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STATUTORY INSTRUMENTS

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**1997 No. 2709**

**EDUCATION, ENGLAND AND WALES**

**WALES**

**The Education (Individual Pupils' Achievements)  
(Information) (Wales) (Amendment) Regulations 1997**

<i>Made</i>	- - - -	<i>11th November 1997</i>
<i>Laid before Parliament</i>		<i>19th November 1997</i>
<i>Coming into force</i>	- -	<i>6th January 1998</i>

In exercise of the powers conferred on the Secretary of State by sections 408 and 569(4) and (5) of the Education Act 1996(1), and after consulting with those persons with whom consultation appeared to him to be desirable, the Secretary of State for Wales hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Education (Individual Pupils' Achievements) (Information) (Wales) (Amendment) Regulations 1997 and shall come into force on 6th January 1998.

**Amendment of Regulations**

2. The Education (Individual Pupils' Achievements) (Information) (Wales) Regulations 1997(2) shall be amended as follows.

3. In regulation 2(1)—

(a) there shall be inserted after the definition of “attendance record” the following—

““education welfare officer” 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;” and

(b) there shall be substituted for the definition of “external marking agency” the following—

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(1) 1996 c. 56. Section 408 is amended by paragraph 30(a) of Schedule 7 to the Education Act 1997 (c. 44) and applied in relation to grant-maintained special schools by S.I.1994/653. For the meaning of “prescribed” and “regulations” see section 579(1).  
(2) S.I. 1997/573.

““external marking agency” means a body nominated by Awdurdod Cymwysterau, Cwricwlwm ac Asesu Cymru or the Qualifications, Curriculum and Assessment Authority for Wales;”.

4. In Schedule 1, Part 1, in paragraph 1(2) there shall be inserted after “such attainment targets” the following—

“(including, in the case of the NC test in English, if the document in which that test is published requires the record of the pupil’s level in “Writing” to include a statement of his level in spelling, the pupil’s level in spelling)”;

and paragraph 1(4) shall be omitted.

5. In Schedule 2—

(a) in paragraph 1(2) there shall be inserted at the end the following—

“(including, in the case of the NC test in English, if the document in which that test is published requires the record of the pupil’s level in “Writing” to include a statement of his level in spelling, the percentages of such registered pupils who achieved each level in spelling)”;

(b) after paragraph 2(4) there shall be inserted—

“(4A) The percentages of registered pupils in the final year of the second key stage who were not entered for each NC test referred to in sub-paragraph (2) because, under the statutory arrangements, that NC test was not required to be administered to those pupils.”;

(c) in paragraph 2(5) there shall be inserted at the end the words—

“(excluding pupils falling within sub-paragraph (4) or (4A))”;

(d) after paragraph 3(4) there shall be inserted—

“(4A) The percentages of registered pupils in the final year of the third key stage who were not entered for each NC test referred to in sub-paragraph (2) because, under the statutory arrangements, that NC test was not required to be administered to those pupils.”; and

(e) in paragraph 3(5) there shall be inserted at the end the words—

“(excluding pupils falling within sub-paragraph (4) or (4A))”.

6. In Schedule 3, in paragraph 1(2) the words “and NC tasks (where applicable)” shall be omitted.

Signed by authority of the Secretary of State for Wales

*Peter Hain*  
Parliamentary Under Secretary of State, Welsh  
Office

11th November 1997

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## EXPLANATORY NOTE

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

These Regulations amend the Education (Individual Pupils' Achievements) (Information) (Wales) Regulations 1997 (“the principal Regulations”) which apply to pupils and former pupils at maintained schools in Wales.

Apart from a minor drafting amendment, the main amendments are to Schedules 1 and 2 to the principal Regulations, which are concerned with information to be included in the head teacher’s report to parents of pupils at key stages 1, 2 and 3. The amendments reflect changes in the assessment arrangements at those key stages, which now provide—

- (a) for a pupil’s level of attainment in the English “Writing” attainment target, as ascertained by the application of NC tests, to include a separate statement of his level in spelling where the document in which the test is published so requires, and
- (b) in the case of key stages 2 and 3, for NC tests to be administered only to more able pupils.

See regulations 4 and 5.

Other, more minor, amendments to the principal Regulations include the omission of paragraph 1(4) of Schedule 1, which has now become otiose following changes in the assessment arrangements (regulation 4). A definition of “education welfare officer” has been inserted in the principal Regulations, and the definition of “external marking agency” in those Regulations has been amended to reflect a change of name of the body specified in that definition as the body by which that agency is to be nominated (regulation 3).