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STATUTORY INSTRUMENTS

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**1994 No. 959**

**EDUCATION, ENGLAND AND WALES**

**The Education (Individual Pupils' Achievements)  
(Information) (Wales) Regulations 1994**

<i>Made</i>	- - - -	<i>29th March 1994</i>
<i>Laid before Parliament</i>		<i>31st March 1994</i>
<i>Coming into force</i>	- -	<i>22nd April 1994</i>

In exercise of the powers conferred on the Secretary of State by sections 22 and 232(5) and (6) of the Education Reform Act 1988(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, commencement, extent and revocation of previous Regulations**

1.—(1) These Regulations may be cited as the Education (Individual Pupils' Achievements) (Information) (Wales) Regulations 1994 and shall come into force on 22nd April 1994.

(2) These Regulations apply in relation to pupils and former pupils at maintained schools in Wales only.

(3) The Education (Individual Pupils' Achievements) (Information) (Wales) Regulations 1993(2), except regulation 8, are hereby revoked.

**Interpretation**

2.—(1) In these Regulations—

“the Act” means the Education Reform Act 1988;

“attendance record” means the record of a pupil’s school attendance contained in the Attendance Register kept in accordance with section 80 of the Education Act 1944(3) and the Pupils' Registration Regulations 1956(4);

“class” has the meaning assigned to it by section 3(6) of the Act;

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(1) 1988 c. 40; section 22 was amended by the Education (Schools) Act 1992 (c. 38), paragraph 6 of Schedule 4.

(2) S.I.1993/835.

(3) 1944 c. 31; section 80 was repealed in part and extended by section 4 of and Schedule 2 to the Education (Miscellaneous Provisions) Act 1948 (c. 40) and was amended by Schedule 1 to the Education Act 1980 (c. 20) and paragraph 58 of Schedule 12 to the Education Reform Act 1988. For matters to be prescribed see section 114(1) of the Education Act 1944.

(4) S.I. 1956/357, amended by S.I. 1987/1285, 1988/1185 and 1991/1582.

“GCE ‘A’ level” and “GCE ‘AS’” mean General Certificate of Education advanced level and advanced supplementary respectively;

“GCSE” means General Certificate of Secondary Education;

“IB” means International Baccalaureate Diploma;

“key stage” means any of the periods set out in paragraphs (a) to (d) respectively of section 3(3) of the Act, and a reference to the first, third or fourth key stage is a reference to the periods set out respectively in the said paragraphs (a), (c) and (d);

“levels” means the levels of attainment set out in any document of a kind referred to in section 4(4) of the Act the provisions of which have effect, or (as the case may be) have effect as amended, by virtue of any Order made under section 4(2)(a) or (b) of the Act and, unless the context otherwise requires, means such levels determined in accordance with the statutory arrangements;

“maintained school” has the meaning assigned to it by section 25(1) of the Act;

“NC tests” means National Curriculum tests administered to pupils for the purpose of assessing the levels of attainment which they have achieved in attainment targets or in the relevant subjects;

“relevant subjects” means in relation to Key Stage 1—

- (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, in relation to Key Stage 3, mathematics, science, Welsh and English.

“school day” means a day on which the school meets;

“teacher assessment” means assessment of a pupil’s level of attainment in an attainment target or relevant subject by the pupil’s teacher as specified in the statutory arrangements;

“the statutory arrangements” means assessment arrangements specified by orders made under section 4(2)(c) of the Act; and

“vocational qualification” includes a credit towards such a qualification.

(2) In these Regulations a reference to an attainment target or subject from which a pupil is exempt is to an attainment target or subject which does not apply to a pupil by virtue of regulations made under section 17 of the Act, provision made pursuant to section 18 of the Act in the pupil’s statement of special educational needs made under section 7 of the Education Act 1981<sup>(5)</sup> or a direction given by the headteacher pursuant to regulations made under section 19 of the Act<sup>(6)</sup>.

(3) 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) where 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;

(4) In these Regulations, unless the context otherwise requires, any reference to a regulation is a reference to a regulation in these Regulations and any reference in a regulation to a paragraph is

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<sup>(5)</sup> 1981 c. 60.

<sup>(6)</sup> The current regulations are the Education (National Curriculum) (Temporary Exceptions for Individual Pupils) Regulations 1989 (S.I. 1989/1181).

to a paragraph of the regulation or Schedule in which the reference is made, and any reference to a sub-paragraph is a reference to a sub-paragraph of the paragraph in which the reference is made.

### **Headteacher's report to parents and adult pupils**

**3.—(1)** The headteacher of every maintained school shall, each school year, make available to the persons specified in paragraph (2), in accordance with paragraphs (5) to (8), in writing a report containing the information specified in paragraphs (3) and (4).

(2) The persons are—

- (a) in the case of pupils registered at the school aged 18 or over at the time a report is sent and who are not proposing to leave the school by the end of the school year to which the report relates, each such pupil and, if the headteacher considers there to be special circumstances which make it appropriate, the parent of each such pupil;
- (b) in the case of all other pupils registered at the school, the parent of each such pupil.

(3) The report shall contain the information about the educational achievements of the pupil to whom or to whose parent the report is sent and the other information relating to him specified—

- (a) as respects pupils in the final year of the first, third or fourth key stage, in Part 1 of Schedule 1 hereto;
- (b) as respects pupils in any other year of a key stage, in Part 2 of that Schedule;
- (c) as respects pupils who have been entered for GCE 'A' level or GCE 'AS' examination or IB or who have obtained a vocational qualification, in Part 3 of that Schedule; and
- (d) as respects all other pupils, in Part 4 of that Schedule.

(4) In the case of the pupils registered at the school in the final year of the first or third key stage there shall be included in the report the information relating to the educational achievements of all other such pupils registered at the school whose achievements were assessed at the same time as the pupil's achievements, and the other information relating to such pupils, specified in Schedule 2 to these Regulations.

(5) Nothing in this regulation shall prevent the information specified in paragraphs (3) and (4) being contained in more than one report provided that, subject to paragraph (7), the headteacher shall each school year send such information by post or otherwise before the end of the summer term.

(6) The period to which a report containing any information specified in paragraph (3) relates shall in all cases begin with the later of—

- (a) the pupil's admission to the school; or
- (b) the end of the period to which the last report on such matters made pursuant to these Regulations or as the case may be the Regulations revoked by regulation 1 related.

(7) Where any of the particulars necessary to provide the information specified in paragraph (8) are not received by the head teacher until after the end of the summer term, he shall send such information as soon as practicable and in any event not later than the following 30th September.

(8) The information is—

- (a) the results of public examinations taken or details of vocational qualifications achieved by a pupil; or
- (b) such results or details in respect of a pupil over compulsory school age and not in any key stage; or
- (c) the results of NC tests taken by a pupil at the end of the third key stage verified by a designated body in accordance with the Education (National Curriculum) (Assessment

Arrangements for English, Welsh, Mathematics and Science) (Key Stage 3) (Wales) Order 1993(7); or

(d) the information referred to in paragraph 2(3) of Schedule 1 and paragraph 2 of Schedule 2.

#### **Additional information to be made available**

4.—(1) In the case of a pupil in the final year of a key stage, the head teacher shall if requested by the pupil's parent make available to the parent, in accordance with this regulation, information consisting of his levels in each attainment target in any relevant subject if such information has not previously been made available pursuant to these Regulations.

(2) The head teacher shall comply with such a request within fifteen school days of its receipt by him.

#### **School leaver's report**

5.—(1) The head teacher of every maintained school shall make available to any pupil who has ceased to be of compulsory school age and is proposing to leave or has left the school the information referred to in paragraph (2) in accordance with paragraphs (3) to (5).

(2) The information consists of—

- (a) the pupil's name;
- (b) the pupil's school;
- (c) the results of any public examination taken by the pupil and any qualification and credits towards a qualification awarded to him; and
- (d) brief particulars of the pupil's progress and achievements in all other subjects and activities forming part of the school curriculum in the school year during or at the end of which the pupil left the school.

(3) The information referred to in sub-paragraphs (a), (b) and (d) of paragraph (2) shall be included under the heading "School Achievements" in the form specified in Schedule 3, or a form to the like effect, and the information referred to in sub-paragraphs (a) and (c) of paragraph (2) shall be so included under the heading "Qualifications and Credits".

(4) The part of the form in which the information referred to in sub-paragraphs (a), (b) and (d) of paragraph (2) is made available shall provide for signature by the pupil, and that part of the form and the part of the form in which the information referred to in sub-paragraphs (a) and (c) of paragraph (2) shall both provide for signature by a teacher who is familiar with the pupil and his achievements.

(5) Such information shall be made available to the pupil not later than 30th September next following the end of the school year during or at the end of which the pupil left the school.

#### **Report when pupil changes school**

6.—(1) Subject to paragraphs (4) and (5) where a pupil ceases to be a registered pupil at a maintained school (his "old" school) and becomes a registered pupil at another school (his "new" school), the head teacher of the pupil's old school shall at the time referred to in paragraph (3) send to the head teacher of his new school a report about the pupil containing the information referred to in paragraph (2).

(2) The information is—

- (a) the subject and attainment target levels achieved by the pupil in each of the relevant subjects shown by his most recent and all previous assessments (where available) in

accordance with the statutory arrangements specifying both teacher and NC test assessed levels;

- (b) in the case of a pupil of compulsory school age, his teacher's most recent assessments of his achievements in relation to all attainment targets in the relevant subjects, since the later of his last assessment in accordance with the statutory arrangements and his admission to the old school; and
- (c) the results of any public examination taken and details of vocational qualifications achieved by him (including results of such examinations taken and details of such qualifications achieved, when the pupil was a registered pupil at another maintained school).

(3) The head teacher of the pupil's old school shall send the report within 15 school days of the pupil's ceasing to be registered at the school.

(4) This regulation does not apply where it is not reasonably practicable for the head teacher of the old school to ascertain the pupil's new school, nor where the pupil was registered at his old school for less than four weeks.

(5) Notwithstanding paragraph (4) if the head teacher of the pupil's old school receives at any time a request from the head teacher of the pupil's new school for a report about the pupil he shall send one containing the information referred to in paragraph (2) within 15 school days of receiving the request.

### **Restrictions on provision of information**

7.—(1) The provisions of paragraph (2) apply to the information required to be provided by regulation 3 consisting of brief particulars of a pupil's skills and abilities and general progress.

(2) Nothing in regulation 3 shall require the making available of any information—

(a) originating from or supplied by or on behalf of any person other than—

- (i) an employee of the local education authority which maintains the school;
- (ii) in the case of a grant-maintained or voluntary aided school, a teacher or other employee at the school (including an educational psychologist engaged by the governing body under a contract for services);
- (iii) an education welfare officer (within the meaning of the Education (No. 2) Act 1986)(8);
- (iv) the person requesting disclosure; or

(b) to the extent that it would reveal, or enable to be deduced, the identity of a person (other than the pupil to whom that information relates or a person mentioned in paragraph (a)) as the source of the information or as a person to whom that information relates.

(3) Nothing in these Regulations shall require the making available of any information—

- (a) to the extent that disclosure would in the opinion of the head teacher be likely to cause serious harm to the physical or mental health or emotional condition of the pupil to whom the information relates or of any other person; or
- (b) to the extent that in the opinion of the head teacher it is relevant to the question whether the pupil to which it relates is or has been the subject of or may be at risk of child abuse; or
- (c) so as to disclose the levels in any attainment target or subject of any other pupil.

(4) In this regulation "child abuse" includes physical (other than accidental) injury to, and physical and emotional neglect, ill-treatment or sexual abuse of, a child.

### **Translation of report**

8.—(1) If any information required to be made available under these Regulations is provided in Welsh, then if it appears requisite to the head teacher of any school that the information should be translated into English, it shall be so translated and these Regulations shall apply to the information so translated as they apply to the original information.

(2) If any information required to be made available under these Regulations is provided in English, then if it appears requisite to the head teacher of any school that the information should be translated into Welsh, it shall be so translated and these Regulations shall apply to the information so translated as they apply to the original information.

(3) If it appears requisite to the head teacher of any school that any information required to be made available under these Regulations should be translated into a language other than English or Welsh, it shall be so translated and these Regulations shall apply to the translated information as they apply to the original information.

(4) No charge shall be made for a copy of any information translated in accordance with paragraphs (1), (2) or (3).

## SCHEDULE 1

Regulation 3(3)

### INFORMATION ABOUT INDIVIDUAL PUPILS

#### PART 1

##### PUPILS IN THE FINAL YEAR OF THE FIRST KEY STAGE

1.—(1) The information specified in Part 2 of this Schedule.

(2) Teacher assessment of the pupil's subject level in English, Welsh, mathematics and science.

(3) Teacher assessment of the pupil's level in the attainment targets in English entitled "Speaking and Listening", "Reading", "Writing", "Spelling" and "Handwriting"; in the attainment targets in Welsh entitled "Speaking, Viewing and Listening", "Reading", "Writing" and "Handwriting"; and in the attainment target in mathematics entitled, "Number", together with the results of any NC tests in such attainment targets.

(4) A brief account of what the pupil's achievements reported pursuant to sub-paragraphs (2) and (3) show about the pupil's progress in the relevant subjects individually and in relation to other children in the same year of the key stage which draws attention to any particular strengths and weaknesses of the pupil.

##### PUPILS IN THE FINAL YEAR OF THE THIRD KEY STAGE

2.—(1) The information specified in Part 2 of this Schedule.

(2) Teacher assessment of the pupil's subject level in each of the relevant subjects together with the results of NC tests in such subjects.

(3) A brief account of what the pupil's achievements reported pursuant to sub-paragraph (2) show about the pupil's progress in the relevant subjects individually and in relation to other children in the same year of the key stage which draws attention to any particular strengths and weaknesses of the pupil.

##### PUPILS IN THE FINAL YEAR OF THE FOURTH KEY STAGE

3.—(1) The information specified in Part 2 of this Schedule.

- (a) (2) (a) The name of any subject in which the pupil was entered for the GCSE and the grade achieved; and
- (b) any other qualification or unit towards such qualification and where available the grade achieved.

#### PART 2

##### PUPILS IN ANY OTHER YEAR OF A KEY STAGE

4.—(1) The information specified in Part 4 of this Schedule.

(2) In relation to all foundation subjects, brief particulars of the pupil's achievements in relation to each subject together with a statement, where the particulars include levels, whether or not those levels have been determined in accordance with the statutory arrangements.

(3) Where the pupil is in the final year of a key stage, particulars of any attainment target or subject from which the pupil is exempt.

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(4) A summary of the pupil's attendance record during the period to which information relates showing the number of unauthorised absences (within the meaning of the Pupils' Registration Regulations 1956<sup>(9)</sup>) and the number of possible attendances.

### PART 3

#### PUPILS WHO HAVE TAKEN GCE 'A' LEVEL OR GCE 'AS' EXAMINATIONS

5.—(1) The information specified in Part 4 of this Schedule.

(2) The name of any subject in which the pupil was entered for GCE 'A' level or GCE 'AS' examinations and the grade achieved.

(3) The number of points scored by the pupil, calculated in accordance with regulation 4(5) of the Education (School Performance Information) (Wales) Regulations 1993<sup>(10)</sup>.

#### PUPILS WHO HAVE OBTAINED A VOCATIONAL QUALIFICATION OR IB

6.—(1) The information specified in Part 4 of this Schedule.

(2) The qualification or credit towards such qualification and, where available, the grade achieved.

### PART 4

#### ALL PUPILS

7.—(1) Brief particulars of the pupil's achievements in any subject or activity not mentioned elsewhere in this Schedule which forms part of the school curriculum and of his skills and abilities and his general progress at school during the period to which the information relates.

(2) Particulars of the arrangements under which the report may be discussed with the pupil's teachers by his parent or, in the case of a pupil aged 18 or over, the pupil.

(3) The results of any public examination taken and details of any qualification or credit towards such qualification obtained by the pupil during the period to which the information relates which is not referred to elsewhere in this Schedule.

### SCHEDULE 2

Regulation 3(4)

#### INFORMATION ABOUT PUPILS AT THE SCHOOL

#### PUPILS IN THE FINAL YEAR OF THE FIRST KEY STAGE

1.—(1) For the purposes of this paragraph registered pupils are registered pupils at the school on the day which is four weeks before the last school day of the summer term.

(2) The percentages of registered pupils at the school in the final year of the first key stage at each level in the attainment targets in English, entitled "Reading", "Writing", "Spelling" and "Handwriting"; in the attainment targets in Welsh entitled "Speaking, Viewing and Listening",

<sup>(9)</sup> S.I. 1956/357 amended by S.I. 1987/1285, 1988/1185 and 1991/1582.

<sup>(10)</sup> S.I. 1993/2194.



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“Reading”, “Writing” and “Handwriting”; and in the attainment target in mathematics entitled “Number”, in each case shown both as determined by teacher assessment and by NC tests.

(3) The percentage of registered pupils at the school in the final year of the first key stage who are working towards level 1.

(4) The percentages of registered pupils at the school in the final year of the first key stage who are exempt from each attainment target referred to in sub-paragraph (2).

(5) The percentages of registered pupils at the school in the final year of the first key stage who were absent from each NC test referred to in sub-paragraph (2).

### PUPILS IN THE FINAL YEAR OF THE THIRD KEY STAGE

2.—(1) For the purposes of this paragraph registered pupils are registered pupils at the school on the day which is two weeks before the last school day of the summer term.

(2) The percentages of registered pupils at the school in the final year of the third key stage who achieved each level in each relevant subject shown both as determined by teacher assessment and by NC tests.

(3) The percentages of registered pupils at the school in the final year of the third key stage who are working towards level 1.

(4) The percentages of registered pupils at the school in the final year of the third key stage who are exempt from each relevant subject.

(5) The percentages of registered pupils at the school in the final year of the third key stage who were absent from each NC test referred to in sub-paragraph (2).

## SCHEDULE 3

Regulation 5(3)

### SCHOOL ACHIEVEMENTS

Your Name:

School:

Provide brief particulars of achievement, subject by subject:

Signature (Teacher):

Signature (Student):

Date:

### QUALIFICATIONS AND CREDITS

Your Name:

Subjects/qualifications/credits and awarding body, level/result and date achieved:

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29th March 1994

*John Redwood*  
Secretary of State for Wales

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## EXPLANATORY NOTE

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

These Regulations replace the Education (Individual Pupils' Achievements) (Information) (Wales) Regulations 1993, which are revoked apart from regulation 8. Apart from minor and drafting amendments the following changes of substance are made.

The head teacher is required to send a report on adult pupils' progress and achievements to adult pupils only, and not to their parents (except where the head teacher considers that it is appropriate to do so). There is no longer a requirement to send such a report to adult pupils who are leaving school (regulation 3(1) and (2)).

The information required to be reported about a pupil's achievements and progress has been reduced. However there is a specific requirement to include details if a pupil has achieved a vocational qualification or the International Baccalaureate Diploma. There are minor amendments to the explanatory commentary required on the pupil's National Curriculum levels of attainment (regulation 3(3) and Schedule 1).

There is no longer a requirement to provide in the report the National Curriculum levels of attainment and GCSE, GCE 'A' level and GCE 'AS' results of pupils at schools in Wales. The head teacher is however required to include information about all other pupils at the school in the final year of the first and third key stages (regulation 3(4) and Schedule 2).

The required information may be sent at any time before the end of the summer term (or by 30th September in the case of specified information not available by the end of term) and may be contained in more than one report (regulation 3(5), (7) and (8)).

The head teacher is required to provide additional information to the parents of pupils in the final year of any key stage on request (regulation 4).

There are minor changes to the information to be contained in and the form of the school leaver's report (regulation 5 and Schedule 3).

When a pupil transfers to a new school (including an independent school) the information required to be included in the report from the head teacher of the pupil's old school now includes details of any vocational qualifications achieved (regulation 6).

Amendments have been made to the provisions relating to the circumstances in which information is not to be made available (regulation 7).