



# Education Act 1997

## 1997 CHAPTER 44

### PART IV

#### BASELINE ASSESSMENTS AND PUPILS' PERFORMANCE

#### <sup>F1</sup>CHAPTER I

#### BASELINE ASSESSMENTS

##### Textual Amendments

**F1** Pt. IV Ch. I repealed (2.9.2002 for E., 1.9.2011 for W.) by [Education Act 2002 \(c. 32\)](#), ss. 204, 216(4), [Sch. 22 Pt. 3](#) (with ss. 210(8), 214(4)); S.I. 2002/2002, art. 4; S.I. 2011/1952, art. 2(1)(2)(a)(c)

**<sup>F1</sup>15** **Introductory**

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**<sup>F1</sup>16** **Adoption of baseline assessment schemes.**

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**<sup>F1</sup>17** **Assessment of pupils in accordance with scheme.**

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**<sup>F1</sup>18** **Regulations for purposes of this Chapter.**

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*Changes to legislation: Education Act 1997, Part IV is up to date with all changes known to be in force on or before 11 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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## CHAPTER II

### PUPILS' PERFORMANCE

#### 19 School performance targets.

[(1) <sup>F2</sup>The Welsh Ministers] may by regulations make such provision as <sup>F3</sup>the Welsh Ministers consider] appropriate for requiring the governing bodies of maintained schools <sup>F4</sup>in Wales ] to secure that annual targets are set in respect of the performance of pupils—

- (a) in public examinations or in assessments <sup>F5</sup>for the purposes of the National Curriculum][<sup>F5</sup>required by virtue of regulations made under Part 4 of the Curriculum and Assessment (Wales) Act 2021], in the case of pupils of compulsory school age; or
- (b) in public examinations or in connection with the attainment of other external qualifications, in the case of pupils of any age over that age.

(2) Regulations under this section may require—

- (a) such targets, and
- (b) the past performance of pupils in the particular examinations or assessments, or in connection with the attainment of the particular qualifications, to which such targets relate,

to be published in such manner as is specified in the regulations.

<sup>F6</sup>(3) In this section “maintained school” means—

- (a) a community, foundation or voluntary school, or
- (b) a community or foundation special school (other than one established in a hospital).]]

#### Textual Amendments

- F2** Words in s. 19(1) substituted (1.10.2015) by [Deregulation Act 2015 \(c. 20\), ss. 66\(2\)\(a\), 115\(7\); S.I. 2015/1732, art. 2\(g\)](#)
- F3** Words in s. 19(1) substituted (1.10.2015) by [Deregulation Act 2015 \(c. 20\), ss. 66\(2\)\(b\), 115\(7\); S.I. 2015/1732, art. 2\(g\)](#)
- F4** Words in s. 19(1) inserted (1.10.2015) by [Deregulation Act 2015 \(c. 20\), ss. 66\(2\)\(c\), 115\(7\); S.I. 2015/1732, art. 2\(g\)](#)
- F5** Words in s. 19(1)(a) substituted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\), reg. 1\(3\), Sch. 2 para. 3\(2\)](#)
- F6** S. 19(3) substituted (1.9.1999) by [1998 c. 31, s. 140\(1\), Sch. 30 para.213 \(with ss. 138\(9\), 144\(6\)\); S.I. 1999/2323, art. 2\(1\), Sch.1](#)

#### Modifications etc. (not altering text)

- C1** S. 19 ceases to have effect (E.) (1.10.2015) by virtue of [Deregulation Act 2015 \(c. 20\), ss. 66\(1\), 115\(7\); S.I. 2015/1732, art. 2\(g\)](#)

#### 20 Provision of information about individual pupils' performance.

After section 537 of the <sup>M1</sup>Education Act 1996 there shall be inserted—

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**“537A Provision of information about individual pupils’ performance.**

- (1) The Secretary of State may by regulations make provision requiring—
  - (a) the governing body of every school which is—
    - (i) maintained by a [<sup>F7</sup>local authority], or
    - (ii) a grant-maintained school, or
    - (iii) a special school which is not maintained by a [<sup>F7</sup>local authority], and
  - (b) the proprietor of each independent school,to provide to the Secretary of State such individual performance information relating to pupils or former pupils at the school as may be prescribed.
- (2) In this section “individual performance information” means 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 I 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.
- (3) The Secretary of State may provide any information received by him by virtue of subsection (1)—
  - (a) to any prescribed body or person, or
  - (b) to any body or person falling within a prescribed category.
- (4) Any body or person holding any individual performance information may provide that information to any body to which this subsection applies; and any body to which this subsection applies—
  - (a) may provide any information received by it under this subsection—
    - (i) to the Secretary of State, or
    - (ii) to the governing body or proprietor of the school attended by the pupil or pupils to whom the information relates; and
  - (b) may, at such times as the Secretary of State may determine, provide to any prescribed body such information received by it under this subsection as may be prescribed.
- (5) Subsection (4) applies to any body which, for the purposes of or in connection with the functions of the Secretary of State relating to education, is responsible for collating or checking information relating to the performance of pupils—
  - (a) in any assessment or examination falling within subsection (2)(a), (b) or (d), or
  - (b) in connection with the attainment of any qualification falling within subsection (2)(c) or (d).
- (6) No individual performance information received under or by virtue of this section shall be published in any form which includes the name of the pupil or pupils to whom it relates.

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- (7) References in this section to the attainment of a qualification of any description include references to the completion of any module or part of a course leading to any such qualification.”

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**Textual Amendments**

- F7** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 8(2)**
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**Marginal Citations**

- M1** 1996 c. 56.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 24(2)(ga) inserted by [2008 c. 25 s. 161\(3\)\(b\)](#) (This amendment not applied to legislation.gov.uk. S. 161(3)(4)(11)-(13) repealed (1.4.2010 for E., 1.11.2010 for W.) without ever being in force by 2009 c. 22, Sch. 16 Pt. 4; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2)
- s. 24(2B)-(2D) inserted by [2008 c. 25 s. 9](#) (This amendment not applied to legislation.gov.uk. S. 9 repealed (31.5.2013) without ever being in force by 2009 c. 22 Sch. 16 Pt. 4; S.I. 2013/975, art. 2(c))
- s. 26A(1)(1A) substituted for s. 26A(1) by [2008 c. 25 s. 161\(11\)](#) (This amendment not applied to legislation.gov.uk. S. 161(3)(4)(11)-(13) repealed (1.4.2010 for E., 1.11.2010 for W.) without ever being in force by 2009 c. 22, Sch. 16 Pt. 4; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2)
- s. 26A(4)(5) inserted by [2008 c. 25 s. 161\(13\)](#) (This amendment not applied to legislation.gov.uk. S. 161(3)(4)(11)-(13) repealed (1.4.2010 for E., 1.11.2010 for W.) without ever being in force by 2009 c. 22, Sch. 16 Pt. 4; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2)
- s. 38(2B) inserted by [2022 asc 1 Sch. 4 para. 9\(3\)\(b\)](#)
- s. 39(1)(b)(c) substituted for s. 39(1)(b) by [2022 asc 1 Sch. 4 para. 9\(4\)\(b\)](#)
- s. 43(2ZA)(2ZB) inserted by [2009 c. 22 s. 250\(2\)](#) (This amendment not applied to legislation.gov.uk. S. 250 omitted (1.9.2012) by virtue of 2011 c. 21, s. 29(9)(d); S.I. 2012/1087, art. 3)