
STATUTORY INSTRUMENTS

1999 No. 1812

The Education (School Information) (Wales) Regulations 1999

**PART I
GENERAL**

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (School Information) (Wales) Regulations 1999 and shall come into force on 1st September 1999.

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

Revocation

2. The Education (School Information) (Wales) Regulations 1997⁽¹⁾, the Education (School Information) (Wales) (Amendment) Regulations 1998⁽²⁾ and the Education (School Information) (Wales) (Amendment) Regulations 1999⁽³⁾ are revoked.

Interpretation

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

“the 1996” Act means the ;

“the 1998 Act” means the School Standards and Framework Act 1998;

“admission school year” means a school year at the beginning of which pupils are to be admitted to any school;

“Assembly” means the National Assembly for Wales⁽⁴⁾;

“assessment” means assessment under the statutory arrangements, and references to levels shall be construed in accordance with those arrangements;

“attainment targets” has the meaning given by section 353(a) of the 1996 Act;

“authority” means a local education authority and, in relation to an authority, “the offices” means the education offices;

“class” has the meaning given to that term by section 355(5) of the 1996 Act;

(1) S.I.1997/1832.

(2) S.I. 1998/2697.

(3) S.I. 1999/127.

(4) The National Assembly for Wales was established by section 1 of the Government of Wales Act 1998 (c. 38). All the functions of the Secretary of State relevant to these Regulations are transferred to the Assembly by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) with effect from 1st July 1999. Accordingly, in relation to Wales, references to the Secretary of State in the relevant provisions of the Education Act 1996 and the School Standards and Framework Act 1998 are to be construed as being, or including, a reference to the Assembly *see* section 43 of the Government of Wales Act 1998.

“key stage” means any of the periods set out in paragraph (a) to (d) respectively of section 355(1) of the 1996 Act, and a reference to the first, second or third key stage is a reference to the periods set out respectively in the said paragraphs (a) to (c);

“NC tests”, in the case of pupils in the final year of the first key stage, means standard task assessments administered to pupils in accordance with the statutory arrangements and, in relation to pupils in the final year of the second or third key stage, ‘NC tests’ and ‘NC tasks’ mean respectively National Curriculum tests and National Curriculum tasks administered to pupils in accordance with those arrangements;

“non-maintained special school” means a special school which is not maintained by an authority (and is not established in a hospital);

“previous school year” means the school year immediately preceding the reporting school year;

“primary education” does not include such education provided at a middle school;

“public examinations” means public examinations which are for the time being prescribed by regulations made under section 453(1) of the 1996 Act⁽⁵⁾;

“publication school year” means the school year immediately preceding the admission school year;

“relevant attainment targets” means—

- (a) the “Reading”, “Writing” and “Spelling” attainment targets in English; and
- (b) the “Listening”, “Viewing and Speaking”, “Reading” and “Writing” attainment targets in Welsh;

“relevant subjects” means in relation to the first key stage—

- (a) mathematics and science;
- (b) in the case of schools and classes which are Welsh-speaking, Welsh; and
- (c) in the case of schools and classes which are not Welsh-speaking, English;

and means, in relation to the second and third key stages, mathematics, science, Welsh and English;

“reporting school year” means the school year immediately preceding the publication school year;

“special educational needs” and “special educational provision” have the meanings given to those terms in section 312 of the 1996 Act;

“special school” has the meaning given to it by section 337(1) of the 1996 Act;

“the statutory arrangements” means assessment arrangements specified by orders made under section 356(2)(c) of the 1996 Act⁽⁶⁾;

“teacher assessment” means assessment by a teacher in accordance with the statutory arrangements;

“unauthorised absence” means an occasion on which a pupil is recorded as absent without authority pursuant to the Education (Pupil Registration) Regulations 1995⁽⁷⁾ and “authorised absence” shall be construed accordingly.

(2) In these Regulations, a reference to a school maintained by an authority is a reference—

(5) The current regulations are the Education (Prescribed Public Examinations) Regulations 1989 (S.I. [1989/377](#)). For the meaning of “prescribed” see section 579(1).

(6) The current Orders are the Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics and Science) (Key Stage 1) (Wales) Order 1997 (S.I. [1997/2011](#)), 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](#)).

(7) S.I. [1995/2089](#) as amended by S.I. [1997/2624](#).

(a) in Parts II and IV, to a community, foundation or voluntary school or a community or foundation special school which is not established in a hospital;

(b) in Parts III and V, to a community, foundation or voluntary school,

excluding any nursery school but including, except in Part IV or where otherwise stated, any pupil referral unit.

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

(4) 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 authority under section 86(1) of the 1998 Act, a parent wishing education to be provided for his child in the exercise of the authority's functions should express such a preference.

(5) 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 the 31st August immediately preceding the commencement of the reporting school year and who were registered pupils at the school on the third Thursday in January in the reporting school year.

(6) 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 shall be rounded to the nearest whole number, the fraction of one half being rounded upwards to the next whole number.

(7) In these Regulations, a reference to a school or class which is Welsh-speaking is a reference to a school or class (as the case may be) in which, in relation to pupils in the first key stage, more than one half of the following subjects namely:

(i) religious education; and

(ii) the subjects other than English and Welsh which are foundation subjects in relation to pupils at the school or in the class (as the case may be);

are taught (wholly or partly) in Welsh.

Qualification of duties

4. The duties imposed on head teachers, governing bodies and authorities by virtue of 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, 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.

PART II

GENERAL INFORMATION TO BE PUBLISHED BY AUTHORITIES

Authorities to publish general information about schools

5.—(1) An authority shall publish the information specified in Schedule 1.

(2) That information shall be published as provided in regulation 6.

Time and manner of publication by authorities of general information

6.—(1) This regulation applies in relation to the publication by an authority of the information specified in Schedule 1.

(2) Such information shall be published before the end of the publication school year and, except in so far as it relates exclusively to primary education or special educational provision or provision to which section 19 of the 1996 Act⁽⁸⁾ applies (education provided in a pupil referral unit or otherwise than at school), no 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.

(3) Subject to paragraphs (4) to (9), the information shall be published—

(a) by copies being distributed without charge to parents on request, and made available for reference by parents and other persons—

(i) at the offices of the authority; and

(ii) at every school maintained by the authority, other than a special school or a pupil referral unit;

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

(c) by copies being made available for reference by parents and other persons at the public libraries in the authority's area.

(4) So far as the information in respect of the matters specified in paragraphs 3, 4 and 5 of Schedule 1 is concerned, the information in respect of schools in a particular part of the authority's area need not—

(a) be made available at offices, schools and libraries outside that part; or

(b) be distributed to the parents of pupils who are at schools outside that part,

if information about how it may be obtained is available at those offices, schools and libraries or, as the case may be, is distributed to those parents.

(5) It shall be a sufficient compliance with paragraph (3)(a)(ii) if so much of the information and particulars as relates to schools classified as—

(a) primary schools;

(b) middle schools; or

(c) secondary schools,

(irrespective of the terminology used) is available only in schools of the classification in question.

(6) It shall be a sufficient compliance with paragraph (3)(b) if there is published so much of the information and particulars as is relevant having regard to the schools to which pupils in the final year at that school might transfer.

(7) So far as the particulars specified in Part II of Schedule 1 are concerned (special educational provision), paragraphs (3), (5) and (6) shall not apply but the particulars shall be published—

(a) by copies being distributed without charge to parents on request, and made available for reference by parents and other persons at the offices of the relevant authority; and

(b) by copies being made available for reference by parents and other persons—

(i) at every school maintained by the authority; and

⁽⁸⁾ Section 19 of the 1996 Act is amended, and a new subsection (4A) inserted therein by section 47 of, and Schedule 8 to, the Education Act 1997.

(ii) at the public libraries in the area of that authority.

(8) Without prejudice to the foregoing provisions of this regulation, such particulars of the arrangements made by the authority under section 94(1) of the 1998 Act (appeals against admission decisions) and mentioned in section 92(1)(c) of that Act shall also be published by being set out in any document containing a notification to parents of a decision referred to in section 94(1) of that Act refusing their child admission to a school for which the parents have expressed a preference in accordance with arrangements made under section 92(1) of that Act.

(9) Information about the matters mentioned in paragraphs 8(2) and 20 of Schedule 1 (transport arrangements and policies) shall also be published by copies being distributed without charge to institutions within the further education sector or at which a further education funding council has secured provision which (in either case) the authority consider students resident within its area may wish to attend.

PART III

COMPOSITE PROSPECTUS OF ADMISSION INFORMATION

Application and interpretation of this Part

7.—(1) The provisions of this Part apply to maintained schools as defined by section 84(6) of the 1998 Act.

(2) In this Part “composite prospectus” means a composite document required to be published by regulation 8.

Authorities to publish composite prospectus

8.—(1) An authority shall 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 authority publishing the document; and
- (b) all such parts of the appropriate relevant areas as extend beyond that 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) that applies for consultation about the proposed admission arrangements for a school maintained by the authority publishing the document.

(4) An authority may, if it wishes, carry out their obligation under paragraph (1) in either or both of the following ways—

- (a) by publishing separate composite prospectuses covering respectively primary schools and secondary schools; and
- (b) by dividing the composite prospectus area into two or more parts and publishing a separate composite prospectus covering respectively schools in each part.

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

(6) The time and manner of publication of such information and particulars shall be in accordance with regulation 9.

Time and manner of publication of composite prospectus

9.—(1) A composite prospectus shall be published before 1st October in the publication school year, and in any event no later than six weeks before the date up to which parents may express a preference in respect of the admission school year for any school mentioned in that prospectus.

(2) A composite prospectus shall be published—

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

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

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

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

PART IV

INFORMATION TO BE PUBLISHED BY GOVERNING BODIES

General information to be published by governing bodies about their school

10.—(1) Subject to regulation 11, the governing body of a school maintained by an authority shall publish as respects that school the information specified in Schedule 3.

(2) Subject to regulation 11, the information shall be published as provided in regulation 12.

Assessment and school attendance information not relating to the reporting school year

11.—(1) This regulation applies where the information relating to the results of assessment and school attendance referred to in paragraphs 18, 19, 20 and 26 of Schedule 3 is not available in time for it to be reasonably practicable to publish the information in accordance with regulation 12.

(2) Where this regulation applies the governing body shall, as soon as practicable after the information in question for the reporting school year is made available to them, and in any event not later than two weeks before the earlier of the two dates referred to in paragraph (3) of regulation 12, publish that information as a supplement to the school prospectus in the manner required by that regulation for the publication of the prospectus.

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

12.—(1) This regulation applies in relation to the publication by a governing body (or by an authority on their behalf pursuant to section 92(5) of the 1998 Act) of the information specified in Schedule 3.

(2) Such information—

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

(b) copies of the school prospectus shall 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 shall 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 shall 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 authority who maintain the school.

PART V

INFORMATION TO BE MADE AVAILABLE TO AUTHORITIES BY GOVERNING BODIES

Provision of information for composite prospectus

13.—(1) For the purpose of enabling the authority to comply with their obligation under regulation 8, the governing body of every maintained school to be included in a document under that regulation shall, in respect of each admission school year, make available to the authority in question the information specified in Schedule 2.

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

PART VI

SUPPLEMENTARY

Supplementary provisions relating to published documents

14.—(1) This regulation shall apply in relation to any document which contains such information or particulars as are mentioned in the preceding provisions of these Regulations and which is published in accordance with those provisions.

(2) Such a document shall state the school year to which the information or particulars contained in it relate and contain a warning that, although they were correct in relation to that year at a date specified in the document (not being earlier than six months before that of its publication), it should not be assumed that there will be no change affecting the relevant arrangements or some matter particularised—

- (a) before the start of, or during, the school year in question; or
- (b) in relation to subsequent school years.

Translation of documents

15.—(1) Where any document required to be published or to be made available for inspection under these Regulations is published in Welsh, then if it appears requisite to an authority or, as the case may be, a governing body that the document should be translated into English it shall be so translated and the translated document shall be published in such manner as appears to the authority or governing body to be appropriate.

(2) Where any document required to be published or to be made available for inspection under these Regulations is published in English, then if it appears requisite to an authority or, as the case may be, a governing body that the document should be translated into Welsh, it shall be so translated and the translated document shall be published in such manner as appears to the authority or governing body to be appropriate.

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

(3) If it appears to an authority, or as the case may be, a governing body that a translation of any document required to be published or to be made available for public inspection by or under these Regulations in a language other than English or Welsh is required, it shall be translated into that language and the translated document shall be published in such manner as appears to the authority or governing body to be appropriate.

(4) No charge shall be made for a copy of any document translated in accordance with paragraphs (1) to (3) to any person who is entitled without charge, to a copy of the original document.

Signed by authority of the Secretary of State for Wales

Jon Owen Jones
Parliamentary Under Secretary of State, Welsh
Office

24th June 1999