WELSH STATUTORY INSTRUMENTS

2011 No. 1944 (W.211)

EDUCATION, WALES

The School Information (Wales) Regulations 2011

Made - - - -	*29 July 2011*
Laid before the National Assembly for Wales - -	*4 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(5), 408, 537(1) to (8) and 569(4) and (5) of, and paragraph 3 of Schedule 1 to, the Education Act 1996(**1**) and sections 92 and 138(7) and (8) of the School Standards and Framework Act 1998(**2**), and now vested in them(**3**), and after consulting with those persons with whom consultation appeared to them to be desirable, make the following Regulations:

PART 1

General

Title, commencement, application and revocation

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

(2) These Regulations apply in relation to Wales.

(3) The regulations set out in Schedule 1 are revoked.

(**1**) 1996 c. 56. Section 29(5) was 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, and 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 of 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, and paragraph 60 of Schedule 9 to the Learning and Skills Act 2000 and by S.I. 2010/1158.

(**2**) 1998 c. 31. Section 92 was substituted by paragraph 7 of Schedule 4 to the Education Act 2002 (c. 32) and was further amended by paragraphs 53 and 65 of Part 2 of Schedule 1 to the Education and Skills Act 2008 (c. 25) and by S.I. 2010/1158. Sub-section (7) of section 138 of the School Standards and Framework Act 1998 was amended by paragraph 3(1) and (4) of Schedule 17 of the Education and Inspections Act 2006 (c. 40).

(**3**) The functions of the Secretary of State in sections 29(5), 408, 537(1) to (8) and 569(4) and (5) of the Education Act 1996 and the power to make regulations in respect of Wales in section 138 of the School Standards and Framework Act 1998 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 by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

Interpretation

2.—(1) In these Regulations, unless the context otherwise requires—

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

"the 1998 Act" ("*Deddf 1998*") means the School Standards and Framework Act 1998;

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

"admission number" ("*nifer derbyn*") means the number of pupils in any relevant age group intended to be admitted in any school year as determined by an admission authority in accordance with section 89(1) and 89A(1) of the 1998 Act(**4**);

"admission school year" ("*blwyddyn dderbyn ysgol*") means a school year at the beginning of which pupils are to be admitted to any school in consequence of admission arrangements determined for that year;

"capacity" ("*capasiti*") means the number of pupils that may be admitted to a school in accordance with the capacity assessment method set out in the guidance document "Measuring the Capacity of Schools in Wales" published by the Welsh Ministers(**5**);

"composite prospectus" ("*prosbectws cyfansawdd*") means a document published in accordance with regulation 4;

"DEWi" ("*Menter Cyfnewid Data Cymru*") means the data exchange Wales initiative database maintained and published by the Welsh Ministers(**6**);

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

"key stage" ("*cyfnod allweddol*") means any of the periods set out in paragraphs (a) to (d) respectively of section 103(1) of the 2002 Act;

"language category" ("*category iaith*") means the category used for defining the type and extent of Welsh medium educational provision made by a maintained school and set out in the "Defining schools according to Welsh medium provision" document published by the Welsh Minister as Circular 023/2007(**7**);

"looked after children" ("*plant sy'n derbyn gofal*") has the meaning given to it in section 22(1) of the Children Act 1989(**8**);

"maintained school" ("*ysgol a gynhelir*") means a community, foundation or voluntary school or a community or foundation special school which is not established in a hospital excluding any nursery school but including, except in Parts 3 and 4 or where otherwise stated, any pupil referral unit;

"non-maintained special school" ("*ysgol arbennig nas cynhelir*") means a special school which is not maintained by a local authority and is not established in a hospital;

"PLASC return" ("*datganiad CYBLD*") means the pupil level annual school census completed by school governing bodies and submitted to the Welsh Ministers on an annual basis(**9**);

"previous school year" ("*blwyddyn ysgol flaenorol*") means the school year immediately preceding the reporting school year;

(**4**) Section 89A was inserted by section 47(2) of the Education Act 2002. Sub-section (1) was amended by paragraphs 53 and 58(1) and (2) of Part 2 of Schedule 1 to the Education and Skills Act 2008.
(**5**) Circular 9/2006.
(**6**) The website for DEWi is www.dataexchangewales.org.uk.
(**7**) ISBN number 9780750443753.
(**8**) 1989 c. 41. Section 1 was amended by paragraph 19 of Schedule 5 to the Local Government Act 2000 (c. 22), by section 2(1) and (2) of the Children (Leaving Care) Act 2000 (c. 35) and by section 116(2) of the Adoption and Children Act 2002 (c. 38).
(**9**) The information contained by the PLASC census is requested by the Welsh Ministers pursuant to powers contained in section 537A of the Education Act 1996 and the Education (Information about Individual Pupils) (Wales) Regulations 2007 (S.I. 2007/3562 (W.312)).

"public examinations" ("*arholiadau cyhoeddus*") means public examinations which are for the time being prescribed by regulations made under section 408, 451, 453 or 454 of the 1996 Act(**10**);

"publication school year" ("*blwyddyn gyhoeddi ysgol*") means the school year immediately preceding the admission school year;

"reporting school year" ("*blwyddyn adrodd ysgol*") means the school year immediately preceding the publication school year;

"school prospectus" ("*prosbectws ysgol*") means the document described in regulation 8;

"unauthorised absence" ("*absenoldeb anawdurdodedig*") means an occasion on which a pupil is recorded as absent without authority pursuant to the Education (Pupil Registration) (Wales) Regulations 2010(**11**) and "authorised absence" ("absenoldeb awdurdodedig") will be construed accordingly; and

"work based learning" ("*dysgu seiliedig ar waith*") means a process of planned activities delivered in the workplace which are especially designed for developing the knowledge, skills and competencies relevant to a particular occupation in the labour market, or generally relevant to effective participation in the labour market.

(2) In these Regulations any reference to a date up to which parents may express a preference for a school is a reference to the date on or before which, in accordance with arrangements made by the relevant local authority under section 86(1) of the 1998 Act(**12**), a parent wishing education to be provided for their child in the exercise of the local authority's functions should express such a preference.

(3) In these Regulations any reference to a date up to which a child may express a preference for a school at which sixth-form education is to be provided for that child is a reference to the date on or before which, in accordance with arrangements made by the relevant local authority under section 86A(1) of the 1998 Act(**13**), a child wishing education to be provided for them in the exercise of the local authority's functions should express such a preference.

(4) In these Regulations, unless the context otherwise requires, references to pupils of a particular age are to pupils who attained that age during the period of twelve months ending on 31 August immediately preceding the start of the reporting school year and who were registered pupils at the school on the third Thursday in January in the reporting school year.

(5) In these Regulations, unless otherwise stated, where a percentage which is required to be calculated by virtue of these Regulations is not a whole number it will be rounded to the nearest whole number, the fraction of one half being rounded upwards to the next whole number.

Qualification of duties

3. The duties imposed on head teachers, governing bodies and local authorities by these Regulations in respect of the provision or publication of information apply only to the extent that that information is available to the governing body, local authority or head teacher (as the case may be) in time for it to be reasonably practicable for the information to be provided or published before the latest occasion on which the information is required to be provided or published, as the case may be.

(**10**) As amended by S.I. 2010/1158.
(**11**) S.I. 2010/1954 (W.187).
(**12**) As amended by S.I. 2010/1158.
(**13**) Inserted by section 150 of the Education and Skills Act 2008 (c. 25) and amended by S.I. 2010/1158.

PART 2

Composite prospectus to be published by local authorities

Local authorities to publish composite prospectus

4.—(1) A local authority must publish in a composite document the information required by this regulation with respect to all maintained schools in the composite prospectus area.

(2) For the purposes of this regulation, "the composite prospectus area" comprises—

(a) the area of the local authority publishing the document; and

(b) all such parts of the appropriate relevant areas as extend beyond that local authority's area.

(3) For the purposes of paragraph (2)(b), "appropriate relevant area" means any relevant area (within the meaning of section 89(3) of the 1998 Act(**14**)) that applies for consultation about the proposed admission arrangements for a school maintained by the local authority publishing the document.

(4) A local authority may, if it wishes, carry out its obligation under paragraph (1) by publishing separate composite prospectuses covering respectively primary schools, middle schools and secondary schools(**15**).

(5) The composite prospectus must contain the information specified in Schedule 2.

(6) The time and manner of publication of such information and particulars must be in accordance with regulation 5.

Time and manner of publication of composite prospectus

5.—(1) A composite prospectus must be published before 1 October in the publication school year and not later than six weeks before the date up to which parents may express a preference for a school in respect of the admission school year.

(2) A composite prospectus must be published—

(a) by copies being made available for distribution without charge to parents on request—

(i) at the offices of the local authority who are publishing it, and

(ii) at every school maintained by that local authority; and

(b) by copies being made available for reference by parents and other persons at the public libraries in that local authority's area;

(c) by copies being distributed without charge to parents and pupils at schools maintained by the local authority, other than special schools or pupil referral units, who in the publication school year, are in the final year at such schools and might transfer to other such schools so maintained; and

(d) by displaying a copy on the local authority's website.

(3) A composite prospectus published under paragraph (2)(d) in respect of a school year must be displayed on the website until it is replaced by a composite prospectus for the following school year.

(**14**) As amended by S.I. 2010/1158.
(**15**) "Primary schools", "middle schools" and "secondary schools" are defined in section 5 of the 1996 Act.

PART 3

Information to be made available to the local authorities by governing bodies

Provision of information for composite prospectus

6.—(1) For the purpose of enabling the local authority to comply with their obligation under regulation 4, the governing body of every maintained school to be included in a document under that regulation must, in respect of each admission school year, make available to the local authority in question the information specified in Schedule 2.

(2) That information must be made available no later than such time before the time required for publication of the document as the local authority may reasonably require.

(3) In relation to a school where the local authority is the admission authority(**16**), the governing body need only provide the information specified in Schedule 2 and is requested by the local authority.

PART 4

Information to be published by governing bodies

General information to be published by governing bodies about their schools

7.—(1) The governing body of a maintained school must publish in relation to that school the information specified in Schedule 3.

(2) The information must be published as provided in regulation 8.

Time and manner of publication of information by governing bodies about their schools

8.—(1) This regulation applies in relation to the publication by a governing body (or by a local authority on their behalf pursuant to section 92(c) of the 1998 Act) of the information specified in Schedule 3.

(2) Such information—

(a) must be published collectively in the form of a single document to be known as the school prospectus; and

(b) copies of the school prospectus must be distributed without charge to parents on request and made available at the school for reference by parents and other persons.

(3) Such information and particulars must be published during the publication school year and, except in the case of a primary school (other than a middle school deemed to be a primary school) or of a special school, not later than six weeks before whichever is the earlier of the following dates—

(a) the date by which an application for admission to that school in respect of the admission school year should be made in accordance with the arrangements for admission to that school; or

(b) the date up to which parents may express a preference for a school in respect of the admission school year.

(4) In the case of a special school the information must also be published by copies being made available for distribution without charge to parents on request and for reference by parents and other persons at the offices of the local authority who maintain the school.

(**16**) Admission authority is defined in section 88(1) of the 1998 Act.