
STATUTORY INSTRUMENTS

1999 No. 2157

EDUCATION, ENGLAND

The Education (Governors' Annual Reports) (England) Regulations 1999

Made - - - - 27th July 1999
Laid before Parliament 30th July 1999
Coming into force - - 1st September 1999

In exercise of the powers conferred on the Secretary of State by sections 42(1) and (2) and 138(7) and (8) of the School Standards and Framework Act 1998⁽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 (Governors' Annual Reports) (England) Regulations 1999 and shall come into force on 1st September 1999.

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

Interpretation

2. In these Regulations—

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

“the 1998 Act” means the School Standards and Framework Act 1998;

“the 1998 Regulations” means the Education (School Information) (England) Regulations 1998⁽³⁾;

“annual parents' meeting” means the meeting of parents which the governing body are required to hold once in every school year under section 43 of the 1998 Act;

“assessed” means assessed pursuant to orders made under section 356(2)(c) of the 1996 Act⁽⁴⁾ and “assessment” shall be construed accordingly;

(1) [1998 c. 31](#); by virtue of [S.I.1999/672](#), the powers conferred by these sections are exercisable by the Secretary of State only in relation to England; for the meaning of “prescribed” and “regulations” *see* section 142(1) of the Act.
(2) [1996 c. 56](#).
(3) [S.I. 1998/2526](#), amended by [S.I. 1999/251](#).
(4) The orders which are to apply for the school year beginning in 1999 are the Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 1999 ([S.I. 1999/1236](#), amended by [S.I. 1999/2187](#)), the Education (National

“budget share” means the amount allocated to the governing body of a maintained school pursuant to section 47 of the 1998 Act and any regulations in force from time to time under that section or (in relation to any period before 1st April 1999) pursuant to sections 103(2)(a), 106 and 107 of the 1996 Act(5);

“governors' report” means the report which the governing body are required to prepare once in every year under section 42 of the 1998 Act;

“maintained school” means a community, foundation or voluntary school or a community or foundation special school;

“previous annual parents' meeting” means the last annual parents' meeting held by the governing body or (if no such meeting has previously been held under section 43 of the 1998 Act) the last annual parents' meeting held by them pursuant to the requirements included in the articles of government for the school by virtue of, as the case may be, section 162 of, paragraph 8 of Schedule 23 to, or paragraph 2 or 4 of Schedule 28 to, the 1996 Act(6).

“previous governors' report” means the last governors' report prepared by the governing body or (if no such report has previously been prepared by them under section 42(1) of the 1998 Act) the last governors' report prepared by them pursuant to the requirements included in the articles of government for the school by virtue of, as the case may be, section 161 of, paragraph 7 of Schedule 23 to, or paragraph 2 or 4 of Schedule 28 to, the 1996 Act;

“reporting school year” means the school year reported on in the governors' report;

“special school” has the meaning assigned to it by section 337(1) of the 1996 Act(7); and

“attainment targets”, “core subjects”, “GCE “A” level examinations”, “GCE “AS” examinations”, “level”, “national summary figures”, “NC tasks”, “NC tests”, “school prospectus” and “teacher assessment” have the meaning given to them by the 1998 Regulations.

Matters to be dealt with in a governors' report

3. Every governors' report shall contain the information specified in the Schedule.

Requirements with respect to governors' report

4.—(1) Subject to paragraph (2) below, it shall be for the governing body to determine the language or languages in which the governors' report is to be produced, and the form or forms in which it is to be produced.

(2) The governing body shall comply with any direction given by the local education authority by which the school is maintained with respect to any additional language to be used or with respect to any additional form in which the report is to be produced.

5. The governing body shall take such steps as are reasonably practicable to secure that—
 - (a) the parents of all registered pupils at the school and all persons employed at the school are given (free of charge) a copy of the governors' report;
 - (b) copies of the report are available for inspection (at all reasonable times and free of charge) at the school; and

Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 1999 (S.I. 1999/2188) and the Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (England) Order 1999 (S.I. 1999/2189).

(5) Chapter V of Part II of the 1996 Act, which includes these provisions was repealed by Schedule 31 to the 1998 Act as of 1st April 1999 by S.I. 1998/2212.

(6) Sections 161 and 162 of, and Schedules 23 and 28 to, the 1996 Act are prospectively repealed by Schedule 31 to the 1998 Act.

(7) Section 337(1) is prospectively substituted by paragraph 80 of Schedule 30 to the 1998 Act.

- (c) where (by virtue of section 43 of the 1998 Act) there is an obligation on the governing body to hold an annual parents' meeting, copies of the governors' report to be considered at that meeting are given to parents not less than two weeks before that meeting.

27th July 1999

Charles Clarke
Parliamentary Under Secretary of State,
Department for Education and Employment

SCHEDULE

Regulation 3

INFORMATION TO BE CONTAINED IN GOVERNORS' REPORTS

1. Where there is an obligation on the governing body (by virtue of section 43 of the 1998 Act) to hold an annual parents' meeting—
 - (a) details of the date, time and place for the next annual parents' meeting and its agenda;
 - (b) an indication that the purpose of that meeting will be to discuss both the governors' report and the discharge by the governing body, the head teacher and the local education authority of their functions in relation to the school; and
 - (c) a report on the consideration which has been given to any resolutions passed at the previous annual parents' meeting (where there was an obligation on the governing body to hold such a meeting).
2. The following particulars of members of the governing body and their clerk—
 - (a) the name of each governor stating, in each case, the category (according to the definitions contained in Part I of Schedule 9 to the 1998 Act) to which the governor belongs and, where the governor is an ex officio governor, that he is such a governor;
 - (b) in the case of an appointed governor, the person by whom he was appointed;
 - (c) in relation to each governor who is not an ex officio governor, the date on which his term of office comes to an end; and
 - (d) the name and address of the chairman of the governing body and their clerk.
3. Such information as is available to the governing body about the arrangements for the next election of parent governors.
4. A financial statement—
 - (a)
 - (i) indicating the amount of any sum made available to the governing body by the authority (including the school's budget share) in the relevant school year and how, in general terms, any such sum was used;
 - (ii) where any reporting school year covers a period before 1st April 1999 and the school was either a grant-maintained or a grant-maintained special school in that period before that date, the amount of any grant paid to the governing body by the Funding Agency for Schools⁽⁸⁾ and how, in general terms, any such sum was used;
 - (iii) where any reporting school year covers a period between 1st April 1999 and 1st September 1999 and, during that period, the school was either a grant-maintained or a grant-maintained special school, the amount of any capital grant or special purpose grant paid to the governing body by the Secretary of State⁽⁹⁾ and how, in general terms, any such sum was used;
 - (b) giving details of the application of any gifts made to the school in the reporting school year; and
 - (c) stating the total amount of any travelling and subsistence allowances paid to members of the governing body in that year.
5. In the case of a school with registered pupils aged 15, 16, 17 or 18, the information relating to pupils leaving the school, or employment or training taken up by pupils on leaving the school

⁽⁸⁾ The Funding Agency for Schools was established under section 3 of the Education Act 1993, which Act was repealed by Part I of Schedule 38 to the 1996 Act. Section 20 of the 1996 Act provides for the continued existence of the Funding Agency for Schools.

⁽⁹⁾ By virtue of S.I. 1999/698, the Secretary of State may pay capital grants or special purpose grants to the governing body of grant-maintained or grant-maintained special schools as from 1st April 1999.

required, by regulation 8 of, and paragraph 14 of Schedule 2 to, the 1998 Regulations to be included in the school prospectus.

6. A description, in general terms, of the arrangements made for the security of the pupils and staff at the school and the school premises.

7.—(1) The number of pupils of compulsory school age registered at any time on or before the Friday before the last Monday in May during the reporting school year.

(2) The information about pupils' attendance at the school required by regulation 8 of, and paragraph 15(2) of Schedule 2 to, the 1998 Regulations to be included in the school prospectus.

8. A summary of the nature, amount and purpose of training and professional development undertaken by the school's teaching staff since the previous governors' report identifying in particular the nature, amount and purpose of any training and professional development so undertaken on any day when the staff are required to be available for work but were not required to teach pupils.

9. A statement on the success in implementing the governing body's policy for pupils with special educational needs, within the meaning of section 312 of the 1996 Act, and a description of any significant changes to that policy during the reporting school year.

10.—(1) In the case of a school with registered pupils in the final year of the first key stage, the number of such pupils.

(2) Where the number of such pupils is more than ten, the percentage who, in respect of each of mathematics, science, spelling and the attainment targets in English in sub-paragraph 4—

- (a) were assessed as reaching level 2 or above;
- (b) were exempted under section 364 or 365 of the 1996 Act from assessment by the administration of NC tasks;
- (c) were exempted under section 364 or 365 of the 1996 Act from teacher assessment; or
- (d) failed to register a level because they missed the assessment by reason of absence.

(3) Where a pupil has been assessed both by a teacher and by the administration of any NC tasks, the information in sub-paragraph (2)(a) shall be given in respect of both types of assessment.

(4) The attainment targets in English are—

- (a) reading;
- (b) writing; and
- (c) speaking and listening.

(5) Where the number of such pupils is fewer than 11, a statement recording the fact and explaining that the results of assessment are not to be published for reasons of confidentiality.

11.—(1) In the case of a school with registered pupils in the final year of the second key stage, the number of such pupils.

(2) Where the number of such pupils is more than ten, the percentage who, in respect of each of the core subjects and each of the attainment targets in English referred to in paragraph 10(4) above,—

- (a) were assessed as reaching level 4 or above;
- (b) were exempted under section 364 or 365 of the 1996 Act from assessment by the administration of NC tests;
- (c) were exempted under section 364 or 365 of the 1996 Act from teacher assessment; or
- (d) failed to register a level because they missed the assessment by reason of absence.

(3) Where a pupil has been assessed by both a teacher and by the administration of any NC tests, the information in sub-paragraph (2)(a) above shall be given in respect of both types of assessment.

(4) Where the number of pupils is fewer than 11, a statement recording the fact and explaining that the results of assessment are not to be published for reasons of confidentiality.

12.—(1) In the case of a school with registered pupils in the final year of the third key stage, the number of such pupils.

(2) Where the number of such pupils is more than ten, the percentage who, in respect of each of the core subjects—

- (a) were assessed as reaching level 5 or above;
- (b) were exempted under section 364 or 365 of the 1996 Act from assessment by the administration of NC tests;
- (c) were exempted under section 364 or 365 of the 1996 Act from teacher assessment; or
- (d) failed to register a level because they missed the assessment by reason of absence.

(3) Where the number of such pupils is fewer than 11, a statement recording the fact and explaining that the results are not to be published for reasons of confidentiality.

13. In the case of a school with registered pupils aged 16, 17 or 18, the information about GCE “A” level examinations, GCE “AS” examinations and vocational qualifications required by regulation 8 of, and paragraph 13 of Schedule 2 to, the 1998 Regulations to be included in the school prospectus.

14. In the case of a school providing education for pupils at the first, second or third key stage, the most recent national summary figures in respect of the key stage or stages for which the school provides education, corresponding to paragraphs 10(2), 11(2) and 12(2) above.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply only in relation to maintained schools in England, set out—

- (a) the information to be contained in governors' reports under section 42 of the School Standards and Framework Act 1998 (“the 1998 Act”) (*regulation 3 and the Schedule*);
- (b) requirements with respect to the language or languages in which such reports must be produced (*regulation 4*); and
- (c) requirements with respect to providing parents with copies of such reports and making such reports available for inspection at the school (*regulation 5*).

The provisions of the Regulations largely follow the current provisions relating to governors' reports as set out in section 161 of, and Schedule 17 to, the 1996 Act (which will be repealed on 1st September 1999).