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WELSH STATUTORY INSTRUMENTS

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**2003 No. 3237 (W.317)**

**EDUCATION, WALES**

**The Education (Information About Individual Pupils) (Wales) Regulations 2003**

*Made* - - - - - *9th December 2003*

*Coming into force* - - - - - *31st December 2003*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on the Secretary of State by sections 537A(1), (2) and (4) and 569(4) and (5) of the Education Act 1996(1) and now vested in the National Assembly for Wales(2):

**Name, commencement, application and revocation**

1.—(1) These Regulations are called the Education (Information About Individual Pupils) (Wales) Regulations 2003 and come into force on 31st December 2003.

(2) These Regulations apply in relation to Wales.

(3) The Education (Information About Individual Post-16 Pupils) (Wales) Regulations 2003(3) are revoked.

**Interpretation**

2. In these Regulations—

“the 1996 Act” (“*Deddf 1996*”) means the Education Act 1996;

“child looked after by a local authority” (“*plentyn sy'n derbyn gofal gan awdurdod lleol*”) has the meaning assigned to it by section 22(1) of the Children Act 1989(4);

“learning activity reference” (“*cyfeirnod gweithgaredd dysgu*”) means a combination of numbers which together with a letter are allocated to a course of study or other learning activity and are particular to that course or learning activity, determined by the National Council for Training and Education for Wales;

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(1) 1996 c. 56. Section 537A was inserted by the Education Act 1997 (1997 c. 44), section 20, and substituted by the School Standards and Framework Act 1998 (1998 c. 31), section 140(1) and Schedule 30, paragraphs 57 and 153. For the meaning of “prescribed” and “regulations” see section 579(1) of the 1996 Act.

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

(3) S.I. 2003/2453 (W.237).

(4) 1989 c. 41.

“permanently excluded” (“*wedi'i wahardd yn barhaol*”) in relation to a pupil means a pupil who has been permanently excluded from a school on disciplinary grounds;

“permanent exclusion date” (“*dyddiad gwahardd parhaol*”) means the date on which the name of a permanently excluded pupil is deleted from the Register;

“Register” (“*Cofrestr*”) means the register of pupils kept under section 434 of the 1996 Act and in accordance with the Education (Pupil Registration) Regulations 1995<sup>(5)</sup>;

“sixth form pupil” (“*disgybl chweched dosbarth*”) means a pupil in respect of whose education the National Council for Training and Education for Wales may make a grant to the local education authority under section 36 of the Learning and Skills Act 2000<sup>(6)</sup>;

“special school” (“*ysgol arbennig*”) has the meaning given by section 337 of the 1996 Act<sup>(7)</sup>; and

“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 for Wales.

### **Provision of information by schools maintained by local education authorities to their local education authorities**

3. Within fourteen days of receiving a request in writing from the local education authority by which a school is maintained, the governing body must provide to the authority such of the information referred to in the Schedule to these Regulations as is so requested.

### **Prescribed Persons**

4.—(1) For the purposes of section 537A(4) of the 1996 Act, the National Assembly for Wales prescribes as a person to whom it may provide individual pupil information —

- (a) any person referred to in paragraph (2) below; and
- (b) any person falling within the category referred to in paragraph (3) below.

(2) The persons referred to in paragraph (1)(a) above are —

- (a) the local education authority which maintains the school at which the pupil who is the subject of that information is or was registered or, in the case of a school which is not so maintained, the local education authority for the area in which the school is situated, at which the pupil who is the subject of that information is or was registered;
- (b) the National Council for Training and Education for Wales;
- (c) Local Government Data Unit-Wales; and
- (d) the Careers Wales companies established to provide careers services in Wales under sections 2, 8, 9 and 10 of the Employment and Training Act 1973<sup>(8)</sup>.

(3) The category referred to in paragraph (1)(b) above is that of persons conducting research into the educational achievements of pupils and who require individual pupil information for that purpose.

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(5) S.I. 1995/2089.

(6) 2000 c. 21.

(7) Section 337 was substituted by the School Standards and Framework Act 1998 (c. 31), section 140(1) and Schedule 30, paragraphs 57 and 80.

(8) 1973 c. 50. Section 2 was substituted by section 25(1) of the Employment Act 1988 and sections 8, 9 and 10 were substituted by section 45 of the Trade Union Reform and Employment Rights Act 1993 (c. 19).

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998<sup>(9)</sup>.

9th December 2003

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

SCHEDULE

Regulation 3

PROVISION OF INFORMATION ABOUT INDIVIDUAL PUPILS

PART 1

**All Pupils**

1. The following information about the pupil —
  - (a) current unique pupil number and, where the school has held a previous unique pupil number for that pupil, the previous number;
  - (b) surname;
  - (c) first name, or if more than one each first name;
  - (d) middle name, or if more than one each middle name;
  - (e) gender;
  - (f) date of birth;
  - (g) ethnic group;
  - (h) national identity;
  - (i) date of admission to the school; and
  - (j) National Curriculum year group in which the pupil is taught.
2. The postcode of the home where the pupil normally resides.
3. Whether the information as to the pupil's ethnic group and national identity provided by virtue of this Part was provided by —
  - (a) the pupil;
  - (b) a parent;
  - (c) the school;
  - (d) a former school; or
  - (e) any other source.
4. The pupil's level of fluency in the Welsh language.
5. Whether or not the pupil speaks Welsh at home and, if so, with whom.
6. Whether the pupil studies Welsh as a first or second language.
7. Whether the information as to the pupil's level of fluency in the Welsh language and the pupil's speaking of Welsh at home provided by virtue of this Part was provided by —
  - (a) the pupil;
  - (b) a parent;
  - (c) the school;
  - (d) a former school; or
  - (e) any other source.
8. Whether the pupil studies any subject, other than Welsh as a first or second language, through the medium of Welsh.

9. Whether, pursuant to sections 512(3) and 512ZB of the 1996 Act<sup>(10)</sup>, the pupil has applied and been found eligible for free school meals.

10. Whether, pursuant to sections 512(1) and 512ZB of the 1996 Act, the pupil has applied and been found eligible for free school milk.

11. 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>(11)</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.

12. Where the pupil is, to the knowledge of the governing body, a child looked after by the local authority, that fact and the name of the local authority.

13. Whether the pupil has been, to the knowledge of the governing body, a child looked after by the local authority whilst on the school's Register and, if so, the name of the local authority by which the pupil was most recently looked after.

14. In the case of a special school that is not a special school established in a hospital whether the pupil boards at the school and, if so, whether the pupil boards for seven nights per week or less than seven nights per week.

15. Whether the pupil is a registered pupil at one school or more than one school and, where the pupil is registered as a pupil at more than one school, whether the return is being made by the school that the pupil attends for the majority of his or her time.

16. Whether the pupil is part-time, and, for the purposes of this paragraph, "part-time" means that the pupil is attending fewer than ten school sessions in any week during which the school meets.

17. In the case of a school which is not a special school, whether the pupil is receiving education in —

- (a) a nursery class;
- (b) a special class which has been so designated by the local education authority or so organised by the school; or
- (c) a mainstream class that has not been designated as a special class by the local education authority or organised as a special class by the school.

## PART 2

### Sixth Form Pupils

1. The following information about each sixth form pupil at the school —

- (a) whether the pupil is studying towards a Welsh Baccalaureate Qualification; and
- (b) the title of each course or other learning activity the pupil is studying.

2. In relation to each course or other learning activity the pupil is studying —

- (a) the learning activity reference;
- (b) the date the pupil commenced the learning activity;

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<sup>(10)</sup> Sections 512 and 512ZB, together with section 512ZA, were substituted by section 512 as originally enacted by the Education Act 2002 (c. 32), section 201(1).

<sup>(11)</sup> ISBN 0 7504 27574.

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

- (c) the expected end date of the learning activity;
- (d) the identity of the provider of the learning activity;
- (e) whether the learning activity is delivered through the medium of English, the medium of Welsh, or bilingually through the media of English and Welsh; and
- (f) whether the pupil has a learning difficulty or a disability, or both, and if so whether the pupil is undertaking a discrete learning activity or a mainstream learning activity.

## PART 3

### Excluded Pupils

1. The following information about each pupil permanently excluded from the school and whose permanent exclusion date was in the year ending on 31st August preceding the date on which the request for information is made —

- (a) current unique pupil number;
- (b) surname;
- (c) first name, or if more than one each first name;
- (d) middle name, or if more than one each middle name;
- (e) gender;
- (f) date of birth; and
- (g) the date the permanent exclusion began.

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### EXPLANATORY NOTE

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

These Regulations require the governing body of any maintained school on receiving a written request from the local education authority by which the school is maintained to supply within fourteen days such of the information referred to in the Schedule as may be requested by the authority in respect of pupils at the school.

Regulation 4 additionally prescribes which persons may be provided with individual pupil information by the National Assembly for Wales under section 537A(4) of the Education Act 1996.