WELSH STATUTORY INSTRUMENTS

2011 No. 1943 (W.210)

EDUCATION, WALES

The Head Teacher's Report to Parents and Adult Pupils (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 408 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:

Title, commencement and application

1.—(1) The title of these Regulations is the Head Teacher's Report to Parents and Adult Pupils (Wales) Regulations 2011 and they come into force on 1 September 2011.

(2) These Regulations apply in relation to Wales.

Interpretation

2.—(1) In these Regulations—

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

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

(**1**) 1996 c. 56. 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 (c. 31), 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.

(**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).

(**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.

"area of learning" ("*maes dysgu*") has the meaning given to it in the "Framework for Children's Learning for 3 to 7 year-olds in Wales"(**5**) setting out the desirable outcomes and educational programmes in respect of each of the areas of learning and which has effect by virtue of an order made under section 108(2) of the 2002 Act(**6**);

"the associated documents" ("*y dogfennau cysylltiedig*") means the documents published by the Welsh Ministers, setting out levels of attainment, attainment targets and programmes of study in relation to the relevant subjects, which documents have effect by virtue of the orders made under section 108(3)(a) and (b) of the 2002 Act for those subjects for the time being in force;

"attendance record" ("*cofnod presenoldeb*") means the record of a pupil's school attendance contained in the attendance register kept in accordance with section 434 of the Education Act 1996 and the Education (Pupil Registration) (Wales) Regulations 2010(**7**);

"DEWi" ("*Menter Cyfnewid Data Cymru*") means the data exchange Wales initiative database maintained and published by the Welsh Ministers(**8**);

"education welfare officer" ("*swyddog lles addysg*") means any person who is employed by a local authority, and whose duties include securing the regular attendance at school of pupils of compulsory school age;

"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 (b) to (d) of section 103(1) of the 2002 Act, and a reference to the second, third or fourth key stage is a reference to the periods set out respectively in the said paragraphs (b) to (d);

"maintained school" ("*ysgol a gynhelir*") means a community, foundation or voluntary school or a community or foundation special school (other than one established in a hospital) and, unless the context otherwise requires, a nursery school maintained by a local authority or a pupil referral unit;

"NC level" ("*lefel CC*") means the National Curriculum level of attainment described in the associated documents;

"NQF" ("*FfCC*") means the National Qualifications Framework comprising relevant qualifications within the meaning of section 30(5) of the Education Act 1997 which are awarded or authenticated by a body which is recognised by the Welsh Ministers under section 30(1)(e) of that Act in respect of the qualifications;

"NQF level" ("*lefel FfCC*") means the level to which qualifications are accredited within the NQF;

"other areas of learning" ("*meysydd dysgu eraill*") means—

(i) Welsh language development;

(ii) knowledge and understanding of the world;

(iii) physical development; and

(iv) creative development;

"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(**9**);

(**5**) ISBN. 9780750444293.
(**6**) The Education (National Curriculum) (Foundation Stage) (Wales) Order 2008 (S.I. 2008/1732 (W.169)) as amended by the Education (National Curriculum) (Foundation Stage) (Wales) (Amendment) Order 2008 (S.I. 2008/2629 (W.229)).
(**7**) S.I. 2010/1954 (W.187).
(**8**) The website address for DEWi is www.dataexchangewales.org.uk.
(**9**) 2009 c. 22.

"relevant areas of learning" ("*meysydd dysgu perthnasol*") means—

(i) mathematical development;

(ii) personal and social development, well-being and cultural diversity; and

(iii) language, literacy and communication skills;

"relevant subjects" ("*pynciau perthnasol*") means, in relation to teacher assessment and any key stage, all those subjects in respect of which the pupil or pupils concerned are required to be assessed by teacher assessment in that key stage in accordance with the statutory assessments;

"result" ("*canlyniad*") in relation to any assessment under the statutory assessments means the result of the assessment as determined and recorded in accordance with those arrangements;

"statutory assessments" ("*asesiadau statudol*") means such assessment arrangements as are specified by the Welsh Ministers in an order made under—

(i) section 108(2)(b)(iii) of the 2002 Act(**10**) in relation to pupils in the foundation phase; or

(ii) section 108(3)(c) of the 2002 Act(**11**) in relation to pupils in a key stage;

"teacher assessment" ("*asesiad athrawon*") means assessment by a teacher in accordance with the statutory assessments; and

"unit or credit" ("*uned neu gredyd*"), in relation to a qualification, means a module or part of a course leading to that qualification which, when successfully completed, can be counted together with other modules or parts towards obtaining that qualification.

(2) In these Regulations references to levels of attainment and attainment targets are references to the levels and targets set out in the associated documents.

(3) In these Regulations, unless the context otherwise requires, any reference to a head teacher or governing body is, in relation to a pupil referral unit, a reference to the teacher in charge of the pupil referral unit.

Head teacher's report to parents and adult pupils

3.—(1) Subject to paragraph (5) the head teacher of every maintained school must make available, each school year, in accordance with this regulation a report in writing containing the information prescribed in this regulation.

(2) The prescribed persons to whom the report must be made available are—

(a) each adult pupil;

(b) the parent of each adult pupil (if the head teacher considers there to be special circumstances which make it appropriate); or

(c) the parent of each pupil in the case of all other pupils registered at the school.

(3) The report must contain the information about the educational achievements of the pupil or adult pupil to whom or to whose parent the report is made available and the information relating to that pupil set out—

(a) in paragraph 1 of Part 1 of the Schedule, where that pupil is in the foundation phase;

(b) in paragraphs 2, 3, and 4 of Part 1 of the Schedule and Part 2 of the Schedule, where that pupil is in the second, third and fourth key stages;

(**10**) Sub-section (2) of section 108 was amended by section 21(1) and (7)(a) of the Education (Wales) Measure 2009 (nawm 5).

(**11**) Sub-section (3) of section 108 was amended by section 21(1) and (7)(b) of, and paragraphs 11 and 15 of the schedule to, the Education (Wales) Measure 2009. The current orders are the National Curriculum (Key Stage 2 Assessment Arrangements) (Wales) Order 2004 (S.I. 2004/2915 (W.254)) and the National Curriculum (Key Stage 3 Assessment Arrangements) (Wales) Order 2005 (S.I. 2005/1394 (W.108)).

(c) in Part 3 of the Schedule, where that pupil was entered for any approved relevant qualifications at NQF level 3 or above; and

(d) in Part 4 of the Schedule.

(4) In the case of the pupils registered at the school there must be included in the report the most recent school comparative information in relation to the school's performance in statutory assessments for the foundation phase and key stages published by the Welsh Ministers on DEWi.

(5) Nothing in this regulation prevents the information specified in paragraphs (3) and (4) being contained in more than one report provided that, subject to paragraph (7), the head teacher must each school year send such information by post or otherwise before the end of the summer term.

(6) The period to which a report containing any information specified in paragraph (3) relates must in all cases begin with the later of—

(a) the pupil's admission to the school; or

(b) the end of the period to which the last report on such matters made pursuant to these Regulations related.

(7) Where any of the particulars necessary to provide the information specified in paragraph (8) are not received by the head teacher until after the end of the summer term, the head teacher must make available such information as soon as practicable and in any event not later than the following 30 September.

(8) The information is—

(a) the details of approved relevant qualifications achieved by a pupil; and

(b) the information referred to in paragraphs 1 and 2(4) of the Schedule.

(9) For the purposes of this regulation "adult pupil" means a pupil aged 18 or over at the time the report referred to in paragraph (1) is made available and who is not proposing to leave the school by the end of the school year.

Additional information to be made available

4.—(1) Subject to paragraph (3), in the case of a registered pupil at a maintained school in any key stage who is assessed in accordance with the statutory assessments in that key stage, the head teacher must if requested in writing by the pupil's parent make available to the parent, in accordance with this regulation, the pupil's levels of attainment and any other results in each attainment target in any relevant subject.

(2) The head teacher must comply with such a request within fifteen school days of its receipt by that person.

(3) Paragraph (1) does not apply if the information referred to in that paragraph has previously been made available to the pupil's parent pursuant to these Regulations.

School leaver's report

5.—(1) The head teacher of every maintained school must make available to any pupil who has ceased to be of compulsory school age and is proposing to leave or has left the school a report containing the information referred to in paragraph (2) in accordance with paragraphs (3) and (4).

(2) The information consists of—

(a) the pupil's name;

(b) the pupil's school;

(c) the details of any approved relevant qualification and any unit or credit towards such a qualification awarded to the pupil; and