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WELSH STATUTORY INSTRUMENTS

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**2004 No. 1026 (W.123)**

**EDUCATION, WALES**

**The Education (Pupil Information) (Wales) Regulations 2004**

*Made* - - - - - *30th March 2004*

*Coming into force* - - - - - *30th April 2004*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on the Secretary of State by sections 408, 563 and 569(4) and (5) of the Education Act 1996(1) and now vested in the National Assembly for Wales(2) and after consulting with those persons with whom consultation appeared to the National Assembly to be desirable pursuant to section 408(5) of the Education Act 1996:

**Name, commencement and application**

1.—(1) These Regulations are called the Education (Pupil Information) (Wales) Regulations 2004 and come into force on 30th April 2004.

(2) These Regulations apply only in relation to Wales.

**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);

“ACCAC” (“*ACCAC*”) means the Qualifications, Curriculum and Assessment Authority for Wales or Awdurdod Cymwysterau, Cwricwlwm ac Aseu Cymru(4);

“approved external qualification” (“*cymhwyster allanol a gymeradwywyd*”) is a qualification within the meaning of section 96(5) of the Learning and Skills Act 2000(5) that was, at the relevant time, approved under section 99 of that Act for the purposes of section 96 of that Act;

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(1) 1996 c. 56. Section 408 was amended by the Education Act 1997 (c. 44), Schedule 7, paragraph 30, the School Standards and Framework Act 1998 (c. 31), Schedule 30, paragraphs 57 and 106, the Learning and Skills Act 2000 (c. 21), Schedule 9, paragraph 57 and the Education Act 2002 (c. 32), Schedule 21, paragraph 46. For the definition of “prescribed” and of “regulations” see section 579 of the 1996 Act.

(2) See the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(3) 2002 c. 32.

(4) See section 27 of the Education Act 1997 (c. 44).

(5) 2000 c. 21.

“the associated documents” (“*y dogfennau cysylltiedig*”) means the documents published by ACCAC, 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 respective 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 1996 Act and the Education (Pupil Registration) Regulations 1995(6);

“AVCE” (“*TAAU*”) means Advanced Vocational Certificate of Education;

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

“external marking agency” (“*asiantaeth farcio allanol*”) means a body nominated by ACCAC and approved by the National Assembly to mark NC tests;

“GCE “A” level” (“*TAG Safon Uwch*”) and “GCE “AS”” (“*TAG Uwch Gyfrannol*”) mean General Certificate of Education advanced level and advanced subsidiary respectively;

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

“institution of further education” (“*sefydliad addysg bellach*”) means an institution which —

- (a) provides further education and is maintained by a local education authority, or
- (b) is within the further education sector;

“key stage” (“*cyfnod allweddol*”) means any of the periods set out in paragraphs (a) to (d) of section 103(1) of the 2002 Act, and a reference to the first, second, third or fourth key stage is a reference to the periods set out respectively in the said paragraphs (a) to (d);

“LEA number” (“*rhif AALP*”) is a combination of numbers allocated to a local education authority which is particular to that authority, determined by the National Assembly;

“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 education authority or a pupil referral unit;

“the National Assembly” (“*y Cynulliad Cenedlaethol*”) means the National Assembly for Wales;

“NC tests” (“*profion y Cwricwlwm Cenedlaethol*”) and “NC tasks” (“*tasgau'r Cwricwlwm Cenedlaethol*”) mean, respectively, National Curriculum tests and National Curriculum tasks administered to pupils in accordance with the statutory assessments;

“NQF” (“*NQF*”) means the National Qualifications Framework comprising qualifications accredited by ACCAC, the Qualifications and Curriculum Authority and the Northern Ireland Council for the Curriculum Examinations and Assessment and “NQF level” (“*lefel NQF*”) means the level(s) to which qualifications are accredited within the NQF;

“relevant subjects” (“*pynciau perthnasol*”) means—

- (a) 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;
- (b) in relation to NC tests and any key stage, all those subjects in respect of which the pupil or pupils concerned are required to be assessed by the administration of such tests; and
- (c) in relation to NC tasks and any key stage, all those subjects in respect of which such tasks are required to be administered to the pupil or pupils concerned,

in that key stage in accordance with the statutory assessments;

“responsible person” (“*person cyfrifol*”) means—

- (a) the head teacher or proprietor of an independent school; or
- (b) the teacher in charge of a pupil referral unit; or
- (c) the governing body of any other school; or
- (d) the person responsible for the conduct of any institution of further education or other place of education or training to which a pupil transfers or may transfer;

“result” (“*canlyniad*”) in relation to any assessment under the statutory assessments means (subject to regulation 7(11) to (13)) the result of the assessment as determined and recorded in accordance with those arrangements;

“school day” (“*diwrnod ysgol*”) has the meaning given by section 579(1) of the 1996 Act(7);

“school number” (“*rhif ysgol*”) is a combination of numbers allocated to a school which is particular to that school, determined by the National Assembly;

“special educational needs” (“*anghenion addysgol arbennig*”) has the meaning given by section 312(1) of the 1996 Act;

“statutory assessments” (“*asesiadau statudol*”) means such assessment arrangements as are specified by the National Assembly in an order made under section 108(3)(c) of the 2002 Act(8);

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

“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 National Assembly; 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.

(4) In these Regulations, unless the context otherwise requires, any reference to a numbered regulation is a reference to a regulation bearing that number in these Regulations and any reference in a regulation to a numbered paragraph is to a paragraph of the regulation or Schedule bearing that number in which the reference is made, and any reference to a sub-paragraph is a reference to a sub-paragraph of the paragraph in which the reference is made.

### **Meanings of curricular record and educational record**

3.—(1) In these Regulations “curricular record” (“*cofnod cwricwlaidd*”) means a formal record of a pupil’s academic achievements, the pupil’s other skills and abilities and his or her progress in school, as detailed in Schedule 2.

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(7) Section 579(1) was amended by paragraph 43 of Schedule 7 to the Education Act 1997.

(8) The current Orders are the Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 1) (Wales) Order 2002 (S.I. 2002/45 (W.4)), the Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 2) (Wales) Order 1997 (S.I. 1997/2009) and the Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (Wales) Order 1997 (S.I. 1997/2010), as amended by S.I. 1998/1976 and S.I. 2001/889 (W.40).

(2) In these Regulations “educational record” (“*cofnod addysgol*”) means any record of information, including a pupil’s curricular record, which—

- (a) is processed by or on behalf of the governing body of, or a teacher at, any school specified in paragraph (3);
- (b) relates to any person who is or has been a pupil at the school; and
- (c) originated from or was supplied by or on behalf of any of the persons specified in paragraph (4),

other than information which is processed by a teacher solely for the teacher’s own use.

(3) The schools referred to in paragraph (2)(a) are—

- (a) a maintained school; and
- (b) a special school which is not maintained by a local education authority.

(4) The persons referred to in paragraph (2)(c) are—

- (a) an employee of the local education authority which maintains the school;
- (b) in the case of—
  - (i) a voluntary aided, foundation or foundation special school; or
  - (ii) a special school which is not maintained by a local education authority,
 a teacher or other employee at the school (including an educational psychologist engaged by the governing body under a contract for services);
- (c) the pupil to whom the record relates; and
- (d) a parent of that pupil<sup>(9)</sup>.

#### **Duties of head teacher-curricular records**

4. The head teacher of every maintained school and of every special school not maintained by a local education authority must keep a curricular record, updated at least once a year, in respect of every registered pupil at the school.

#### **Duties of head teacher-educational records**

5.—(1) Within fifteen school days of receiving a written request by a parent for disclosure of a pupil’s educational record, the head teacher of a maintained school and of a special school not maintained by a local education authority must make it available for inspection, free of charge, to the parent.

(2) Within fifteen school days of receiving a written request by a parent for a copy of a pupil’s educational record, the head teacher of such a school must give the parent a copy of it on payment of such fee (not exceeding the cost of supply), if any, as the governing body may prescribe.

(3) In every case where the pupil is under consideration for admission to another school (including an independent school) or to an institution of further education or any other place of education or training, the head teacher must transfer the pupil’s educational record to the responsible person, free of charge, if that person so requests, within fifteen school days of receiving the request.

(4) The record supplied under paragraph (3) must not include the results of any assessment of the pupil’s achievements.

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(9) This definition of “educational record” is the same as the one contained in Schedule 11 to the Data Protection Act 1998 (c. 29).

(5) When complying with a request for disclosure or a copy of a pupil's educational record under paragraph (1), (2) or (3) of this regulation, a head teacher must not disclose any documents which are subject to any order under section 30(2) of the Data Protection Act 1998<sup>(10)</sup>.

### **Transfer of information when a pupil changes school**

6.—(1) In this regulation “common transfer information” (“*gwybodaeth drosglwyddo gyffredin*”) means the information listed in Schedule 1.

(2) Where this regulation requires information to be transferred in machine readable form, that requirement may be met by transferring the information—

- (a) through a secure internet website provided for that purpose by or on behalf of the National Assembly,
- (b) by floppy disk, or
- (c) through an intranet provided for that purpose by or on behalf of a local education authority, and for the purposes of this regulation an intranet means a closed network that can only be accessed—
  - (i) by the local education authority,
  - (ii) by or on behalf of a governing body of a school within that authority,
  - (iii) by a teacher at a school within that authority,

save that where a pupil transfers to a maintained school maintained by another local education authority the requirement must be met by transferring the information through a secure internet website provided for that purpose by or on behalf of the National Assembly.

(3) Subject to paragraph (8), where a pupil ceases to be a registered pupil at a maintained school (the “old school”) and becomes a registered pupil at another school (the “new school”), the pupil's common transfer information and educational record must be transferred to the head teacher of the new school within fifteen school days after the day on which the pupil ceases to be registered at the old school.

(4) The information and record referred to in paragraph (3) must be transferred by the head teacher of the old school or, where this has been agreed between that head teacher and the local education authority, that authority.

(5) The common transfer information must be transferred in machine readable form.

(6) The educational record may be transferred in machine readable form or in paper form or in a combination of both forms.

(7) Where it is not reasonably practicable for the head teacher of the old school to ascertain the pupil's new school, or where the head teacher is aware that the pupil is moving to a school other than a maintained school in Wales or England, the requirements in paragraphs (3) and (4) of this regulation do not apply but the head teacher of the old school must transfer the common transfer information to a secure internet website provided for that purpose by or on behalf of the National Assembly.

(8) Where a pupil has been registered at a maintained school for less than four weeks, it is to be sufficient compliance for the purposes of paragraphs (3) and (4) if the head teacher of that school or, where applicable, the local education authority transfers such information and record as they have received under this regulation from the school at which the pupil was previously registered in the form in which it was received by them.

(9) For the purposes of paragraph (8), the reference in paragraph (3) to “fifteen school days” is a reference to the number of days after the day on which the pupil ceases to be registered at the school

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<sup>(10)</sup> 1998 c. 29.

in question or to the number of days after the information and record have been received by the head teacher of that school, whichever is the later.

(10) If the head teacher of a pupil's old school receives a request from the head teacher of the school at which the pupil is currently a registered pupil, either for the common transfer information relating to the time when the pupil left the old school or for any educational record relating to that pupil in the old school's possession, the head teacher must provide it within fifteen school days of receiving the request.

(11) If a pupil arrives at a new maintained school without his or her common transfer information or details of his or her old school being available, the head teacher of the new school must contact the local education authority which maintains the new school to request a search of the secure internet website provided by or on behalf of the National Assembly for the pupil's common transfer information.

### **Head teacher's report to parents and adult pupils**

7.—(1) The head teacher of every maintained school other than a nursery school or a pupil referral unit must make available, each school year, in accordance with this regulation a report in writing containing the information specified in this regulation.

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

- (a) in the case of pupils registered at the school aged 18 or over at the time a report is made available and who are not proposing to leave the school by the end of the school year to which the report relates, each such pupil and, if the head teacher considers there to be special circumstances which make it appropriate, the parent of each such pupil; or
- (b) in the case of all other pupils registered at the school, the parent of each such pupil.

(3) The report must contain the information about the educational achievements of the pupil to whom or to whose parent the report is made available and the other information relating to him or her specified—

- (a) as respects pupils in, respectively, the first, second, third and fourth key stages, in, respectively, paragraphs 1, 2, 3 and 4, of Part 1 of Schedule 2;
- (b) as respects pupils in any key stage, in Part 2 of that Schedule;
- (c) as respects pupils who were entered for any approved external qualifications at NQF level 3 or above, in Part 3 of that Schedule; and
- (d) as respects all pupils registered at the school (including those referred to in sub-paragraphs (a) to (c) above), in Part 4 of that Schedule.

(4) In the case of the pupils registered at the school in, respectively, the first, second and third key stages there must be included in the report the information relating to the educational achievements of all other such pupils registered at the school in that key stage whose achievements were assessed under the statutory assessments at the same time as the pupil's achievements, and the other information relating to such pupils, specified in paragraphs 1, 2 and 3, respectively, of Schedule 3 to these Regulations.

(5) In the case of the pupils registered at the school in the first key stage there must be included in the report the information specified in paragraph 1 of Schedule 4 relating to the educational achievements of all pupils at schools in Wales who were in that key stage in the preceding school year and whose achievements were assessed under the statutory assessments in that preceding school year.

(6) In the case of the pupils registered at the school in the second and third key stages there must be included in the report the information specified in paragraph 2 of Schedule 4 relating to the educational achievements of all pupils at schools in Wales who were in one of those key stages in

the preceding school year and whose achievements were assessed under the statutory assessments in that preceding school year.

(7) Nothing in this regulation is to prevent the information specified in paragraphs (3) to (6) being contained in more than one report provided that, subject to paragraph (9), the head teacher must each school year send such information by post or otherwise before the end of the summer term.

(8) 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 or as the case may be the Regulations revoked by regulation 12 related.

(9) Where any of the particulars necessary to provide the information specified in paragraph (10) are not received by the head teacher until after the end of the summer term, he or she must make available such information as soon as practicable and in any event not later than the following 30th September.

(10) The information is—

- (a) the details of approved external qualifications achieved by a pupil;
- (b) the results of NC tests taken by a pupil at the end of the second or third key stage; and
- (c) the information referred to in paragraphs 2(2) and 3(2) of Schedule 2 and paragraphs 2 and 3 of Schedule 3.

(11) Paragraphs (12) and (13) apply where the head teacher has requested but not received before the end of the summer term a review by the external marking agency of the result of any of the NC tests taken by a pupil in the second or third key stage.

(12) The information specified in paragraph (3) must indicate that the result which is the subject of the review is provisional.

(13) Once the reviewed result has been received by the head teacher, he or she must make available as soon as practicable and in any event not later than the following 30th September after the summer term, information giving the reviewed result of the NC tests, to those persons who earlier received the information that the result of the NC tests was provisional.

### **Additional information to be made available**

**8.—**(1) Subject to paragraph (3), in the case of a registered pupil at a maintained school other than a nurse school or a pupil referral unit in any key stage who is assessed in accordance with the statutory assessments in that key stage, the head teacher must if requested 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 him or her.

(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**

**9.—**(1) The head teacher of every maintained school other than a nurse school or a pupil referral unit 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 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 external qualification and any unit or credit towards such a qualification awarded to the pupil; and
  - (d) brief particulars of the pupil's progress and achievements in subjects (other than those in which the pupil has achieved any approved external qualification or any unit or credit towards such a qualification) and in any activities forming part of the school curriculum, in the school year during or at the end of which the pupil left the school.
- (3) The part of the form in which the information referred to in sub-paragraphs (a), (b) and (d) of paragraph (2) is made available must provide for signature by the pupil, and that part of the form, and the part of the form in which the information referred to in sub-paragraphs (a) and (c) of paragraph (2) is made available, must both provide for signature by a teacher who is familiar with the pupil and his or her achievements.
- (4) Such information must be made available to the pupil not later than 30th September next following the end of the school year during or at the end of which the pupil left the school.

#### **Restrictions on provision of information**

- 10.**—(1) The provisions of paragraph (2) apply to the information specified in paragraph 8(1) of Schedule 2.
- (2) Nothing in regulation 7 is to require the making available of any information—
- (a) originating from or supplied by or on behalf of any person other than—
    - (i) an employee of the local education authority which maintains the school;
    - (ii) in the case of a voluntary aided school, a teacher or other employee at the school (including an educational psychologist engaged by the governing body under a contract for services);
    - (iii) an education welfare officer;
    - (iv) the person requesting disclosure; or
  - (b) to the extent that it would reveal, or enable to be deduced, the identity of a person (other than the pupil to whom that information relates or a person mentioned in sub-paragraph (a)) as the source of the information or as a person to whom that information relates.
- (3) Nothing in these Regulations is to require the making available of any information—
- (a) to the extent that disclosure would in the opinion of the head teacher be likely to cause serious harm to the physical or mental health or emotional condition of the pupil to whom the information relates or of any other person;
  - (b) to the extent that in the opinion of the head teacher it is relevant to the question whether the pupil to which it relates is or has been the subject of or may be at risk of child abuse; or
  - (c) so as to disclose the levels of attainment and any other results in any attainment target or subject of any other identified pupil.
- (4) In this regulation “child abuse” includes physical (other than accidental) injury to, and physical or emotional neglect, ill-treatment or sexual abuse of, a child.

#### **Translation of information and documents**

- 11.**—(1) If it appears requisite to the head teacher of any school that any document or information required to be made available under these Regulations which is provided in Welsh should be



translated into English, it must be so translated and these Regulations are to apply to the document or information so translated as they apply to the original document or information.

(2) If it appears requisite to the head teacher of any school that any document or information required to be made available under these Regulations which is provided in English should be translated into Welsh, it must be so translated and these Regulations are to apply to the document or information so translated as they apply to the original document or information.

(3) If it appears requisite to the head teacher of any school that any document or information required to be made available under these Regulations should be translated into a language other than English or Welsh, it must be so translated and these Regulations are to apply to the translated document or information as they apply to the original document or information.

(4) No charge is to be made for a copy of any information translated in accordance with paragraphs (1), (2) or (3), but where a charge is made for a copy of an original document no greater charge is to be made for a copy of the document so translated.

### **Revocation and savings**

**12.**—(1) Subject to paragraph (2), the Regulations referred to in Schedule 5 are revoked.

(2) The revocation of the Regulations referred to in Schedule 5 is not to relieve any person of any duty under the revoked Regulations which has not been performed before the date that these Regulations come into force.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(11).

30th March 2004

*D. Elis-Thomas*  
The Presiding Officer of the National Assembly

## SCHEDULE 1

Regulation 6

## COMMON TRANSFER INFORMATION

1. The following information about the pupil—
  - (a) unique pupil number;
  - (b) surname;
  - (c) first name(s);
  - (d) date of birth;
  - (e) gender;
  - (f) ethnic group;
  - (g) national identity;
  - (h) who provided the information as to the pupil’s ethnic group and national identity;
  - (i) the pupil’s level of fluency in the Welsh language;
  - (j) whether or not the pupil speaks Welsh at home and, if so, with whom;
  - (k) who provided the information as to the pupil’s level of fluency in the Welsh language and the pupil’s speaking of Welsh at home;
  - (l) whether, pursuant to sections 512(3) and 512ZB of the 1996 Act<sup>(12)</sup>, the pupil has applied and been found eligible for free school meals;
  - (m) whether, pursuant to sections 512(1) and 512ZB of the 1996 Act, the pupil has applied and been found eligible for free school milk.
2. Whether the pupil has special educational needs and, if so, confirmation of—
  - (a) the pupil’s primary need and any secondary need identified; and
  - (b) the SEN provision type forming part of the graduated approach adopted pursuant to “The Special Educational Needs Code of Practice for Wales”<sup>(13)</sup>, which was issued under section 313 of the 1996 Act and came into force on 1st April 2002, that is being made for that pupil.
3. Where the pupil is a child looked after by a local authority, that fact and the name of the local authority.
4. Details of the address where the pupil normally resides.
5. The surname of at least one contact person and details of their relationship to the pupil.
6. An indicator where medical information exists that may be relevant to the pupil’s new school.
7. The total number of—
  - (a) sessions in the school year to the date the pupil ceases to be registered at the old school;
  - (b) such sessions in the school year attended by the pupil; and
  - (c) the pupil’s authorised and unauthorised absences (within the meaning of the Education (Pupil Registration) Regulations 1995) in the school year.
8. The LEA number and the school number for each of the old school and the new school.

<sup>(12)</sup> Sections 512 and 512ZB, together with section 512ZA, were substituted for section 512 as originally enacted by the Education Act 2002 (c. 32), section 201(1).

<sup>(13)</sup> ISBN 0 7504 27574.

## SCHEDULE 2

Regulation 7(3)

### INFORMATION ABOUT INDIVIDUAL PUPILS

#### **PART 1**

##### **Pupils in the first key stage**

1.—(1) The results of the pupil's statutory assessments.

(2) A brief account of what the pupil's results reported pursuant to sub-paragraph (1) show about the pupil's progress in the relevant subjects individually and in relation to other children in the same year of the key stage which draws attention to any particular strengths and weaknesses of the pupil.

##### **Pupils in the second key stage**

2.—(1) The results of the pupil's statutory assessments.

(2) A brief account of what the pupil's results reported pursuant to sub-paragraph (1) show about the pupil's progress in the relevant subjects individually and in relation to other children in the same year of the key stage which draws attention to any particular strengths and weaknesses of the pupil.

##### **Pupils in the third key stage**

3.—(1) The results of the pupil's statutory assessments.

(2) A brief account of what the pupil's results reported pursuant to sub-paragraph (1) show about the pupil's progress in the relevant subjects individually and in relation to other children in the same year of the key stage which draws attention to any particular strengths and weaknesses of the pupil.

##### **Pupils in the fourth key stage**

4. Details, including subject name, of any approved external qualification at NQF level 2 or below or any unit or credit towards such a qualification.

#### **PART 2**

##### **Pupils in any key stage**

5.—(1) In relation to all foundation subjects, brief particulars of the pupil's achievements in relation to each subject drawing attention to any particular strengths and weaknesses, together with, where the particulars include levels, a statement indicating whether or not those levels have been determined in accordance with the statutory assessments.

(2) Particulars of any subject from which the pupil is exempt.

(3) A summary of the pupil's attendance record during the period to which information relates showing the number of authorised and unauthorised absences (within the meaning of the Education (Pupil Registration) Regulations 1995) and the number of possible attendances.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

## **PART 3**

### **Pupils entered for GCE “A” Level or GCE “AS” or AVCE qualifications**

6.—(1) The name of any subject in which the pupil was entered for GCE “A” level or GCE “AS” or AVCE qualifications and the grade (if any) achieved.

(2) The total number of points scored by the pupil in such subject examinations entered by the pupil, the following grades equating to the following points:—

GCE “A” level or AVCE 6 unit qualification: grade A = 10 points; grade B = 8 points; grade C = 6 points; grade D = 4 points; and grade E = 2 points.

GCE “AS” or AVCE 3 unit qualification: grade A = 5 points; grade B = 4 points; grade C = 3 points; grade D = 2 points; and grade E = 1 point.

### **Pupils entered for any other NQF level 3 approved external qualifications**

7. Details of any other NQF level 3 approved external qualification, including any unit or credit towards such qualification and, where available, the grade (if any) achieved.

## **PART 4**

### **All pupils**

8.—(1) Brief particulars of the pupil’s achievements in any subject or activity, including the Welsh Baccalaureate Qualification Core Certificate, not mentioned elsewhere in this Schedule which forms part of the school curriculum and of his or her skills and abilities and about his or her general progress at school during the period to which the information relates.

(2) Particulars of the arrangements under which the report may be discussed with the pupil’s teachers by his or her parent or, in the case of a pupil aged 18 or over, the pupil.

(3) Details of any approved external qualification or any unit or credit towards such qualification obtained by the pupil during the period to which the information relates which is not referred to elsewhere in this Schedule.

## **SCHEDULE 3**

Regulation 7(4)

### **INFORMATION ABOUT PUPILS AT THE SCHOOL**

#### **Pupils in the first key stage**

1.—(1) For the purposes of this paragraph references to registered pupils are to pupils registered at the school on the day which is two weeks before the last school day of the summer term.

(2) The percentages of registered pupils in the first key stage who achieved each level of attainment in the subjects of English or Welsh, mathematics and science, as determined by teacher assessment.

(3) The percentages of registered pupils in the first key stage who are working towards level 1 in each of those subjects as so determined.

(4) The percentages of registered pupils in the first key stage who are exempt from each subject referred to in sub-paragraph (2).

### **Pupils in the second key stage**

2.—(1) For the purposes of this paragraph references to registered pupils are to registered pupils at the school on the date which is two weeks before the last school day of the summer term.

(2) The percentages of registered pupils in the second key stage who achieved each level of attainment in each relevant subject shown both as determined by teacher assessment and (where applicable) by NC tests and NC tasks.

(3) The percentages of registered pupils in the second key stage who are working towards level 1 in each relevant subject as so determined.

(4) The percentages of registered pupils in the second key stage who are exempt from each relevant subject.

(5) The percentages of registered pupils in the second key stage who were not entered for each NC test referred to in sub-paragraph (2) because, under the statutory assessments, that NC test was not required to be administered to those pupils.

(6) The percentages of registered pupils in the second key stage who were absent from each NC test referred to in sub-paragraph (2) (excluding pupils falling within sub-paragraph (4) or (5)).

### **Pupils in the third key stage**

3.—(1) For the purposes of this paragraph references to registered pupils are to registered pupils at the school on the date which is two weeks before the last school day of the summer term.

(2) Subject to sub-paragraph (7), the percentages of registered pupils in the third key stage who achieved each level of attainment in each relevant subject shown both as determined by teacher assessment and (where applicable) by NC tests and NC tasks.

(3) The percentages of registered pupils in the third key stage who are working towards level 1 in each relevant subject as so determined.

(4) The percentages of registered pupils in the third key stage who are exempt from each relevant subject.

(5) The percentages of registered pupils in the third key stage who were not entered for each NC test referred to in sub-paragraph (2) because, under the statutory assessments, that NC test was not required to be administered to those pupils.

(6) The percentages of registered pupils in the third key stage who were absent from each NC test referred to in sub-paragraph (2) (excluding pupils falling within sub-paragraph (4) or (5)).

## SCHEDULE 4

Regulation 7(5) and (6)

### INFORMATION ABOUT PUPILS AT SCHOOLS IN WALES

#### **Pupils in the first key stage**

1.—(1) The percentages referred to in this paragraph are those that are provided by the National Assembly in respect of all registered pupils at schools in Wales in the first key stage in the preceding school year.

(2) The percentages of such pupils who achieved each level of attainment in the subjects of English or Welsh, mathematics and science, as determined by teacher assessment.

(3) The percentages of such pupils who were working towards level 1 in each of those subjects as so determined.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

(4) The percentages of such pupils who were exempt from each subject referred to in sub-paragraph (2).

### **Pupils in the second key stage and in the third key stage**

2.—(1) The percentages referred to in this paragraph are those that are provided by the National Assembly in respect of all registered pupils at schools in Wales in the second or, as the case may be, third key stage in the preceding school year.

(2) The percentages of such pupils who achieved each level of attainment in the subjects of English, Welsh, mathematics and science shown both as determined by teacher assessment and (where applicable) by NC tests and NC tasks.

(3) The percentages of such pupils who were working towards level 1 in each of those subjects as so determined.

(4) The percentages of such pupils who were exempt from each of those subjects.

(5) The percentages of such pupils who were not entered for each NC test referred to in sub-paragraph (2) because, under the statutory assessments, that NC test was not required to be administered to those pupils.

(6) The percentages of such pupils who were absent from each NC test referred to in sub-paragraph (2) (excluding pupils falling within sub-paragraph (4) or (5)).

## SCHEDULE 5

Regulation 12

### REVOCATIONS

<i>Number</i>	<i>Regulations revoked</i>	<i>Reference</i>
1	The Education (Individual Pupils' Achievements) (Information) (Wales) Regulations 1997	S.I. <a href="#">1997/573</a>
2	The Education (Individual Pupils' Achievements) (Information) (Wales) (Amendment) Regulations 1997	S.I. <a href="#">1997/2709</a>
3	The Education (Individual Pupils' Achievements) (Information) (Wales) (Amendment) Regulations 1998	S.I. <a href="#">1998/2705</a>
4	The Education (Individual Pupils' Achievements) (Information) (Wales) (Amendment) Regulations 1999	S.I. <a href="#">1999/1497</a>
5	The Education (Pupil Records) (Wales) Regulations 2001	S.I. <a href="#">2001/832 (W.37)</a>

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

<i>Number</i>	<i>Regulations revoked</i>	<i>Reference</i>
6	The Education (Individual Pupils' Achievements) (Information) (Wales) (Amendment) Regulations 2001	<a href="#">S.I. 2001/890 (W.41)</a>
7	The Education (Individual Pupils' Achievements) (Information) (Wales) (Amendment) Regulations 2002	<a href="#">S.I. 2002/46 (W.5)</a>

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations replace with changes provisions formerly contained in the Education (Individual Pupils' Achievements) (Information) (Wales) Regulations 1997 as amended and the Education (Pupil Records) (Wales) Regulations 2001. They provide for the keeping by the head teacher of records about the academic achievements, the skills and abilities and progress (curricular records) of a pupil at a school maintained by a local education authority and a special school not so maintained (regulation 4).

They also make provision for the disclosure and transfer by the head teacher of educational records (as defined in regulation 3) to parents and schools to which pupils are under consideration for transfer (regulation 5). Regulation 6 sets out the contents of the report that the head teacher of the old school is required to send the head teacher of the new school once the pupil has transferred to the new school.

The Regulations also make provision as to the report the head teacher is required to send to parents and adult pupils each school year (regulation 7) and the additional information parents of registered pupils who are assessed in any key stage may request relating to the pupil's levels of achievements in relevant subjects (regulation 8). Regulation 9 prescribes the information the head teacher must make available in the reports given to school leavers. Regulation 10 sets out certain restrictions on the provision of information.

Where requisite, any document or information required to be made available under the Regulations must be translated into English or Welsh or another language (regulation 11).

The Education (Individual Pupils' Achievements) (Information) (Wales) Regulations 1997 as amended and the Education (Pupil Records) (Wales) Regulations 2001 are revoked (regulation 12).