
STATUTORY INSTRUMENTS

1998 No. 1532

EDUCATION, ENGLAND AND WALES

**The Education (School Performance
Targets) (England) Regulations 1998**

<i>Made</i>	- - - -	<i>29th June 1998</i>
<i>Laid before Parliament</i>		<i>29th June 1998</i>
<i>Coming into force</i>	- -	<i>1st September 1998</i>

In exercise of the powers conferred on the Secretary of State by sections 19 and 54(3) of the Education Act 1997⁽¹⁾, the Secretary of State for Education and Employment hereby makes the following Regulations:—

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (School Performance Targets) (England) Regulations 1998, and shall come into force on 1st September 1998.

(2) These Regulations apply only in relation to schools in England.

Interpretation

2.—(1) In these Regulations—

“the 1996 Act” means the Education Act 1996⁽²⁾;

“the 1997 Act” means the Education Act 1997;

“designated school” means a school to which—

(a) regulation 3 applies, and

(b) there are normally admitted pupils who are in the final year of the second key stage;

“GCSE” means 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 NC tests;

(1) 1997 c. 44; see section 56(1) for the meaning of “regulations”.

(2) 1996 c. 56.

“NC tests” means National Curriculum tests administered to second key stage pupils for the purpose of assessing the level of attainment which they have achieved in English or mathematics, 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⁽³⁾;

“performance targets”, in relation to a school, means the targets which a governing body are required to set by virtue of regulation 3 or 4 (or both);

“pupils' attainment results” has the meaning specified in regulation 6(5);

“relevant school year” means the school year in relation to which a school’s annual report is published;

“school” means a maintained school within the meaning of section 19(3) of the 1997 Act;

“school’s annual report”, in relation to a school, means the report to parents which the governing body are required to prepare and publish for every school year by virtue of the school’s Articles of Government;

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

“vocational qualification” means—

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

awarded by—

- (i) the EDEXCEL Foundation,
- (ii) the City and Guilds of London Institute,
- (iii) the Royal Society of Arts Examination Board,
- (iv) the Assessment and Qualifications Alliance, or
- (v) Oxford, Cambridge and RSA Examinations,

and approved by the Secretary of State under section 400 of the 1996 Act or section 37 of the 1997 Act.

(2) Any reference in these regulations to—

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

by the end of any school year, shall be construed for the purposes of these Regulations as a reference to that pupil achieving or being awarded that grade or qualification in the school year in which he—

- (i) takes that examination, or
- (ii) (as the case may be) completes the course leading to the award of that qualification,

and irrespective of whether the decision to award the grade or qualification is made in a later school year.

(3) The appropriate order currently in force is the Education (National Curriculum) (Assessment Arrangements for the Core Subjects) (Key Stage 2) (England) Order 1995 (S.I. 1995/2072, as amended by S.I. 1996/2115 and 1997/2176).

Targets for pupils in the second key stage

3.—(1) This regulation applies to every school where education is provided which is suitable to the requirements of pupils in the final year of the second key stage.

(2) Subject to paragraph (5), the governing body of a school to which this regulation applies shall, by no later than 31st December in every school year, set the targets specified in paragraph (3) 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 the following school year.

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

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

(4) In this regulation “the relevant group of second key stage pupils”, in relation to—

- (a) a school, and
- (b) any school year during which the governing body have a duty to set the targets specified in paragraph (3),

means all persons who, in the following school year, the governing body anticipate will be—

- (i) registered pupils, and
- (ii) in the final year of the second key stage.

(5) In relation to a designated school, paragraphs (2) and (4) shall have effect with the following modifications—

- (a) paragraph (2) shall have effect as if—
 - (i) for “by no later than 31st December in every school year” there were substituted “as soon after the beginning of every school year (other than the 1998–99 school year) as is reasonably practical”, and
 - (ii) for “the following school year” there were substituted “that school year”; and
- (b) paragraph (4) shall have effect as if for “, in the following school year, the governing body anticipate will be”, there were substituted “are”.

Targets for pupils aged 15

4.—(1) This regulation applies to every school where education is provided which is suitable to the requirements of pupils who have attained the age of 15.

(2) The governing body of a school to which this regulation applies shall, by no later than 31st December in every school year, set the targets specified in paragraph (3) in connection with the performance of the relevant group of pupils aged 15 in GCSE examinations or vocational qualifications.

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

- (a) the percentage of the relevant group of pupils aged 15 to achieve, by the end of the following school year, grades A* to C in five or more subjects in GCSE examinations;
- (b) the percentage of the relevant group of pupils aged 15 to achieve, by the end of the following school year, grades A* to G in one or more subjects in GCSE examinations; and
- (c) the average point score for the school to be achieved by the relevant group of pupils aged 15 by the end of the following school year in GCSE and vocational qualifications.

(4) In paragraph (3)(a) and (b), references to pupils achieving particular grades in GCSE examinations shall be construed for the purposes of those provisions so as to include references to pupils achieving corresponding awards in an equivalent number of vocational qualifications.

(5) Schedule 1 shall have effect for determining for the purposes only of this regulation and regulation 6—

- (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 calculation of the average point score for the school in relation to pupils' achievements in GCSE examinations and vocational qualifications.

(6) In this regulation, “the relevant group of pupils aged 15”, in relation to—

- (a) a school, and
- (b) any school year during which the governing body have a duty to set the targets specified in paragraph (3),

means all persons who, in the following school year, the governing body anticipate—

- (i) will be registered pupils at the school on the third Thursday in January, and
- (ii) will have attained the age of 15 during the period of twelve months ending on the 31st August immediately preceding that day.

Prohibition of revision of performance targets

5. A performance target may not be modified after it has been set.

Publication of performance information

6.—(1) Subject to paragraphs (2) to (4), the governing body of every school to which regulation 3 or 4 applies shall publish in the school's annual report for every school year after the 1997–98 school year the information about—

- (a) performance targets, and
- (b) pupils' attainment results,

specified in Schedule 2.

(2) In relation to a school to which regulation 3 applies, paragraph (1) shall not require—

- (a) the publication of information about performance targets in relation to any school year where, at the time when the governing body's duty to set such targets for that year arose, the relevant group of second key stage pupils (as defined in regulation 3) consisted of ten or fewer persons; or
- (b) the publication of any information about pupils' attainment results in relation to any school year where the total number of persons who, in that year, were—
 - (i) registered pupils, and
 - (ii) at or near the end of final year of the second key stage, did not exceed ten.

(3) In relation to a school to which regulation 4 applies, paragraph (1) shall not require—

- (a) the publication of information about performance targets in relation to any school year where, at the time when the governing body's duty to set such targets for that year arose,

the relevant group of pupils aged 15 (as defined in regulation 4) consisted of ten or fewer persons; or

(b) the publication of any information about pupils' attainment results in relation to any school year in which the total number of pupils aged 15 did not exceed ten.

(4) In relation to a designated school, paragraph (1) shall have effect as if for “the 1997–98 school year” there were substituted “the 1998–99 school year”.

(5) In these Regulations “pupils' attainment results”, in relation to any school year, means—

(a) in relation to a school to which regulation 3 applies—

(i) the percentage of registered pupils at or near the end of the final year of the second key stage who achieved level 4 or above in NC tests in English; and

(ii) the percentage of registered pupils at or near the end of the final year of the second key stage who achieved level 4 or above in NC tests in mathematics; and

(b) in relation to a school to which regulation 4 applies—

(i) the percentage of pupils aged 15 who achieved grades A* to C in five or more subjects in GCSE examinations by the end of that year;

(ii) the percentage of pupils aged 15 who achieved grades A* to G in one or more subjects in GCSE examinations by the end of that year; and

(iii) the average point score for the school achieved by pupils aged 15 in GCSE examinations or vocational qualifications by the end of that year.

(6) In paragraph (5)(b)(i) and (ii), references to pupils achieving particular grades in GCSE examinations shall be construed for the purposes of those provisions so as to include references to pupils achieving corresponding awards in an equivalent number of vocational qualifications.

(7) Paragraph (5) of regulation 4 applies for the purposes of this regulation as it applies for the purposes of regulation 4.

(8) In paragraphs (3)(b) and (5)(b), “pupils aged 15” in relation to a school and any school year, means persons who—

(a) are registered pupils on the third Thursday in January, and

(b) attained the age of 15 during the period of twelve months ending on the 31st August immediately preceding that day.

SCHEDULE 1

(Regulations 4 and 6)

(Supplementary provisions about performance targets and attainment results for pupils aged 15)

1.—(1) For the purposes of regulations 4 and 6, 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), he shall be treated as having achieved grade A* to C in two GCSE subjects.

(3) Where a pupil is awarded a Part One GNVQ (Foundation level), 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 grade 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) In relation to a school to which regulation 4 applies, and for the purposes of that regulation and regulation 6, the average point score for the school achieved by pupils aged 15 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 aged 15 by the end of that year, and then
- (b) dividing that aggregate by the total number of pupils aged 15.

(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, “pupil aged 15”, in relation to a school and to any school year, means—

- (a) for the purposes of setting the targets specified in regulation 4, any person who is in the relevant group of pupils aged 15 (as defined in that regulation); and
- (b) for the purposes of the publication of pupils' attainment results under regulation 6, any person who—
 - (i) is a registered pupil on the third Thursday in January in that year, and
 - (ii) attained that age during the period of twelve months ending on the 31st August immediately preceding that day.

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

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

shall be determined as follows.

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

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

Table

GCSE grade	Value in points
A*	8
A	7
B	6
C	5
D	4
E	3
F	2
G	1

(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 a vocational qualification (other than a GNVQ Language Unit) shall have the value in points specified in the following table—

Table

Grade	Part 1 GNVQ	Part 1 GNVQ	Intermediate GNVQ	Foundation GNVQ
	Intermediate <i>Value in points</i>	Foundation <i>Value in points</i>	<i>Value in points</i>	<i>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).

4. For the purposes of setting the targets specified in regulation 4, any reference in this Schedule to the achievement or award of—

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

shall be construed as if it were a reference to the award or achievement of a grade or qualification by the end of the school year for which such targets are required to be set by virtue of that regulation.

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

SCHEDULE 2

(Regulation 6)

(Information about targets to be published in annual reports)

1. Where a school's annual report in relation to the relevant school year is published in the course of that year, the school's annual report in relation to the relevant school year shall contain the following information—

- (a) pupils' attainment results in each of the two school years immediately preceding the relevant school year; and
- (b) the performance targets set for—
 - (i) the two school years immediately preceding the relevant school year,
 - (ii) the relevant school year, and
 - (iii) the school year immediately following the relevant school year.

2. Where a school's annual report in relation to the relevant school year is published after the end of that year, the school's annual report in relation to the relevant school year shall contain the following information—

- (a) pupils' attainment results in the relevant school year and in each of the two school years immediately preceding that year; and
- (b) the performance targets determined for—
 - (i) the two school years immediately preceding the relevant school year,
 - (ii) the relevant school year, and
 - (iii) the school year immediately following the relevant school year.

3. In relation to a designated school, paragraphs 1 and 2 shall each have effect as if there were omitted sub-paragraph (b)(iii).

29th June 1998

Stephen Byers
Minister of State,
Department for Education and Employment

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which are made under section 19 of the Education Act 1997, require the governing body of every maintained school which provides education suitable for the requirements of pupils in the second key stage, or pupils aged 15, to set annual targets in respect of the performance of pupils in certain tests and public examinations (or vocational qualifications), and to publish in the school's annual report the details of those targets and the performance of pupils in such tests and examinations. The Regulations come into force on 1st September 1998.

Targets will have to be set in the 1998–99 and subsequent school years in respect of the performance of—

- (a) second key stage pupils in National Curriculum tests (in English and mathematics) (*regulation 3*), and
- (b) pupils aged 15 in GCSE examinations and corresponding vocational qualifications (*regulation 4 and Schedule 1*).

Once performance targets have been set, they may not subsequently be altered (*regulation 5*).

Information concerning performance targets and pupils' attainment results will have to be published every year in the governing body's annual report to parents—unless that information relates to a school year in which there were 10 or fewer at the school as regards whom targets were required to be set, or (as the case may be) in the age group for which the relevant tests or examinations are designed (*regulation 6 and Schedule 2*).