WELSH STATUTORY INSTRUMENTS

2006 No. 125 (W.18)

EDUCATION, WALES

The Education (School Performance and Unauthorised Absence Targets) (Wales) (Amendment) Regulations 2006

Made - - - -	*24 January 2006*
Coming into force - -	*1 February 2006*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on the Secretary of State by sections 63 and 138(7) and (8) of the School Standards and Framework Act 1998(**1**) and now exercisable by the National Assembly for Wales:

Title, commencement and application

1.—(1) The title of these Regulations is the Education (School Performance and Unauthorised Absence Targets) (Wales) (Amendment) Regulations 2006 and they come into force on 1 February 2006.

Amendment of the Education (School Performance and Unauthorised Absence Targets) (Wales) Regulations 1999

2.—(1) The Education (School Performance and Unauthorised Absence Targets) (Wales) Regulations 1999(**2**) are amended as follows.

(2) The word "unauthorised" is omitted wherever it occurs in the following provisions—

(a) regulation 1(1);

(b) regulation 9(1)(c) and (d); and

(c) paragraphs 1(c), (d) and (e)(ii) and 3(c), (d) and (e)(ii) of Schedule 2 and the Schedule's heading.

(3) The definition of "unauthorised absence targets" is omitted from regulation 3(1).

(4) Regulations 7 and 8 are substituted by the following—

(**1**) 1998 c. 31. The functions of the Secretary of State under the 1998 Act are exercisable by the National Assembly for Wales in relation to Wales: *see* Article 2(a) of, and the entry in respect of the 1998 Act in Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). Section 63 of the 1998 Act was amended by section 53 of the Education Act 2002 (c. 32).

(**2**) S.I. 1999/1811, as amended by S.I. 2004/2914 (W.253).

"**Absence Targets**

7.—(1) By no later than 31 December in every school year, the governing body of every maintained school (other than a special school established in a hospital) must set and submit to the local education authority the targets specified in paragraph (2) for the level to which the absence rate on the part of relevant day pupils at the school is to be reduced.

(2) Subject to paragraph (3), the targets referred to in paragraph (1) are—

(a) a final target for the following school year, being the reviewed target set in the previous school year but revised if the governing body deem it necessary to do so;

(b) a reviewed target for the school year next but one, being the provisional target set in the previous school year but revised if the governing body deem it necessary to do so; and

(c) a provisional target for the school year next but two.

(3) Where a governing body has not previously set absence targets under these regulations, paragraph (2) above shall be modified as follows in respect of the first occasion on which targets are required to be set—

(a) in sub-paragraph (a), the word "final" and the words following "school year" to the end of the sub-paragraph are omitted; and

(b) in sub-paragraph (b), the word "reviewed" and the words following "but one" to the end of the sub-paragraph are omitted.

(4) Where the local education authority is not satisfied with any target submitted by a governing body under paragraph (2), it must forthwith give notice to the governing body of that fact; and the governing body must submit a revised target within 21 days of receipt of such a notice.

(5) Where the local education authority is not satisfied with a revised target submitted under paragraph (4), it must set the target.

(6) In this regulation and in regulation 9—

(a) "absence" means an occasion when a relevant day pupil is recorded as absent from a school in accordance with the Education (Pupil Registration) Regulations 1995(**3**);

(b) "relevant day pupil" means a registered pupil of compulsory school age apart from a boarder;

(c) "the absence rate" means the total number of absences expected in the applicable period during the school year, expressed as a percentage of the total possible attendances by pupils in that period;

(d) "the applicable period" means the period starting with the beginning of a school year and finishing with the end of the school day falling on the Friday before the last Monday in May in that school year; and

(e) "the total possible attendances" means the number produced by multiplying the number of relevant day pupils at a school by the number of school sessions in the applicable period in a school year.

Alteration of final targets

8.—(1) A final performance target may not be modified after it has been set.

(2) A final absence target set by a governing body under regulation 7 must not be modified by the governing body without the agreement of the local education authority.".

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