
STATUTORY INSTRUMENTS

1998 No. 2196

**EDUCATION, ENGLAND AND WALES
WALES**

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

Made - - - - *1st September 1998*
Laid before Parliament *10th September 1998*
Coming into force - - *1st October 1998*

In exercise of the powers conferred on the Secretary of State by sections 19, 54(3) and 54(4) of the Education Act 1997(1) the Secretary of State for Wales hereby makes the following Regulations:—

Citation, commencement and application

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

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

Interpretation

2.—(1) In these Regulations—

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

“the 1997 Act” means the Education Act 1997;

“achieve the Core Subject Indicator” in relation to second key stage pupils means that those pupils are assessed as having achieved level 4 or above in NC tests for that key stage in English or Welsh (other than Welsh second language) and in both mathematics and science and in relation to third key stage pupils means that those pupils are assessed as having achieved level 5 or above in NC tests for that key stage in English or Welsh (other than Welsh second language) and in both mathematics and science;

“CoEA” means Certificate of Educational Achievement;

“core subjects” means the core subjects within the meaning of section 354(1) of the 1996 Act;

(1) 1997 c. 44; see section 56(1) for the meaning of “regulations”. Section 19 is prospectively amended by paragraph 213 of Schedule 30 to the School Standards and Framework Act 1998 (c. 31).

(2) 1996 c. 56.

“following school year” means the school year immediately following the school year in question;

“GCSE” means General Certificate of Secondary Education, and “GCSE examination” means an examination, the course leading to which is a full GCSE course of study;

“GCSE short course” means a GCSE course designed to cover a proportion only (being not less than half) of the corresponding full GCSE course of study, and to which the same grading standards are applied, and “GCSE short course examination” means an examination, the course leading to which is a GCSE short course;

“GNVQ” means General National Vocational Qualification;

“level 4” means level 4 of the National Curriculum level scale as determined by the results of NC tests;

“level 5” means level 5 of the National Curriculum level scale as determined by the results of NC tests;

“NC tests” means National Curriculum tests administered to pupils for the purpose of assessing the level of attainment which they have achieved in English, Welsh, science 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⁾;

“NVQ” means National Vocational Qualification;

“performance targets” means the targets which schools' governing bodies are required to set by virtue of regulations 3, 4 and 5;

“previous school year” means the school year immediately preceding the school year in question;

“pupils' attainment results” has the meaning specified in regulation 7(3);

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

“Schools' Census enumeration date” means the date by reference to which the Secretary of State annually requires information to be provided relating to maintained schools pursuant to section 29(1) of the 1996 Act;

“school year” means—

- (a) in all respects other than as specified in (b) below, a period of twelve months ending on 31st August, and
- (b) in relation both to the setting of targets for and to the recording of achievements in GNVQs and NVQs, the period of twelve months ending on the 31st July immediately preceding the 31st August referred to in (a) above;

“school year in question” in relation to the setting of any target means the school year in which that target is being set;

“school year next but one” means the school year ending 2 years after the end of the school year in question;

(3) The appropriate Orders currently in force are the Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 2) (Wales) Order 1997 (S.I. 1997/2009) and the Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (Wales) Order 1997 (S.I. 1997/2010).

“school year next but two” means the school year ending 3 years after the end of the school year in question;

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

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

“vocational qualification” means—

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

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 or by a designated body under section 400 of the 1996 Act or section 37 of the 1997 Act.

(2) Any reference in these regulations to a pupil achieving or being awarded—

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

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.

Performance 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 second key stage.

(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) for each of the achievements specified in paragraph (4) in connection with the performance in NC tests of pupils who will be in the final year of the second key stage when those tests are administered.

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

- (a) provisional targets in NC tests to be administered at or near the end of the school year next but two;
- (b) reviewed targets in NC tests to be administered at or near the end of the school year next but one, being the provisional targets set in the previous school year but revised if

the governing body deem it necessary to do so in the light of a review by them of the provisional targets; and

- (c) final targets 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.
- (4) The achievements referred to in paragraph (2) are—
 - (a) for each of the core subjects, the percentage of pupils to achieve level 4 or above in NC tests administered to second key stage pupils; and
 - (b) the difference between the percentage of girls and the percentage of boys respectively to achieve the Core Subject Indicator in NC tests administered to second key stage pupils.
- (5) In paragraph (3)(c) above “the relevant group of second key stage pupils”, in relation to a school and to any school year means all persons who the governing body anticipate will, in the following school year, be—
 - (a) registered pupils at that school; and
 - (b) in the final year of the second key stage.

Performance targets for pupils in the third key stage

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

(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) for each of the achievements specified in paragraph (4) in connection with the performance in NC tests of pupils who will be in the final year of the third key stage when those tests are administered.

- (3) The targets referred to in paragraph (2) are—
 - (a) provisional targets in NC tests to be administered at or near the end of the school year next but two;
 - (b) reviewed targets in NC tests to be administered at or near the end of the school year next but one, being the provisional targets set in the previous school year but revised if the governing body deem it necessary to do so in the light of a review by them of the provisional targets; and
 - (c) final targets in connection with the performance of the relevant group of third key stage pupils in NC tests to be administered at or near the end of the following school year.
- (4) The achievements referred to in paragraph (2) are—
 - (a) for each of the core subjects, the percentage of pupils to achieve level 5 or above in NC tests administered to third key stage pupils; and
 - (b) the difference between the percentage of girls and the percentage of boys respectively to achieve the Core Subject Indicator in NC tests administered to third key stage pupils.
- (5) In paragraph (3)(c) above “the relevant group of third key stage pupils”, in relation to a school and to any school year means all persons who the governing body anticipate will, in the following school year, be—
 - (a) registered pupils at that school; and
 - (b) in the final year of the third key stage.

Performance targets for pupils aged 15–16 years

5.—(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 years.

(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) for each of the achievements specified in paragraph (4) in connection with the performance in examinations of pupils who will attain the age of 16 years during the school year in which they take those examinations.

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

- (a) provisional targets in examinations to be administered at or near the end of the school year next but two;
- (b) reviewed targets in examinations to be administered at or near the end of the school year next but one, being the provisional targets set in the previous school year but revised if the governing body deem it necessary to do so in the light of a review by them of the provisional targets; and
- (c) final targets in connection with the performance of the relevant group of pupils aged 15 years in examinations to be administered at or near the end of the following school year.

(4) The achievements referred to in paragraph (2) are—

- (a) the percentage of pupils to achieve any grade from A* to C in a GCSE examination in English or Welsh (other than Welsh second language) and in both a GCSE examination in mathematics and a GCSE examination in science;
- (b) the difference between the percentage of girls and the percentage of boys respectively to achieve any grade from A* to C in a GCSE examination in English or Welsh (other than Welsh second language) and in both a GCSE examination in mathematics and a GCSE examination in science;
- (c) the percentage of pupils to achieve any grade from A* to C in five or more subjects in GCSE examinations;
- (d) the percentage of pupils to achieve any grade from A* to G in five or more subjects in GCSE examinations; and
- (e) the percentage of pupils to leave school without achieving either any grade from A* to G in GCSE examinations or passing any CoEA examinations.

(5) In paragraph (4)—

- (a) 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 or GCSE short course examinations; and
- (b) references to pupils leaving school do not include pupils transferring to another educational institution on a full-time basis.

(6) Schedule 1 shall have effect for determining, for the purposes only of this regulation and regulation 7, questions as to—

- (a) which vocational qualification award corresponds to which GCSE examination grade;
- (b) the equivalency between GCSE examination results and vocational qualifications; and
- (c) the equivalency between GCSE examination results and GCSE short course examination results.

(7) In this regulation the “relevant group of pupils aged 15 years” in relation to a school and to any school year, means all persons—

- (a) who the governing body anticipate will be registered pupils at that school on the Schools' Census enumeration date in the following school year; and
- (b) who will attain the age of 16 years during the following school year.

Prohibition of revision of final performance targets

6. A performance target referred to as a final target in these Regulations may not be modified after it has been set.

Publication of information

7.—(1) Subject to paragraph (2) the governing body of every school to which regulation 3, 4 or 5 applies shall publish with the school's annual report for every school year after the 1997–98 school year the information about—

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

specified in Schedule 2.

(2) In relation to any school to which regulation 3, 4 or 5 applies in any school year, paragraph (1) shall not require the publication of any information—

- (a) about the performance targets referred to in those regulations in relation to—
 - (i) the relevant group of second key stage pupils (as defined in regulation 3(5)),
 - (ii) the relevant group of third key stage pupils (as defined in regulation 4(5)), and
 - (iii) the relevant group of pupils aged 15 years (as defined in regulation 5(7)),
 where that group, at the time when the governing body's duty to set such targets for that year arose, consisted of ten or fewer persons; and
- (b) about pupils' attainment results in relation to any group of pupils—
 - (i) at or near the end of the final year of the second key stage,
 - (ii) at or near the end of the final year of the third key stage, or
 - (iii) aged 16 years,
 where that group consisted of ten or fewer persons.

(3) In these Regulations "pupils' attainment results" means—

- (a) in relation to pupils at or near the end of the final year of the second key stage in any school year at a school to which regulation 3 applies—
 - (i) for each of the core subjects, the percentage who achieved level 4 or above in NC tests administered to second key stage pupils, and
 - (ii) the difference between the percentage of girls and the percentage of boys respectively who achieved the Core Subject Indicator in NC tests administered to second key stage pupils; and
- (b) in relation to pupils at or near the end of the final year of the third key stage in any school year at a school to which regulation 4 applies—
 - (i) for each of the core subjects, the percentage who achieved level 5 or above in NC tests administered to third key stage pupils, and
 - (ii) the difference between the percentage of girls and the percentage of boys respectively who achieved the Core Subject Indicator in NC tests administered to third key stage pupils; and
- (c) in relation to pupils aged 16 years in any school year at a school to which regulation 5 applies—
 - (i) the percentage who, by the end of that year, achieved any grade from A* to C in GCSE examination in English or Welsh (other than Welsh second language) and in both a GCSE examination in mathematics and a GCSE examination in science,

- (ii) the difference between the percentage of girls and the percentage of boys respectively who, by the end of that year, achieved any grade from A* to C in a GCSE examination in English or Welsh (other than Welsh second language) and in both a GCSE examination in mathematics and a GCSE examination in science,
 - (iii) the percentage who, by the end of that year, achieved any grade from A* to C in five or more subjects in GCSE examinations,
 - (iv) the percentage who, by the end of that year, achieved any grade from A* to G in five or more subjects in GCSE examinations, and
 - (v) the percentage who, by the end of that year, will have left the school without achieving either any grade from A* to G in GCSE examinations or passing any CoEA examinations.
- (4) In paragraph (3)(c)–
- (a) 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 or GCSE short course examinations; and
 - (b) references to pupils who have left the school do not include pupils who have transferred to another educational institution on a full-time basis.
- (5) Paragraph (6) of regulation 5 applies for the purposes of this regulation as it applies for the purposes of regulation 5.
- (6) For the purposes of this regulation–
- (a) “pupils” in relation to a school and a school year, means persons who were registered pupils at that school on the Schools' Census enumeration date in that year; and
 - (b) “pupils aged 16” in relation to a school year means pupils who have or will have attained the age of 16 years during that school year.

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SCHEDULE 1

(Regulations 5 and 7)

(Supplementary provisions about performance targets and attainment results in respect of GCSE examinations)

- 1.—(1) For the purposes of regulations 5 and 7 questions as to—
- (a) which vocational qualification award corresponds to which GCSE examination grade,
 - (b) the equivalency between GCSE examination results and vocational qualifications, and
 - (c) the equivalency between GCSE examination results and GCSE short course examination results,

shall be determined in accordance with sub-paragraphs (2) to (8).

(2) A full Intermediate GNVQ, or an NVQ at level 2, shall be treated as equivalent to grade from A* to C in four GCSE subjects.

(3) A full Foundation GNVQ, or an NVQ at level 1, shall be treated as equivalent to grade from D to G in four GCSE subjects.

(4) A Part One GNVQ (Intermediate level) shall be treated as equivalent to grade from A* to C in two GCSE subjects.

(5) A Part One GNVQ (Foundation level) shall be treated as equivalent to grade from D to G in two GCSE subjects.

(6) A GNVQ Language Unit (Intermediate level) shall be treated as equivalent to grade A* in half a GCSE subject.

(7) A GNVQ Language Unit (Foundation level) shall be treated as equivalent to grade D in half a GCSE subject.

(8) A grade in an examination relating to a GCSE short course shall be treated as equivalent to that grade in half a GCSE subject.

2. For the purposes of setting the targets specified in regulation 5, any reference in this Schedule to the achievement or award of—

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

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.

SCHEDULE 2

(Regulation 7)

(Information about performance targets to be published in annual reports)

1. 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;
- (b) performance targets as follows—
 - (i) all final targets set for the relevant school year,

- (ii) all final targets set for the school year immediately following the relevant school year,
 - (iii) all reviewed targets set for the school year next but one, and
 - (iv) all provisional targets set for the school year next but two; and
- (c) a statement setting out the extent to which pupils' attainment results in the relevant school year met the final targets set for that year.
2. 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 the school year immediately preceding the relevant school year;
 - (b) performance targets as follows—
 - (i) all final targets set for the school year immediately preceding the relevant school year;
 - (ii) all targets specified in paragraph 1(b) of this Schedule; and
 - (c) a statement setting out the extent to which pupils' attainment results in the school year immediately preceding the relevant school year met the final targets set for that year.

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 in Wales which provides education suitable for the requirements of pupils in the second key stage, third key stage, or pupils aged 15 years, to set annual targets in respect of the performance of pupils in certain tests and public examinations (or vocational qualifications), and to publish with the school's annual report details of those targets and of the performance of pupils in such tests and examinations. The Regulations come into force on 1st October 1998.

Provisional, reviewed and final targets for 3, 2 and 1 year ahead respectively 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, Welsh, science and mathematics) (regulation 3),
- (b) third key stage pupils in National Curriculum tests (in English, Welsh, science and mathematics) (regulation 4), and
- (c) pupils, who will attain the age of 16 years during the school year to which the target relates, in GCSE examinations and corresponding vocational qualifications (regulation 5 and Schedule 1).

Once performance targets have been set, they may not subsequently be altered (regulation 6).

Information concerning performance targets and pupils' attainment results will have to be published every year with 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

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to be set, or (as the case may be) in the age group for which the relevant tests or examinations are designed (regulation 7 and Schedules 1 and 2).