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WELSH STATUTORY INSTRUMENTS

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**2017 No. 940**

**The Education (Supply of Information about the School Workforce) (Wales) Regulations 2017**

**Title, commencement and application**

1.—(1) The title of these Regulations is the Education (Supply of Information about the School Workforce) (Wales) Regulations 2017.

(2) These Regulations come into force on 31 October 2017.

(3) These Regulations apply in relation to maintained schools and local authorities in Wales.

**Commencement Information**

**II** [Reg. 1](#) in force at 31.10.2017, see [reg. 1\(2\)](#)

**Interpretation**

2.—(1) In these Regulations—

“the 1996 Act” (“*Deddf 1996*”) means the Education Act 1996<sup>(1)</sup>;

“the 2002 Act” (“*Deddf 2002*”) means the Education Act 2002<sup>(2)</sup>;

“the 2005 Act” (“*Deddf 2005*”) means the Education Act 2005;

“the 2014 Act” (“*Deddf 2014*”) means the Education (Wales) Act 2014<sup>(3)</sup>;

[<sup>F1</sup>“the 2021 Act” (“*Deddf 2021*”) means the Curriculum and Assessment (Wales) Act 2021;]

“the administrator of the Teacher’s Pension Scheme” (“*gweinyddwr y Cynllun Pensiwn Athrawon*”) means the person exercising, in pursuance of Article 3 of the Contracting Out (Administration of the Teacher’s Pension Scheme) Order 2003<sup>(4)</sup>, the functions set out in that Order;

[<sup>F2</sup>“areas of learning and experience” (“*meysydd dysgu a phrofiad*”) has the meaning given to it in section 3(1) of the 2021 Act;]

“census date” (“*dyddiad y cyfrifiad*”) means the date specified in a request for information made under these Regulations;

“census period” (“*cyfnod y cyfrifiad*”) means the period specified in a request for information made under these Regulations;

“the Council” (“*y Cyngor*”) means the Education Workforce Council continued in existence by section 2 of the 2014 Act;

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(1) 1996 c. 56.

(2) 2002 c. 32.

(3) 2014 anaw 5.

(4) S.I. 2003/1668.

“the Document” (“*y Ddogfen*”) means a document by reference to which provision for the remuneration and other conditions of employment of school teachers is made in an order made by the Secretary of State under section 122 of the 2002 Act;

F3  
...

[<sup>F1</sup>“funded non-maintained nursery education” (“*addysg feithrin a gyllidir ond nas cynhelir*”) has the meaning given to it in section 80(1)(a) of the 2021 Act;]

F4  
...

“local authority” (“*awdurdod lleol*”) means the local authority that maintains the school;

[<sup>F1</sup>“maintained nursery school” (“*ysgol feithrin a gynhelir*”) has the meaning given to it in section 79(1)(b) of the 2021 Act;]

[<sup>F1</sup>“maintained school” (“*ysgol a gynhelir*”) has the meaning given to it in section 79(1)(a) of the 2021 Act;]

[<sup>F1</sup>“nursery education” (“*addysg feithrin*”) means education provided to pupils below compulsory school age in a maintained school or a maintained nursery school;]

“PLASC census” (“*cyfrifiad CYBLD*”) means the pupil level annual school census completed by local authorities in respect of schools in their area and submitted to the Welsh Ministers on an annual basis pursuant to section 29 of the 1996 Act;

[<sup>F1</sup>“pupil” (“*disgybl*”) has the meaning given to it in section 3 of the 1996 Act;]

“qualified teacher” (“*athro cymwysedig neu athrawes gymwysedig*”) means a teacher who is qualified in accordance with section 132 of the 2002 Act;

[<sup>F1</sup>“reception year” (“*blwyddyn derbyn*”) means a year group in which the majority of the pupils in the class attain the age of 5;]

“registered person” (“*person cofrestredig*”) means a person registered in the register kept by the Council under section 9 of the 2014 Act;

“school teacher” (“*athro neu athrawes ysgol*”) has the meaning given to it in Table 1 in paragraph 1 of Schedule 2 to the 2014 Act;

F5  
...

“working day” (“*diwrnod gwaith*”) means any day other than a Saturday, a Sunday or a day which is a bank holiday within the meaning of section 1 of the Banking and Financial Dealings Act 1971(5) or other public holiday.

[<sup>F1</sup>“year 1” (“*blwyddyn 1*”) means a year group in which the majority of the pupils attain the age of 6;]

[<sup>F1</sup>“year 2” (“*blwyddyn 2*”) means a year group in which the majority of the pupils attain the age of 7;]

[<sup>F1</sup>“year 3” (“*blwyddyn 3*”) means the year group in which the majority of pupils attain the age of 8;]

[<sup>F1</sup>“year 4” (“*blwyddyn 4*”) means the year group in which the majority of pupils attain the age of 9;]

[<sup>F1</sup>“year 5” (“*blwyddyn 5*”) means the year group in which the majority of pupils attain the age of 10;]

[<sup>F1</sup>“year 6” (“*blwyddyn 6*”) means the year group in which the majority of pupils attain the age of 11;]

[<sup>F1</sup>“year 7” (“*blwyddyn 7*”) means the year group in which the majority of pupils attain the age of 12;]

[<sup>F1</sup>“year 8” (“*blwyddyn 8*”) means the year group in which the majority of pupils attain the age of 13;]

[<sup>F1</sup>“year 9” (“*blwyddyn 9*”) means the year group in which the majority of pupils attain the age of 14;]

[<sup>F1</sup>“year 10” (“*blwyddyn 10*”) means the year group in which the majority of pupils attain the age of 15;]

[<sup>F1</sup>“year 11” (“*blwyddyn 11*”) means the year group in which the majority of pupils attain the age of 16;]

[<sup>F1</sup>“year group” (“*grŵp blwyddyn*”) means a group of pupils at a school the majority of whom will, in a particular school year, attain the same age.]

- F1** Words in [reg. 2\(1\)](#) inserted (with effect in accordance with [reg. 13\(2\)](#) of the amending S.I.) by [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Secondary Legislation\) \(No. 1\) Regulations 2022 \(S.I. 2022/666\)](#), [regs. 1\(2\)](#), [13\(3\)\(e\)](#)
- F2** Words in [reg. 2\(1\)](#) substituted (with effect in accordance with [reg. 13\(2\)](#) of the amending S.I.) by [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Secondary Legislation\) \(No. 1\) Regulations 2022 \(S.I. 2022/666\)](#), [regs. 1\(2\)](#), [13\(3\)\(a\)](#)
- F3** Words in [reg. 2\(1\)](#) omitted (with effect in accordance with [reg. 13\(2\)](#) of the amending S.I.) by virtue of [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Secondary Legislation\) \(No. 1\) Regulations 2022 \(S.I. 2022/666\)](#), [regs. 1\(2\)](#), [13\(3\)\(b\)](#)
- F4** Words in [reg. 2\(1\)](#) omitted (with effect in accordance with [reg. 13\(2\)](#) of the amending S.I.) by virtue of [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Secondary Legislation\) \(No. 1\) Regulations 2022 \(S.I. 2022/666\)](#), [regs. 1\(2\)](#), [13\(3\)\(c\)](#)
- F5** Words in [reg. 2\(1\)](#) omitted (with effect in accordance with [reg. 13\(2\)](#) of the amending S.I.) by virtue of [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Secondary Legislation\) \(No. 1\) Regulations 2022 \(S.I. 2022/666\)](#), [regs. 1\(2\)](#), [13\(3\)\(d\)](#)

#### Commencement Information

- I2** [Reg. 2](#) in force at 31.10.2017, see [reg. 1\(2\)](#)

### Persons about whom information may be supplied

3. These Regulations apply only in respect of a qualifying worker(<sup>6</sup>) and qualifying trainee(<sup>7</sup>)—
- (a) who on the census date is employed or otherwise engaged to work at the school; or
- (b) during all or part of the census period—
- (i) is or has been employed or otherwise engaged to work at the school for at least 28 working days (“the Period”); or
- (ii) will have completed the Period by the end of their contract.

#### Commencement Information

- I3** [Reg. 3](#) in force at 31.10.2017, see [reg. 1\(2\)](#)

(6) As defined in section 113(2) of the 2005 Act.

(7) As defined in section 113(3) of the 2005 Act.

### Persons to whom a school proprietor or a local authority may be required to supply information

4. For the purposes of section 114(2)(c) of the 2005 Act, a local authority is a prescribed person.

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#### Commencement Information

**I4** [Reg. 4](#) in force at 31.10.2017, see [reg. 1\(2\)](#)

### Provision of information to local authorities by schools maintained by them

5. On receiving a request from a local authority, the proprietor<sup>(8)</sup> of that school must provide to that local authority such of the information set out in the Schedule as is requested in relation to—

- (a) a qualifying worker; or
- (b) a qualifying trainee.

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#### Commencement Information

**I5** [Reg. 5](#) in force at 31.10.2017, see [reg. 1\(2\)](#)

### Provision of information by local authorities to the Welsh Ministers

6. Within 27 working days of receiving a request from the Welsh Ministers, a local authority must provide the Welsh Ministers with any information—

- (a) supplied to that local authority under regulation 5; or
- (b) set out in the Schedule as is so requested in relation to—
  - (i) a qualifying worker; or
  - (ii) a qualifying trainee.

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#### Commencement Information

**I6** [Reg. 6](#) in force at 31.10.2017, see [reg. 1\(2\)](#)

### Persons to whom the Welsh Ministers may supply information for qualifying purposes

7.—(1) For the purposes of section 114(3) of the 2005 Act, the following are prescribed persons—

- (a) Her Majesty’s Chief Inspector of Education and Training in Wales;
- (b) the Secretary of State;
- (c) the administrator of the Teacher’s Pension Scheme;
- (d) a local authority in Wales;
- (e) the Council;
- (f) the proprietor of a school in Wales;

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(8) The term “proprietor” has the meaning given to it in section 579(1) of the 1996 Act. That section provides that in relation to a community, foundation or voluntary or community or foundation special school, or a maintained nursery school “proprietor” means the governing body. The definition of “proprietor” in the 1996 Act is to be read as if it were contained in the 2005 Act by virtue of section 122(2) of the 2005 Act. There are no foundation special schools in Wales.

- (g) the office of manpower economics<sup>(9)</sup>; and
- (h) persons conducting research relating to qualifying workers or qualifying trainees which may be expected to be of public benefit.

(2) The Welsh Ministers may provide such of the information referred to in the Schedule in respect of persons who are or have been qualifying workers or qualifying trainees to any person prescribed in paragraph (1).

**Commencement Information**

**I7** Reg. 7 in force at 31.10.2017, see [reg. 1\(2\)](#)

**Supply by the Welsh Ministers of information to persons who lawfully held or could have required the supply of that information**

**8.**—(1) For the purposes of section 114(6) of the 2005 Act, the following are prescribed persons—

- (a) a local authority in Wales;
- (b) the proprietor of the school at which—
  - (i) the qualifying worker works or is due to start working;
  - (ii) the qualifying trainee is training or is due to start training; and
- (c) Her Majesty’s Chief Inspector of Education and Training in Wales.

(2) The Welsh Ministers may provide any information in respect of persons who are or have been qualifying workers or qualifying trainees to any person prescribed in paragraph (1).

**Commencement Information**

**I8** Reg. 8 in force at 31.10.2017, see [reg. 1\(2\)](#)

**Prohibition on further disclosure**

**9.** No person to whom information is supplied by virtue of these Regulations may further disclose that information other than pursuant to an order of the court, an enactment or rule of law.

**Commencement Information**

**I9** Reg. 9 in force at 31.10.2017, see [reg. 1\(2\)](#)

20 September 2017

*Kirsty Williams*  
Cabinet Secretary for Education, one of the  
Welsh Ministers

(9) This is a non-departmental body established by the UK Government. It is funded by the Department for Business, Innovation and Skills.

**Changes to legislation:**

There are currently no known outstanding effects for the The Education (Supply of Information about the School Workforce) (Wales) Regulations 2017.