

**1999 No. 1066**

**EDUCATION, ENGLAND AND WALES**

**The Education (Information as to Provision of Education)  
(England) Regulations 1999**

<i>Made</i> - - - -	<i>28th March 1999</i>
<i>Laid before Parliament</i>	<i>6th April 1999</i>
<i>Coming into force</i>	<i>1st May 1999</i>

In exercise of the powers conferred on the Secretary of State by sections 29(3) and 569(4) and (5) of the Education Act 1996(a), 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 (Information as to Provision of Education) (England) Regulations 1999 and shall come into force on 1st May 1999.

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

**Interpretation**

2.—(1) In these Regulations—

“capacity” means capacity calculated in accordance with Schedule 2;

“relevant areas of the school premises” means those areas to which a pupil would ordinarily have access other than washroom facilities;

“school year” means a period of twelve months beginning on 1st September unless the school has a term beginning in August, in which case it means a period of 12 months beginning on 1st August;

“surplus places” means the number of places, if any, by which the number equal to the capacity of the school exceeds the total number of registered pupils at the school;

“teaching accommodation” means accommodation provided for teaching purposes; and

“washroom facilities” means a room containing a water closet and washbasin which are suitable for use by a pupil in a wheelchair.

(2) In relation to any period before 1st September 1999 any reference in Schedule 1 to a community, foundation or voluntary school maintained by a local education authority shall be construed as a reference to a county or voluntary school maintained by that authority or a grant-maintained school which that authority are required to maintain by virtue of regulation 2 of the School Standards and Framework Act 1998 (Modification) Regulations 1998(b).

**Information to be provided by a local education authority to the Secretary of State**

3.—(1) The information specified in Part I of Schedule 1 shall be provided by a local education authority to the Secretary of State after 1st May and before 1st June in each year.

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(a) 1996 c. 56. For the meaning of “prescribed” and “regulations” see section 579.

(b) S.I. 1998/2670.

(2) The information specified in Part II of Schedule 1 shall be provided by a local education authority to the Secretary of State after 1st May and before 1st June in 1999 and every second year thereafter.

**Determination of capacity of a school**

4. Schedule 2 shall have effect for the purpose of determining the capacity of any school.

**Revocation**

5. The Education (Information as to Provision of Education) (England) Regulations 1994<sup>(a)</sup> are hereby revoked.

28th March 1999

*Estelle Morris*  
Minister of State,  
Department for Education and Employment

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<sup>(a)</sup> S.I. 1994/1256.

**INFORMATION TO BE PROVIDED BY A LOCAL EDUCATION AUTHORITY TO  
THE SECRETARY OF STATE**

PART I

**INFORMATION TO BE PROVIDED AFTER 1ST MAY AND BEFORE 1ST  
JUNE IN EACH YEAR**

**1.** The number of registered pupils on the third Thursday in January in the year in which the information is provided in each community, foundation and voluntary school maintained by the local education authority, existing as a school of any such kind on 1st April in the year in which the information is provided, and the total number of such pupils in all such schools which are primary schools and all such schools which are secondary schools.

**2.** The number of community, foundation and voluntary schools maintained by the local education authority on the third Thursday in January in the year in which the information is provided, in which there are surplus places and the number of such places in each such school and the total number of surplus places in all such primary schools and all such secondary schools.

**3.** A forecast of the number of registered pupils firstly, for whom primary education is provided and secondly, for whom secondary education is provided, in community, foundation and voluntary schools maintained by the local education authority, on 1st January in each school year over—

- (a) a four year period in the case of such pupils for whom primary education is so provided; and
- (b) a seven year period in the case of such pupils for whom secondary education is so provided,

such period commencing at the start of the school year which begins in the year in which the information is provided to the Secretary of State.

**4.** A statement, which is to accompany the forecast referred to in paragraph 3, explaining the basis upon which the forecast is made and identifying any areas within the area of the local education authority where the rate of growth, or decline, as the case may be, in the number of such pupils is expected to be significantly different from the general rate of growth, or, as the case may be, decline, in the area as a whole.

**5.** The capacity on the third Thursday in January in the year in which the information is provided of each community, foundation and voluntary school maintained by the local education authority existing as a school of any such kind on 1st April in that year and the total capacity, on that date, of all such primary schools and all such secondary schools.

**6.** An estimate of the expected future level of surplus places at community, foundation and voluntary schools maintained by the local education authority taken together, taking account of—

- (a) the number of any surplus places indicated by virtue of paragraph 2 above;
- (b) the forecast of the number of registered pupils indicated by virtue of paragraph 3 above;
- (c) any proposals in respect of schools in the area published pursuant to—
  - (i) sections 35, 41, 167, 211, 212, 267, 268 or 502 of the Education Act 1996; or
  - (ii) sections 28 or 29 of, or paragraph 5 of Schedule 7 to, the School Standards and Framework Act 1998(a),

which have been approved (where approval is required) but not implemented or, as the case may be, adopted but not implemented;

- (d) the means, if any, by which the expected future level of surplus places is to be reduced together with any matters that the local education authority considers prevent the removal of all or any part of that level of surplus places;
- (e) changes that have occurred in the provision of education in the area after 1st April in the year in which the information is provided, such as the establishment or discontinuance of any community, foundation or voluntary school; and
- (f) any other related matter as the local education authority thinks fit.

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(a) 1998 c. 31.

## PART II

### INFORMATION TO BE PROVIDED AFTER 1ST MAY AND BEFORE 1ST JUNE IN 1999 AND EACH SUBSEQUENT ALTERNATE YEAR

7. In relation to each community, foundation or voluntary school maintained by the local education authority existing as a school of any such kind on 1st April in the year in which the information is provided—

- (a) whether on the third Thursday in January in the year in which the information is provided, a pupil in a wheelchair can gain access to all relevant areas of the school premises;
- (b) where the teaching accommodation on that date is not wholly accessible to such a pupil, the percentage of that accommodation which is so accessible; and
- (c) whether on that date washroom facilities are accessible to such a pupil.

## SCHEDULE 2

Regulation 4

### PART I

#### FORMULA FOR DETERMINING CAPACITY OF PRIMARY SCHOOLS

1. The capacity of a primary school is to be determined in accordance with the following formula—

$$X + Y - Z$$

where—

- X is the sum of the numbers (rounded down to the nearest whole number in the case of each number) obtained by dividing the total floor area of each classroom in the school whose floor area is less than 54 square metres by 1.8;
- Y is the number of complete floor areas of 54 square metres in those classrooms in the school whose floor area is 54 square metres or more, multiplied by 30;
- Z is the number of pupils in the school in respect of whom notices have been served by a local education authority that they propose to make an assessment of their special educational needs in accordance with section 323 of the Education Act 1996 (“pupils subject to assessment”) or for whom statements of special educational needs are maintained by such authority in accordance with section 324 of that Act (“pupils with statements”), multiplied by 2.

2. For the purposes of this Schedule “classroom” excludes—

- (a) any hall or library;
- (b) any room or other area used wholly or mainly for the education of pupils subject to assessment and pupils with statements;
- (c) any room or other area so constructed, adapted or equipped as to be unsuitable for general teaching purposes;
- (d) where the school makes provision for nursery education, any room or other area used wholly or mainly for that purpose;
- (e) any room, part of a room or other area constructed, adapted or equipped primarily for the storage of apparatus, equipment or materials used in teaching;

and any part of an area which is required for the movement of pupils through that area, and which is used wholly or mainly for that purpose, is not to be taken into account in calculating the floor area of a classroom.

PART II

**FORMULA FOR DETERMINING CAPACITY OF SECONDARY SCHOOLS**

3. The capacity of a secondary school is to be determined in accordance with the following formula—

$$(A \times B \times C) - D$$

rounded down to the nearest whole number, where—

A is the sum of the number obtained by adding together each workplace number, as determined in accordance with paragraphs 4 and 5 below, which applies in relation to an area of any of the following kinds of teaching space that exist at the school in question—

- (i) general teaching space,
- (ii) light practical teaching space,
- (iii) heavy practical and large teaching space, and
- (iv) sports and physical education teaching space;

B is the result of the application of the following formula—

$$\frac{b1 + b2 + b3}{N}$$

where—

- b1 is the number of registered sixth form pupils at the school up to and including 150 such pupils, divided by 2;
- b2 is the number of such sixth form pupils above 150, multiplied by 0.73;
- b3 is the number of registered pupils, excluding any sixth form pupils, at the school, multiplied by the age factor, as determined in accordance with paragraph 6 below, which applies in relation to the school; and
- N is the total number of registered pupils at the school;

C is the result of the application of the following formula—

$$\frac{(A \times B) - 1200}{11,000} + 1$$

where—

A and B are the same as set out above in this paragraph; and

D is the number of registered pupils in the school in respect of whom notices have been served by a local education authority that they propose to make an assessment of their special educational needs in accordance with section 323 of the Education Act 1996 or for whom statements of special educational needs are maintained by such authority in accordance with section 324 of that Act, multiplied by 3.

4.—(1) For the purposes of paragraph 3 above and subject to paragraph 5 below, the workplace number which applies in relation to an area of teaching space is that specified in the second column of the table below, opposite the reference in the first column of the table to the area of teaching space at the school which shall be determined by calculating the floor area, in square metres, of that space, rounded down to the nearest whole number.

TABLE

<i>Teaching Space (in square metres of floor area)</i>	<i>Workplace Number</i>
<i>General Teaching Space</i>	
9 or, less	0
10–14	0 or, in the case of such teaching space for the purposes of sixth form pupils, 5 if the local education authority so determine.
15–19	10
20–29	15
30–39	20
40–45	25
46 or over	30, or such larger number, being a multiple of 5, as the local education authority may determine.
<i>Heavy Practical and Large Teaching Space</i>	
19 or less	0
20–39	5
40–79	10
80–119	20
120 or over	30, or such larger number, being a multiple of 5, as the local education authority may determine.
<i>Light Practical Teaching Space</i>	
19 or less	0
20–39	5
40–59	10
60–79	20
80 or over	30, or such larger number, being a multiple of 5, as the local education authority may determine.
<i>Sports and Physical Education Teaching Space</i>	
39 or less	0
40–79	5
80–159	10
160–239	20
240 or over	30 multiplied by the number of complete floor areas of 240 square metres contained in the teaching space.

5. In the case of any area of general teaching space used partly for social, dining or careers advice purposes and any area of teaching space used other than by the school during any part of the school day, the area of teaching space shall be treated as if it included any area which falls to be excluded from being teaching space by virtue of paragraph 7(g)(iv) below and the workplace number shall be the workplace number as determined in accordance with paragraph 4 above multiplied by the proportion of the school day for which the area is available for teaching, rounded down to the nearest whole number.

6. For the purposes of paragraph 3 above, the “age factor” is the number specified in the second column of the table below, opposite the reference in the first column of the table to the age range which most closely reflects the age range of the school excluding its sixth form pupils.

<i>Age range</i>	<i>Age Factor</i>
9–13	0.80
11–13	0.78
11–15	0.75
12–15	0.74
13–15	0.72
14–15	0.70

7. For the purposes of this Part of this Schedule–

- (a) “general teaching space” means teaching space other than teaching space of the kinds described in sub-paragraphs (b), (d) and (f) below;
- (b) “heavy practical and large teaching space” includes–
  - (i) teaching space used or available mainly for the purposes of teaching any one or more of the following–
    - workshop crafts, cookery, drama, dance, and
  - (ii) includes teaching space in any assembly hall and library;
- (c) “light crafts” includes pottery and print making;
- (d) “light practical teaching space” includes–
  - (i) teaching space used or available mainly for the purposes of teaching any one or more of the following–
    - art, sculpture, light crafts, needlecraft, fabrics and textiles, technical drawing and design, music, business studies, commerce, typing, computer studies, and
  - (ii) includes teaching space in any science or language laboratory;
- (e) “projectile room” includes a room used for the purposes of any of the following–
  - archery, gun or rifle shooting, golf, bowls and cricket;
- (f) “sports and physical education teaching space” includes teaching space in any sports hall, gymnasium, projectile room, squash court, indoor swimming pool, or any room used for weight or fitness training or both;
- (g) “teaching space” means any area in the school in question used or available for teaching or study, or both, for all or part of the school day, but excluding the following–
  - (i) any room, part of a room or other area constructed, adapted or equipped primarily for the storage of apparatus, equipment or materials used in teaching;
  - (ii) any part of any area in the school which is required for the movement of pupils through that area and which is used wholly or mainly for that purpose;
  - (iii) in the case of the area of any gymnasium, sports hall or indoor swimming pool, any area, in terms of square metres of floor area, in excess of a floor area of 240 square metres save that, where the floor area of any gymnasium, sports hall or indoor swimming pool is equal to, or greater than, a multiple of 240 square metres, the area equal to that multiple or, where greater than a multiple, rounded down to the nearest multiple, is to be included as teaching space;
  - (iv) in the case of any area partly used for social, dining or careers advice purposes and any area used other than by the school during any part of the school day, the proportion of that area, in terms of square metres of floor area, equal to the proportion of the school day for which the area is not available for teaching, rounded down to the nearest whole number; and
- (h) “workshop crafts” includes craft design and technology, woodwork, metalwork and engineering.

## **EXPLANATORY NOTE**

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

These regulations provide for the information to be supplied by local education authorities to the Secretary of State in respect of educational provision in the area of the local education authority. The regulations revoke the Education (Information as to Provision of Education) (England) Regulations 1994 and re-enact the provisions in those regulations relating to information to be supplied by local education authorities to the Secretary of State with modifications to take account of the new framework for maintained schools contained in the School Standards and Framework Act 1998.

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