
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations impose requirements on schools and local authorities in Wales to supply information relating to qualifying workers or qualifying trainees (as defined in section 113(2) and (3) of the Education Act 2005 (“the 2005 Act”)).

Section 114(1) of the 2005 Act provides that the information which may be authorised or required to be supplied must be for a qualifying purpose. Section 114(5) of the 2005 Act defines qualifying purpose as information supplied for evaluation, planning, research, statistical purposes or any other prescribed purpose. These Regulations do not set out any other prescribed purposes for section 114(5)(b) of the 2005 Act. The information which may be required by virtue of these Regulations will be used for a qualifying purpose.

The effect of regulation 4 is that a local authority is added to the list of persons and bodies that a proprietor of a school may be required to supply information to. Accordingly, regulation 5 requires the governing body of any maintained school, on receiving a written request from a local authority by which the school is maintained, to supply such of the information referred to in the Schedule as may be requested to that local authority. There is a similar duty in regulation 6 which requires local authorities to supply to the Welsh Ministers information requested by them.

Regulation 7 prescribes the persons to whom the Welsh Ministers, for the purposes of section 114(3) of the 2005 Act are authorised to share the information with. The information may only be used for a qualifying purpose as specified in section 114(5) of the 2005 Act.

Regulation 8 prescribes the persons to whom the Welsh Ministers, for the purposes of section 114(6) of the 2005 Act, is authorised to share the information with.

Regulation 9 forbids the further disclosing of information by any persons to whom information has been supplied under these Regulations, subject to the exceptions of where the information is supplied pursuant to a court order, or under the provisions of an Act of statutory instrument, or as a rule of law.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Workforce Strategy Unit in the Department for Education and Public Services in the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

Changes to legislation:

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