STATUTORY INSTRUMENTS

1999 No. 2937

EDUCATION, ENGLAND

The Education (Amendment of School and Pupil Information Regulations) (England) Regulations 1999

Made - - -	*25th October 1999*
Laid before Parliament	*29th October 1999*
Coming into force	*19th November 1999*

In exercise of the powers conferred on the Secretary of State by sections 408, 537, 537A(1) and (2) and 569(4) and (5) of the Education Act 1996**(a)** and section 144 of the School Standards and Framework Act 1998**(b)** and after consulting with those persons with whom consultation appeared to him to be desirable, the Secretary of State for Education and Employment hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Education (Amendment of School and Pupil Information Regulations) (England) Regulations 1999 and shall come into force on 19th November 1999.

Amendment

2.—(1) The Education (School Performance Information) (England) Regulations 1999**(c)** shall be amended as follows.

(2) In regulation 2(1) (interpretation)–

(a) there shall be inserted after the definition of "non-maintained special school" the following definition–

> ""permanent exclusion" means the permanent exclusion of a pupil from a school on disciplinary grounds and "permanently excluded" shall be construed accordingly;";

(b) there shall be inserted after the definition of "public examination" the following definition–

> ""Register" means the register of pupils kept under section 434 of the 1996 Act and in accordance with the Education (Pupil Registration) Regulations 1995**(d)**;".

(3) After regulation 11A in Part III (provision of information to the Secretary of State and local education authorities), there shall be added the following regulation–

"Provision of information about permanently excluded pupils to the local education authority

11B.—(1) The governing body of every maintained school maintained by the authority to which paragraph (2) or (3) applies, shall, within two weeks of the third Thursday in January in each reporting school year, provide to the authority the information referred to in Part I of Schedule 10 in respect of any pupil permanently excluded from the school as referred to in paragraph (2) or (3) as the case may be.

(a) 1996 c. 56; by virtue of S.I. 1996/672, the powers conferred by these sections of the Education Act 1996 are exercisable by the Secretary of State only in relation to England; for the meaning of "prescribed" and "regulations" *see* section 579(1).
(b) 1998 c. 31; for the meaning of "regulations" *see* section 142(1).
(c) S.I. 1999/1178, amended by S.I. 1999/2158 and 1999/2387.
(d) S.I. 1995/2089, amended by S.I. 1997/2624.

(2) This paragraph applies where the permanent exclusion from a maintained school of any pupil, who attained the age of 14 during the period of twelve months ending on the 31st August in the year immediately preceding the year in which the reporting school year begins, takes effect during the school year immediately preceding the reporting school year and who, as at the third Thursday in January in the reporting school year, is not shown as a registered pupil at the school in its Register.

(3) This paragraph applies where the permanent exclusion from a maintained school of any pupil, who attained the age of 15 during the period of twelve months ending on the 31st August in the year immediately preceding the year in which the reporting school year begins, takes effect on or after the beginning of the reporting school year and who, as at the third Thursday in January in that school year, is not shown as a registered pupil at the school in its Register.

(4) Where any pupil who has been permanently excluded from a school as referred to in paragraph (2) or (3) is thereafter and before the third Friday in January in the reporting school year, admitted to any maintained school (referred to in this paragraph as "the admitting school"), the governing body of the admitting school shall provide to the authority, within two weeks of the third Thursday in January in each reporting school year, the information referred to in Part II of Schedule 10 in respect of the pupil.

(5) For the purposes of this regulation and Schedule 10, the permanent exclusion of a pupil takes effect on the first school day on which the pupil misses a school session as a result of that permanent exclusion.".

(4) In regulation 14(2) in Part V (publication of information), there shall be omitted "(existing after 1st January 1999)".

(5) In regulation 14(6)(b), there shall be substituted for "before 24th February" the words "on or before 8th December".

(6) In paragraph 1(2) of Schedule 1 (provision of information to the Secretary of State and local education authorities: first key stage results), there shall be inserted after "core subject" the words "and each attainment target in relation to each core subject".

(7) There shall be added after Schedule 9 (provision of information about excluded pupils), the Schedule set out in the Schedule to these Regulations.

3.—(1) The Education (Individual Pupils' Achievements) (Information) Regulations 1997**(a)** shall be amended as follows.

(2) In regulation 3(1) (interpretation), there shall be substituted for the definition of "maintained school" the following definition–

""maintained school" means–

(a) a community, foundation or voluntary school, or

(b) a community or foundation special school which is not established in a hospital

but excludes any nursery school;".

(3) There shall be omitted from regulation 8(2)(a)(ii) (restrictions on provision of information), the words "grant-maintained or".

Jacqui Smith
Parliamentary Under Secretary of State,
Department for Education and Employment

25th October 1999

(a) S.I. 1997/1368, amended by S.I. 1998/877.

SCHEDULE Regulation 2(7)

"SCHEDULE 10 Regulation 11B

PROVISION OF INFORMATION ABOUT PERMANENTLY EXCLUDED PUPILS

PART I

1. The pupil's gender, date of birth and surname followed by the first name or, if more than one, each first name.

2. The date on which the pupil's permanent exclusion took effect.

3. The date on which the name of the pupil was deleted from the Register.

PART II

4. The pupil's gender, date of birth and surname followed by the first name or, if more than one, each first name.

5. The date on which the pupil was admitted to the school.

6. Whether the pupil was shown as a registered pupil of the school in the Register as at the third Thursday in January in the reporting school year.

7. The name of the school from which the pupil was permanently excluded."

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Regulations amend the Education (School Performance Information) (England) Regulations 1999 ("the 1999 Regulations"), which relate to the collection and publication of information about the performance of schools. They also amend the Education (Individual Pupils' Achievements) (Information) Regulations 1997 ("the 1997 Regulations"), which relate to the head teacher's report to parents and adult pupils on individual pupils' achievements, and apply in relation to pupils and former pupils at maintained schools in England only.

The changes to the 1999 Regulations are as follows.

The Regulations impose requirements on schools, under section 537A of the Education Act 1996 (provision of "individual pupil information"), relating to the provision of information about pupils who have been permanently excluded from the school (*regulation 2(2), (3) and (7) and the Schedule*).

Local education authorities are, under Part V of the 1999 Regulations, required to publish information about primary schools they maintain. By these Regulations, local education authorities are now required to publish the information on or before 8th December (rather than before 24th February as previously) in each year (*regulation 2(5)*).

The information which schools are to provide local education authorities on pupils' first key stage results is now also to include information relating to the attainment targets for the core subjects (*regulation 2(6)*).

The changes to the 1997 Regulations are to update references to the categories of maintained schools which apply by virtue of the School Standards and Framework Act 1998 (*regulation 3*).

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