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STATUTORY INSTRUMENTS

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**1992 No. 1089**

**EDUCATION, ENGLAND AND WALES**

**The Education (Individual Pupils'  
Achievements, School Records and School  
Curriculum) (Amendment) Regulations 1992**

<i>Made</i>	- - - -	<i>29th April 1992</i>
<i>Laid before Parliament</i>		<i>7th May 1992</i>
<i>Coming into force</i>	- -	<i>1st June 1992</i>

In exercise of the powers conferred on the Secretary of State by sections 22, 218(1)(f) and (4) and 232(5) of the Education Reform Act 1988(1), and after consulting with those persons with whom consultation appeared to be desirable, the Secretary of State for Education and Science hereby makes the following Regulations:

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Education (Individual Pupils' Achievements, School Records and School Curriculum) (Amendment) Regulations 1992 and shall come into force on 1st June 1992.

(2) These Regulations extend to England only.

**Amendment of the Education (Individual Pupils' Achievements) (Information) Regulations 1990**

2.—(1) The Education (Individual Pupils' Achievements) (Information) Regulations 1990(2) shall be amended in accordance with the provisions of this regulation.

(2) In paragraph (1) of regulation 2—

(a) at the appropriate places in alphabetical order there shall be inserted the following definitions—

““attendance record” means the record of a pupil’s school attendance contained in the Attendance Register kept in accordance with section 80 of the Education Act 1944(3) and the Pupils' Registration Regulations 1956(4);

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(1) 1988 c. 40.  
(2) S.I.1990/1381.  
(3) 1944 c. 31.

“class” has the meaning assigned to it by section 3(6) of the Act;” and  
 ““GCE A level” and “GCE AS” mean General Certificate of Education advanced level and advanced supplementary respectively”; and

(b) for the definition of “key stage” there shall be substituted the following definition–

““key stage” means any of the periods set out in paragraphs (a) to (d) respectively of section 3(3) of the Act, and a reference to the first or the fourth key stage is a reference to the periods set out in section 3(3)(a) and (d) respectively of the Act;”.

(3) at the end of regulation 2 there shall be inserted the following paragraph–

“(3) In these Regulations a reference to pupils in the relevant age group in relation to GCSE examinations and GCE “A” level and “AS” examinations is to pupils who were aged 15 and at least 17 respectively on 31st August immediately preceding the school year in which the examinations were taken.”.

(4) In paragraph (1) of regulation 3 after the words “educational achievements” there shall be inserted the words “and the other information”.

(5) For paragraphs (1) and (2) of regulation 4 there shall be substituted the following paragraphs–

“(1) The information required to be made available by regulation 3 is–

(a) where the pupil is in the final year of a key stage in any foundation subject in relation to which attainment targets and programmes of study are specified, and his achievements in that subject have been assessed in accordance with the statutory arrangements, brief particulars of his achievements in that subject, including in particular–

(i) the pupil’s level of attainment in the subject and in each profile component of the subject so assessed;

(ii) a statement that the levels have been so assessed;

(iii) the information specified in paragraph (1A) about the levels of attainment in the subject, in each profile component of the subject and in the tests and attainment targets referred to in sub-paragraph (b) of all other pupils in the final year of that key stage whose achievements have been so assessed; and

(iv) where the pupil has been exempted from any attainment target, a statement to that effect referring to the target.

(b) without prejudice to sub-paragraph (a), where the pupil is in the final year of the first key stage in English, the results of any tests of reading accuracy or spelling which form part of the statutory arrangements for that subject and key stage and, where the pupil is in the final year of the first key stage in mathematics, his level of attainment in attainment target 3 entitled “Number”;

(c) where the pupil is in a year other than the final year of a key stage, brief particulars of his achievements in any foundation subject in relation to which year attainment targets and programmes of study are specified or which is required to be taught to him for a reasonable time by virtue of section 10(2)(a) and (3) of the Act;

(d) where the pupil is in the final year of the fourth key stage–

(i) the name of any subject in which the pupil has been awarded the General Certificate of Secondary Education and of any other qualification awarded to him in reliance (in either case) on his assessment in accordance with the statutory arrangements and the grade he achieved in any such examination; and

- (ii) the percentage of pupils at the school in the relevant age group who achieved– (aa) grade A, B or C in GCSE examinations in one or more subjects; (bb) any grade from A to G in such examinations; (cc) grade A, B or C in such examinations in not less than five subjects; (dd) any grade from A to G in such examinations in not less than five subjects;
- (e) where the pupil has taken GCE “A” level or GCE “AS” examinations, the number of points scored by him and the average points score (calculated as provided in paragraph (2B)) of all pupils at the school in the relevant age group who took any such examinations, such scores to be determined in accordance with regulation 7 of the Education (Information on School Examination Results) (England) Regulations 1991<sup>(5)</sup>; and
- (f) in the case of all pupils–
  - (i) brief particulars of the pupil’s achievements in any subject or activity not referred to elsewhere in this paragraph which forms part of the school curriculum and of his skills and abilities and his general progress at school during the school year to which the information relates;
  - (ii) (except a pupil who is not of compulsory school age) a summary of the pupil’s attendance record during that year showing the number of unauthorised absences (within the meaning of the Pupils’ Registration Regulations 1956); and
  - (iii) particulars of the arrangements under which the information required to be made available by this regulation may be discussed by the pupil’s parents with his teachers. (1A) The information referred to in sub-paragraph (a)(iii) of paragraph (1) is–
    - (a) the numbers or percentages (or both) of pupils in the final year of the pupil’s key stage who achieved each level of attainment in the subjects English, mathematics, science and technology;
    - (b) the corresponding numbers or percentages (or both) for the profile components in English entitled “Reading” and “Writing”;
    - (c) the corresponding numbers or percentages (or both) for attainment target 3 in mathematics entitled “Number”; and
    - (d) the numbers or percentages (or both) of pupils in the final year of the pupil’s key stage who have been exempted from each subject, profile component and attainment target respectively referred to in sub-paragraphs (a) to (c).

(2) Where the brief particulars referred to in paragraph (1)(c) include references to the pupil’s levels of attainment they shall contain a statement that those levels have not been assessed in accordance with the statutory arrangements. (2A) In the case of a pupil over compulsory school age and who is not in any year of a key stage the brief particulars referred to in sub-paragraph (f)(i) of paragraph (1) shall include the results of any public examination taken by the pupil in the school year to which the information relates. (2B) The average number referred to in paragraph (1)(e) shall be calculated to the nearest whole number (halves being rounded upwards), and in calculating the number the results of pupils who were entered for any such examination but failed to attain any pass grade shall be included.”.

(6) In paragraph (3) of regulation 4 there shall be substituted for the words “paragraph (1)(a)(iii)” the words “paragraphs (1) and (1A)”, and after the words “attainment target” (in both places) there shall be inserted the words “, profile component or subject”.

(7) After regulation 6 there shall be inserted the following regulations–

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(5) S.I. 1991/1265.

### “Savings

7.—(1) The provisions of this regulation apply to the information referred to in sub-paragraph (f)(i) of paragraph (1) of regulation 4 (brief particulars of a pupil’s skills and abilities and general progress).

(2) Nothing in regulations 3 and 4(1)(f)(i) shall require the making available of any information—

- (a) originating from or supplied by or on behalf of any person other than—
  - (i) an employee of the local education authority which maintains the school;
  - (ii) in the case of a grant-maintained or voluntary aided school, a teacher or other employee at the school (including an educational psychologist engaged by the governing body under a contract for services);
  - (iii) an education welfare officer (within the meaning of the Education (No. 2) Act 1986)<sup>(6)</sup>; or
  - (iv) the person requesting disclosure;
- (b) to the extent that it would reveal, or enable to be deduced, the identity of a person (other than the pupil to whom that information relates or a person mentioned in sub-paragraph (a)) as the source of the information or as a person to whom that information relates; or
- (c) to the extent that disclosure would in the opinion of the head teacher be likely to cause serious harm to the physical or mental health or emotional condition of the pupil to whom the information relates or of any other person;
- (d) to the extent that in the opinion of the head teacher it is relevant to the question whether the pupil to which it relates is or has been the subject of or may be at risk of child abuse; or
- (e) so as to disclose to a pupil’s parent the levels of attainment in any subject of any other pupil.

(3) In this regulation “child abuse” includes physical (other than accidental) injury to, and physical and emotional neglect, ill-treatment or sexual abuse of, a child.

### Translation of report

8. If it appears requisite to the head teacher of any school that any such information should be translated into a language other than English, it shall be so translated and these Regulations shall apply to the translated information as they apply to the original information.”.

### Amendment of the Education (School Records) Regulations 1989

3. The Education (School Records) Regulations 1989<sup>(7)</sup> shall be amended by substituting for paragraph (a) of regulation 9 the following paragraph—

- “(a) originating from or supplied by or on behalf of any person other than—
  - (i) an employee of the local education authority which maintains the school;
  - (ii) in the case of a grant-maintained or voluntary aided school, a teacher or other employee at the school (including an educational psychologist engaged by the governing body under a contract for services);

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<sup>(6)</sup> 1986 c. 61.

<sup>(7)</sup> S.I. 1989/1261.

- (iii) an education welfare officer (within the meaning of the Education (No. 2) Act 1986); or
- (iv) the person requesting disclosure;”.

### **Revocation**

4. The following provisions of the Education (School Curriculum and Related Information) Regulations 1989<sup>(8)</sup> are revoked, namely: paragraph (5) of regulation 8, paragraph (2) of regulation 9, paragraphs (1) and (4) of regulation 10, regulation 11 and Schedule 2.

29th April 1992

*John Patten*  
Secretary of State for Education and Science

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<sup>(8)</sup> S.I. 1989/954, amended by S.I. 1989/1136, 1990/1109 and 1991/1278.

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

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## **EXPLANATORY NOTE**

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

These Regulations amend the Education (Individual Pupils' Achievements) (Information) Regulations 1990 by adding to the information which the head teacher of a school to which those regulations apply is required to make available to pupils' parents (regulation 2).

The additional information consists principally of information about: the achievements of pupils in the same year as the pupil concerned determined under the National Curriculum assessment arrangements; the pupil's attendance at school; and his general progress.

Parents must also be given details of the arrangements for discussing a pupil's report with his teachers.

Minor amendments are made to the Education (School Records) Regulations 1989 (regulation 3).

Parts of the Education (School Curriculum and Related Information) Regulations 1989 relating to the provision of information by schools and local authorities to the Secretary of State are revoked (regulation 4).