WELSH STATUTORY INSTRUMENTS

2011 No. 1963 (W.217)

EDUCATION, WALES

The School Performance Information (Wales) Regulations 2011

Made - - - -	*3 August 2011*
Laid before the National Assembly for Wales - -	*8 August 2011*
Coming into force - -	*1 September 2011*

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 29(3), 408, 537, 537A(1) and (2) and 569(4) and (5) of the Education Act 1996(**1**) and now vested in them(**2**) and after consulting with those persons with whom consultation appeared to the Welsh Ministers to be desirable pursuant to section 408(5) of the Education Act 1996 make the following Regulations:

PART 1

General

Title, commencement, application and revocation

1.—(1) The title of these Regulations is the School Performance Information (Wales) Regulations 2011 and they come into force on 1 September 2011.

(2) These Regulations apply in relation to Wales.

(3) The regulations in Schedule 1 are revoked.

(**1**) 1996 c. 56. Section 29(3) was amended by Schedule 30 and paragraph 67 of Schedule 31 to the School Standards and Framework Act 1998 (c. 31) and further amended by S.I. 2010/1158. Section 408 was amended by paragraph 30 of Schedule 7 and Schedule 8 to the Education Act 1997 (c. 44), paragraphs 57 and 106 of Schedule 30 and Schedule 31 to the School Standards and Framework Act 1998, paragraph 57 of Schedule 9 to the Learning and Skills Act 2000 (c. 21), Schedule 21 of the Education Act 2002, Schedule 12 and Part 7 of Schedule 16 to the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22) and by S.I. 2010/1158. Section 537 was amended by paragraph 37 of Schedule 7 to the Education Act 1997, paragraphs 57 and 152 of Schedule 30 to the School Standards and Framework Act 1998, paragraph 60 of Schedule 9 to the Learning and Skills Act 2000 and by S.I. 2010/1158. Section 537A was substituted by paragraph 153 of Schedule 30 to the School Standards and Framework Act 1998 and further amended by S.I. 2010/1158.

(**2**) The functions of the Secretary of State under these sections were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and then to the Welsh Ministers under paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

Interpretation

2.—(1) In these Regulations—

"the 1996 Act" ("*Deddf 1996*") means the Education Act 1996;

"the 2002 Act" ("*Deddf 2002*") means the Education Act 2002(**3**);

"approved relevant qualification" ("*cymhwyster perthnasol a gymeradwywyd*") is a relevant qualification within the meaning of section 30(5) of the Education Act 1997(**4**);

"authority" ("*awdurdod*") means—

(i) in relation to a school maintained by a local authority that authority; and

(ii) in relation to a non-maintained special school or an independent school, the local authority in whose area the school is situated;

"foundation phase" ("*cyfnod sylfaen*") is to be construed in accordance with section 102 of the 2002 Act;

"maintained school" ("*ysgol a gynhelir*") means—

(i) any community, foundation or voluntary school, or

(ii) any community or foundation special school which is not established in a hospital;

but excludes any nursery school;

"non-maintained special school" ("*ysgol arbennig nas cynhelir*") means a special school which is not maintained by an authority;

"qualification number" ("*rhif cymhwyster*") means the unique reference number allocated to qualifications on the register to identify that qualification;

"the register" ("*y gofrestr*") means the register maintained and published by the Office of Qualifications and Examinations Regulation pursuant to section 148 of the Apprenticeships, Skills, Children and Learning Act 2009(**5**);

"reporting school year" ("*blwyddyn adrodd yr ysgol*") means the school year immediately preceding the school year in which information provided to the Welsh Ministers is to be published by the Welsh Ministers or, as the case may be, local authorities;

"school session" ("*sesiwn ysgol*") is to be interpreted in accordance with regulation 4 of the Education (School Day and School Year) (Wales) Regulations 2003(**6**);

"statutory assessments" ("*asesiadau statudol*") means such assessment arrangements as are specified:

(i) in the Education (National Curriculum) (End of Foundation Phase Assessment Arrangements and Repeal of the First Key Stage Assessment Arrangements) (Wales) Order 2011; and

(ii) by the Welsh Ministers in an order made under section 108(3)(c) of the 2002 Act and "level" ("*lefel*") is to be construed in accordance with the provisions of such orders(**7**);

"unauthorised absence" ("*absenoldeb heb ei awdurdodi*") means an occasion on which a pupil is recorded as absent without authority pursuant to the Education (Pupil Registration)

(**3**) 2002 c. 32.
(**4**) 1997 c. 44. Sub-section (5) of section 30 was substituted by paragraph 15(6) of Schedule 12 to the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22).
(**5**) 2009 c. 22.
(**6**) S.I. 2003/3231 (W.311).
(**7**) The current orders are the National Curriculum (Key Stage 2 Assessment Arrangements) (Wales) Order (S.I. 2004/2915 (W.254)) and the National Curriculum (Key Stage 3 Assessment Arrangements) (Wales) Order 2005 (S.I. 2005/1394 (W.108)).

(Wales) Regulations 2010(**8**) and "authorised absence" ("absenoldeb awdurdodedig") is to be construed accordingly; and

"unique pupil number" ("*rhif unigryw disgybl*") means a combination of numbers which together with a letter or letters is allocated to a pupil and are particular to that pupil, by use of a formula determined by the Welsh Ministers.

(2) In these Regulations, except where the context otherwise requires—

(a) references to pupils of a particular age are to pupils who were registered pupils at the school on the third Thursday in January in the reporting school year and who attained that age during the period of twelve months ending on either—

(i) the 31 August preceding the commencement of the reporting school year, where the reporting school year begins after that date, or

(ii) the 31 August which falls within the reporting school year, where the reporting school year begins on or before that date;

(b) references to approved relevant qualifications for which pupils at the school were entered include approved relevant qualifications for which they were entered otherwise than in pursuance of section 402(1) of the 1996 Act(**9**); and

(c) references to key stages are references to the periods set out in section 103(1) of the 2002 Act.

(3) Where these Regulations require or permit information to be transferred in electronic or machine readable form, that requirement must be met by transferring the information through a secure internet website provided for that purpose by or on behalf of the Welsh Ministers.

(4) For the purposes of these Regulations any approved relevant qualification for which a pupil was entered during a previous school year is to be treated as such an entry during the reporting school year.

Qualification of duties

3. The duties of governing bodies, authorities and proprietors to make available, provide or publish information apply only to the extent that that information is available to them in time for it to be reasonably practicable for them to make available, provide or publish that information before the latest occasion on which that information is required to be made available, provided or published, as the case may be.

PART 2

Provision of information to the governing body

Provision of information by the head teacher to the governing body

4. The head teacher of every maintained school must, each year, make available to the governing body information about the matters mentioned in Schedules 2 and 3 for the purpose of enabling the governing body to comply with their obligations in respect of those matters.

(**8**) S.I. 2010/1154 (W.187).
(**9**) Section 402 was amended by paragraphs 57 and 101 of Schedule 30 to the School Standards and Framework Act 1998 (c. 31), by paragraph 45 of Schedule 21 to the Education Act 2002 and by S.I. 2010/1158.