WELSH STATUTORY INSTRUMENTS

2007 No. 3562 (W.312)

EDUCATION, WALES

The Education (Information About Individual Pupils) (Wales) Regulations 2007

Made - - - -	*17 December 2007*
Laid before the National Assembly for Wales - -	*20 December 2007*
Coming into force - -	*14 January 2008*

The Welsh Ministers in exercise of the powers conferred on the Secretary of State by sections 537A(1), (2) and (4) and 569(4) and (5) of the Education Act 1996(**1**) and now vested in them(**2**) make the following Regulations.

Title, commencement and application

1.—(1) The title of these Regulations is the Education (Information About Individual Pupils) (Wales) Regulations 2007 and come into force on 14 January 2008.

(2) These Regulations apply in relation to Wales.

Revocation

2. The regulations in Schedule 1 are revoked.

Interpretation

3. In these Regulations—

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

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

(**1**) 1996 c. 56. Section 537A was inserted by section 20 of the Education Act 1997 (c. 44) and substituted by the School Standards and Framework Act 1998 (c. 31), Schedule 30, paragraph 153.

(**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 by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(**3**) 2002 c. 32.

"child looked after by a local authority" (*plentyn sy'n derbyn gofal gan awdurdod lleol*") has the meaning assigned to it by section 22(1) of the Children Act 1989(**4**);

"GCE "A" level examinations" ("*arholiadau TAG Safon Uwch*") and "GCE "AS" examinations" ("arholiadau Uwch Gyfrannol") mean General Certificate of Education Advanced Level examinations and General Certificate of Education Advanced Subsidiary examinations respectively;

"GCSE" ("*TGAU*") means General Certificate of Secondary Education;

"GNVQ" ("*GNVQ*") means General National Vocational Qualification;

"individual pupil information" ("*gwybodaeth am ddisgyblion unigol*") means information within the meaning of section 537A(9) of the 1996 Act, namely information relating to and identifying individual pupils or former pupils (at schools in Wales), whether obtained under section 537A(1) of the 1996 Act or otherwise;

"information collator" ("*cydlynydd gwybodaeth*") means an information collator within section 537A(9) of the 1996 Act, namely any body which, for the purposes of or in connection with the functions of the Welsh Ministers relating to education, is responsible for collating or checking information relating to pupils;

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

"learning activity reference" ("*cyfeirnod gweithgaredd dysgu*") means a combination of numbers which together with a letter are allocated to a course of study or other learning activity and are particular to that course or learning activity, and are determined by the Welsh Ministers;

"learning difficulty" ("*anhawster dysgu*") has the meaning given to it in section 312(2) of the 1996 Act(**5**);

"permanently excluded" ("*wedi ei wahardd yn barhaol*") in relation to a pupil means a pupil who has been permanently excluded from a school on disciplinary grounds;

"permanent exclusion date" ("*dyddiad gwahardd parhaol*") means the date on which the name of a permanently excluded pupil is deleted from the register;

"register" ("*cofrestr*") means the register of pupils kept under section 434(**6**) of the 1996 Act and in accordance with the Education (Pupil Registration) Regulations 1995(**7**);

"school" ("*ysgol*") means a school maintained by a local education authority, but does not include a pupil referral unit;

"school sessions" ("*sesiynau ysgol*") is to be interpreted in accordance with regulation 4 of the Education (School Day and School Year) (Wales) Regulations 2003(**8**);

"school year" ("*blwyddyn ysgol*") means the period beginning with the first school term to begin after July and ending with the beginning of the first such term to begin after the following July;

(**4**) 1989 c. 41. Section 22(1)(b) was amended by paragraph 19 of Schedule 5 to the Local Government Act 2000 (c. 22), and 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).

(**5**) As amended by paragraphs 1 and 56 of Schedule 9 to the Learning and Skills Act 2000 (c. 21) and by paragraphs 2 and 3 of Schedule 1 to the Education and Inspections Act 2006 (c. 40). Sub-section (2)(c) was amended by paragraphs 23(a) and (b) of Schedule 7 and Schedule 8 to the Education Act 1997 (c. 44).

(**6**) Sub-section (4)(c)(i) was amended by paragraph 111(a) of Schedule 30 to the School Standards and Framework Act 1998 (c. 31). Sub-section (4)(c)(ii) was repealed by paragraph 111(b) of Schedule 31 to the School Standards and Framework Act 1998.

(**7**) S.I. 1995/2089.

(**8**) S.I. 2003/3231 (W.311).

"sixth form pupil" ("*disgybl chweched dosbarth*") means a pupil at a school, which is not a special school, who is in receipt of education suitable to the requirements of pupils above compulsory school age;

"special school" ("*ysgol arbennig*") has the meaning given by section 337 of the 1996 Act(**9**);

"special educational needs" ("*anghenion addysgol arbennig*") has the meaning given to it by section 312 of the 1996 Act;

"unauthorised absence" ("*absenoldeb nas awdurdodwyd*") means an occasion on which a pupil is recorded as absent without authority pursuant to the Education (Pupil Registration) Regulations 1995 and "authorised absence" ("*absenoldeb a awdurdodwyd*") is to be construed accordingly; and

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

Provision of information by schools maintained by local education authorities to their local education authorities

4. Within fourteen days of receiving a request in writing from the local education authority by which a school is maintained, the governing body must provide to the authority in machine readable format, through a secure internet website provided for that purpose by the Welsh Ministers, such of the information referred to in Schedule 2 to these Regulations as is so requested.

Prescribed Persons

5.—(1) For the purposes of section 537A(4) of the 1996 Act, the Welsh Ministers prescribe as a person to whom they may provide individual pupil information —

(a) any person referred to in paragraph (2) below; and

(b) any person falling within the category referred to in paragraph (3) below.

(2) The persons referred to in paragraph (1)(a) above are—

(a) the local education authority which maintains the school at which the pupil who is the subject of that information is or was registered or, in the case of a school which is not so maintained, the local education authority for the area in which the school is situated, at which the pupil who is the subject of that information is or was registered;

(b) a person holding the Office of Her Majesty's Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru;

(c) Local Government Data Unit-Wales; and

(d) the Careers Wales companies established to provide careers services in Wales under sections 2, 8, and 10 of the Employment and Training Act 1973(**10**).

(3) The category referred to in paragraph (1)(b) above is that of persons conducting research into the educational achievements of pupils and who require individual pupil information for that purpose.

(4) For the purposes of section 537A(5)(b) of the 1996 Act, the Welsh Ministers prescribe as a person to whom an information collator may provide individual pupil information—

(a) any person referred to in paragraph (6) below; and

(**9**) Section 337 was substituted by paragraph 80 of Schedule 30 to the School Standards and Framework Act 1998.

(**10**) 1973 c. 50. Section 2 was substituted by section 25(1) of the Employment Act 1988 (c. 19). Section 2(4) and (6) were repealed by Part 1 of Schedule 7 to the Employment Act 1989 (c. 38). Section 2(3A) and (3B) were inserted by section 47(1) of the Trade Union Reform and Employment Rights Act 1993 (c. 19). Sections 8 and 10 were substituted by section 45 of the Trade Union Reform and Employment Rights Act 1993.

(b) any person falling within the category referred to in paragraph (7) below.

(5) The individual pupil information which an information collator may so provide, at such times as the Welsh Ministers may determine, in accordance with section 537A(5)(b) of the 1996 Act, is any such information relating to the educational achievements of pupils in—

(a) any National Curriculum assessment of pupils in the first, second or third key stage;

(b) any GCSE subjects;

(c) any GCE "A" level examinations;

(d) any GCE "AS" examinations;

(e) any GNVQ subjects; and

(f) any course of study provided to pupils of compulsory school age in any school maintained by a local education authority which leads to a qualification which is approved by the Welsh Ministers or a body designated by the Welsh Ministers under section 99 of the Learning and Skills Act 2000(**11**) (other than a qualification of the kind referred to in sub-paragraph (b) or (e) above).

(6) The persons referred to in paragraph (4)(a) above are—

(a) the local education authority which maintains the school at which the pupil who is the subject of that information is or was registered or, in the case of a school which is not so maintained, the local education authority for the area in which the school is situated, at which the pupil who is the subject of that information is or was registered; and

(b) a person holding the Office of Her Majesty's Chief Inspector of Education and Training in Wales or Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru.

(7) The category referred to in paragraph (4)(b) above is that of persons conducting research into the educational achievements of pupils and who require individual pupil information for that purpose.

Jane Hutt
The Minister for Children, Education, Lifelong Learning and Skills, one of the Welsh Ministers

17 December 2007

(**11**) 2000 c. 21. Sub-sections 6 and 7 were repealed by article 9(1), paragraph 30 of Schedule 1 to the Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005, S.I. 2005/3239 (W.244).