those school years; and

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(10) S.I. 1999/397 amended by S.I. 2001/3785.

- (d) the targets for the percentage of children leaving public care by the end of each of the school years beginning in 2002 and 2003 respectively and who will have attained the age of at least 16, to achieve grades A\* to G in one or more subjects in GCSE examinations in those school years.

### **Description of the local education authority's proposed activities**

15. The material referred to in regulation 13 includes a breakdown and detailed description for the financial year beginning in 2002 of each of the activities indicated in broad terms in the statement of proposals in accordance with regulation 12(3).

### **Resources**

16. The material referred to in regulation 13 includes a table showing the local education authority's planned expenditure in the financial year beginning in 2002 in respect of each of the priorities set out in the statement of proposals in accordance with regulation 12(1), comprising expenditure to be deducted from their local schools budget in accordance with regulations under section 46(2) of the 1998 Act (but excluding expenditure to be met from funding devolved to schools), showing separately expenditure expected to be offset by specific grants and contributions required from the local education authority as a condition of the grants.

### **Monitoring and evaluating the education development plan**

17. The material referred to in regulation 13 includes an explanation of the way in which the local education authority propose to monitor and evaluate—

- (a) their activities and achievements in relation to the targets referred to in regulations 7 to 10 and the priorities and activities referred to in regulation 12, including the way in which the authority propose to monitor and evaluate the achievements of schools maintained by the authority; and
- (b) the authority's use of resources in support of the second plan.

### **Consultation by the local education authority**

18. The material referred to in regulation 13 includes a description of the consultation undertaken by the local education authority in preparing the second plan including, in particular, the following information—

- (a) the number and types of persons consulted,
- (b) a summary of the consultation responses,
- (c) the ways, if any, in which those responses have been reflected in the second plan, and
- (d) any significant areas in which those consulted disagreed with the second plan and the consultees concerned.

30th November 2001

*Stephen Timms*  
Minister of State,  
Department for Education and Skills



SCHEDULE 1

(Regulation 2(5))

**(Supplementary provisions about performance targets and attainment results for pupils)**

1.—(1) For the purposes of regulation 2(5), questions as to—

- (a) which vocational qualification award corresponds to which GCSE examination grade, and
- (b) the equivalency between GCSE examination results and vocational qualifications,

shall be determined in accordance with sub-paragraphs (2) to (8).

(2) Where a pupil is awarded a Part One GNVQ (Intermediate level) or vocational GCSE grade A\* to C, he shall be treated as having achieved A\* to C in two GCSE subjects.

(3) Where a pupil is awarded a Part One GNVQ (Foundation level) or vocational GCSE grade D to G, he shall be treated as having achieved grade D to G in two GCSE subjects.

(4) Where a pupil is awarded an Intermediate GNVQ, he shall be treated as having achieved grade A\* to C in four GCSE subjects.

(5) Where a pupil is awarded a Foundation GNVQ, he shall be treated as having achieved D to G in four GCSE subjects.

(6) Where a pupil is awarded a GNVQ Language Unit (Intermediate level), he shall be treated as having achieved grade A\* in half a GCSE subject.

(7) Where a pupil is awarded a GNVQ Language Unit (Foundation level), he shall be treated as having achieved grade D in half a GCSE subject.

(8) Where a pupil is awarded a grade in an examination relating to a GCSE short course, he shall be treated as having achieved that grade in half a GCSE subject.

2.—(1) For the purposes of regulation 2(5), the average point score for the authority achieved by the relevant group of pupils in grades in GCSE examinations or in vocational qualifications in relation to any school year shall be ascertained by—

- (a) aggregating the value in points of all such grades or qualifications awarded to every pupil in the relevant group of pupils by the end of that year, and then
- (b) by dividing that aggregate by the total number of pupils in the relevant group of pupils.

(2) Paragraph 3 shall apply for the purposes of determining the value in points of—

- (a) a grade awarded in a GCSE examination, and
- (b) the award of a vocational qualification.

(3) In this paragraph, “the relevant group of pupils” has the same meaning as in regulation 9.

3.—(1) For the purposes of paragraph 2, the value of points of—

- (a) a grade awarded in a GCSE examination, and
- (b) the award of a vocational qualification,

shall be determined as follows.

(2) Subject to sub-paragraph (3), a GCSE or vocational GCSE grade shall have the value in points specified in the following table—

**Table**

<i>Grade</i>	<i>GCSE Value in points</i>	<i>Vocational GCSE Value in Points</i>
A*	8	16

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

<i>Grade</i>	<i>GCSE Value in points</i>	<i>Vocational GCSE Value in Points</i>
A	7	14
B	6	12
C	5	10
D	4	8
E	3	6
F	2	4
G	1	2

(3) Where the grade awarded relates to a GCSE short course examination, it shall have the value in points determined in accordance with the above table divided by two.

(4) The award of other vocational qualifications (other than a GNVQ Language Unit) shall have the value in points specified in the following table—

**Table**

<i>Grade</i>	<i>Part I GNVQ Intermediate Value in points</i>	<i>Part I GNVQ Foundation Value in Points</i>	<i>Intermediate GNVQ Value in Points</i>	<i>Foundation GNVQ Value in points</i>
Distinction	15	8	30	16
Merit	12	6	24	12
Pass	10	3	20	6

(5) The award of a GNVQ Language Unit shall have the following value in points—

- (a) 3.5 points (where it is an Intermediate level Unit), or
- (b) 2 points (where it is a Foundation level Unit).

## EXPLANATORY NOTE

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

These Regulations, which are made under sections 6 and 7 of the School Standards and Framework Act 1998 (“the 1998 Act”), apply in relation to local education authorities in England.

Section 6 of the 1998 Act requires every local education authority to prepare an education development plan for their area. The first such plan was prepared in 1999, in accordance with the Education Development Plans (England) Regulations 1999 (S.I.1999/138). Further such plans are to be prepared in accordance with regulations. The Regulations make provision with respect to the second such plan, including the period to which the statement of proposals contained in the plan must relate (regulation 4), the date by which the plan must be submitted to the Secretary of State

(regulation 5) and the persons to whom the authority must provide copies of the plan or a summary version of the plan (regulation 6).

Part II of the Regulations sets out matters with which the statement of proposals contained in the plan must deal. These include targets for pupils in the second key stage (regulation 7); targets for pupils in the third key stage (regulation 8); targets for pupils aged 15 or 16 (regulation 9); targets for attendance (regulation 10); a summary of the information used by the authority in setting targets (regulation 11); and the authority's priorities for raising standards and improving the performance of schools in their area (regulation 12).

Part III of the Regulations sets out the material which the annexes to the statement of proposals must contain. These include the targets set by individual schools and for children leaving public care (regulation 14); a description of the authority's proposed activities to address the priorities for raising standards and improving the performance of schools (regulation 15); the authority's use of resources in support of the plan (regulation 16); information in relation to the authority's proposals for monitoring and evaluating their performance under the plan (regulation 17); and a description of the consultation undertaken by the authority in preparing the plan (regulation 18).