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

1.—(1) These Regulations may be cited as the Education (Individual Pupils' Achievements) (Information) (Wales) Regulations 1996 and shall come into force on 25th March 1996.

(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 1994(2) and the Education (Individual Pupils' Achievements) (Information) (Wales) (Amendment) Regulations 1995(3) are revoked.

Interpretation

2.—(1) In these Regulations—

“the Act” means the Education Reform Act 1988;

(1) 1988 c. 40; section 22 was amended by the Education (Schools) Act 1992 (c. 38), paragraph 6 of Schedule 4 and by the Education Act 1993 (c. 35), Schedule 19, paragraph 123.

(2) S.I.1994/959.

(3) S.I. 1995/522.
“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(4) and the Education (Pupil Registration) Regulations 1995(5);
“class” has the meaning assigned to it by section 3(6) of the Act;
“external marking agency” means a body nominated by Awdurdod Cwricwlwm ac Asesu Cymru or the Curriculum and Assessment Authority for Wales(6) and approved by the Secretary of State to mark NC tests;
“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(7), and a reference to the first, second, third or fourth key stage is a reference to the periods set out respectively in the said paragraphs (a) to (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”, in the case of pupils in the final year of the first key stage, means standard task assessments administered to pupils for the purpose of assessing the level of attainment they have achieved in English, mathematics and (where it is a relevant subject) Welsh and, in relation to pupils in the final year of the second or third key stage “NC tests” and “NC tasks” mean respectively National Curriculum tests and National Curriculum tasks administered to pupils for the purpose of assessing the levels of attainment which they have achieved in any relevant subject;
“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
(b) in the case of schools and classes which are not Welsh-speaking, English;
and, in relation to Key Stages 2 and 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;

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(4) 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.
(5) S.I. 1995/2089.
(6) The authority now known as Awdurdod Cwricwlwm ac Asesu Cymru or the Curriculum and Assessment Authority for Wales was established by section 141(1)(b) of the Education Reform Act 1988 (c. 40) under the name of the Curriculum Council for Wales. Its present name was substituted by section 253(1) of the Education Act 1993. The assessment functions were transferred to it by the Education (School Curriculum and Assessment Authority) (Transfer of Functions) Order 1994 (S.I. 1994/645) and the Education (School Curriculum and Assessment Authority) (Transfer of Functions) Order 1995 (S.I. 1995/903).
(7) Section 3(3) was amended by paragraph 113 of Schedule 19 to the Education Act 1993.
“the statutory arrangements” means assessment arrangements specified by orders made under section 4(2)(c) of the Act(8); 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, respectively, to an attainment target which, or to a subject the National Curriculum for 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 or a direction given by the headteacher pursuant to regulations made under section 19 of the Act(9).

(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) in which, 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 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 (7) to (10), in writing a report containing the information specified in paragraphs (3) to (6).

(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; or

(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, respectively, the first, second, third and fourth key stages, in, respectively, paragraphs 1, 2, 3 and 4, of Part 1 of Schedule 1 hereto;

(b) as respects pupils in any year of any key stage (including those referred to in sub-paragraph (a)), in Part 2 of that Schedule;

(c) as respects pupils who were entered for any GCE ‘A’ level or GCE ‘AS’ examination, IB or vocational examination, in Part 3 of that Schedule; and

(d) as respects all pupils registered at the school (including those referred to in sub-paragraphs (a) to (c) above), in Part 4 of that Schedule.


(4) In the case of the pupils registered at the school in, respectively, the final year of the first, second and third key stages there shall be included in the report the information relating to the educational achievements of all other such pupils registered at the school in the final year of that key stage whose achievements were assessed under the statutory arrangements at the same time as the pupil’s achievements, and the other information relating to such pupils, specified in paragraphs 1, 2 and 3, respectively, of Schedule 2 to these Regulations.

(5) In the case of the pupils registered at the school in the final year of the first key stage there shall be included in the report the information specified in paragraph 1 of Schedule 3 relating to the educational achievements of all pupils at schools in Wales who were in the final year of that key stage in the preceding school year and whose achievements were assessed under the statutory arrangements in that preceding school year.

(6) In the case of the pupils registered at the school in the final year of, respectively, the second and third key stages there shall be included in the report the information specified in paragraph 2 of Schedule 3 relating to the educational achievements of all pupils at schools in Wales who were in the final year of that key stage in the preceding school year and whose achievements were assessed under the statutory arrangements in that preceding school year.

(7) Nothing in this regulation shall prevent the information specified in paragraphs (3) to (6) being contained in more than one report provided that, subject to paragraph (9), the headteacher shall each school year send such information by post or otherwise before the end of the summer term.

(8) 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.

(9) Where any of the particulars necessary to provide the information specified in paragraph (10) 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.

(10) The information is—

(a) the results of public examinations taken or details of vocational qualifications achieved by a pupil;

(b) such results or details in respect of a pupil over compulsory school age and not in any key stage;

(c) the results of NC tests taken by a pupil at the end of the second or third key stage as given in the record of results provided by the external marking agency in accordance with the statutory arrangements;

(d) the information referred to in paragraphs 2(2) and 3(2) of Schedule 1 and paragraphs 2 and 3 of Schedule 2;

(e) the information referred to in paragraph 1(4) of Schedule 1 insofar as it relates to NC tests.

(11) Paragraphs (12) and (13) apply where the head teacher has requested but not received before the end of the summer term a review by the external marking agency of the result of any of the NC tests taken by a pupil in the final year of the first, second or third key stage.

(12) The information specified in paragraph (3) shall indicate that the result which is the subject of the review is provisional.

(13) Once the reviewed result has been received by the head teacher, he shall send as soon as possible and in any event not later than the following 30th September after the summer term, information giving the reviewed result of the NC tests, to those persons who earlier received the information that the result of the NC tests was provisional.
Additional information to be made available

4.—(1) In the case of a registered pupil at a maintained school in the final year of any 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 in accordance with the statutory arrangements 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 subjects (other than those in which the pupil has taken any public examination) and in any 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 “Achievements in Education” in the form specified in Schedule 4, 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) is made available 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 teacher, NC test and NC task 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 in accordance
with the statutory arrangements, 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 specified in paragraph 8(1) of Schedule 1.

(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 school or a 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)(10); or

(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 sub-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;

(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

(10) 1986 c. 61.
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

INFORMATION ABOUT INDIVIDUAL PUPILS

PART 1

PUPILS IN THE FINAL YEAR OF THE FIRST KEY STAGE

1.—(1) Teacher assessment of the pupil’s subject level in each of the relevant subjects.

(2) Teacher assessment of the pupil’s level in the attainment targets in English entitled “Speaking and Listening”, “Reading” and “Writing” and in the attainment targets in Welsh entitled “Oral (Speaking, Viewing and Listening)”, “Reading” and “Writing”; together with the results of any NC tests in such attainment targets and in the subjects of Welsh and mathematics.

(3) A brief account of what the pupil’s achievements reported pursuant to sub-paragraphs (1) and (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.

(4) Where pursuant to the statutory arrangements for the first key stage, the NC tests for English, Welsh or mathematics specified in the statutory arrangements for the second key stage are administered to a pupil, the results of any such NC tests in which the pupil’s level of attainment as given in the record of results provided by the external marking agency is level 4 or above together with teacher assessment of the pupil’s subject level in the subject or subjects in respect of which those NC tests are administered.

PUPILS IN THE FINAL YEAR OF THE SECOND KEY STAGE

2.—(1) Teacher assessment of the pupil’s subject level in each of the relevant subjects together with the results of NC tests and NC tasks (where applicable) in those subjects.

(2) A brief account of what the pupil’s achievements reported pursuant to sub-paragraph (1) 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

3.—(1) Teacher assessment of the pupil’s subject level in each of the relevant subjects together with the results of NC tests and NC tasks (where applicable) in such subjects.

(2) A brief account of what the pupil’s achievements reported pursuant to sub-paragraph (1) 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

4.—(1) The name of any subject in which the pupil was entered for the GCSE and the grade achieved.

(2) Any other qualification or unit towards such qualification and where available the grade achieved.
PART 2
PUPILS IN ANY YEAR OF A KEY STAGE

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

(2) 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.

(3) 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 Education (Pupil Registration) Regulations 1995) and the number of possible attendances.

PART 3
PUPILS ENTERED FOR GCE ‘A’ LEVEL OR GCE ‘AS’ EXAMINATIONS

6.—(1) The name of any subject in which the pupil was entered for GCE ‘A’ level or GCE ‘AS’ examinations and the grade (if any) achieved.

(2) The total number of points scored by the pupil in such subject examinations entered by the pupil, the following grades equating to the following points:

**GCE `A’ level:** grade A = 10 points; grade B = 8 points; grade C = 6 points; grade D = 4 points; and grade E = 2 points.

**GCE `AS’:** grade A = 5 points; grade B = 4 points; grade C = 3 points; grade D = 2 points; and grade E = 1 point.

PART 4
ALL PUPILS

8.—(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 about 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

INFORMATION ABOUT PUPILS AT THE SCHOOL

PUPILS IN THE FINAL YEAR OF THE FIRST KEY STAGE

1.—(1) For the purposes of this paragraph references to registered pupils are to pupils registered 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 in the final year of the first key stage who achieved each level in the attainment targets in English, entitled “Reading” and “Writing”, in the attainment targets in Welsh entitled “Oral (Speaking, Viewing and Listening)”, “Reading” and “Writing” and in the subjects of Welsh and mathematics, in each case both as determined by teacher assessment and by NC tests.

(3) The percentages of registered pupils in the final year of the first key stage who are working towards level 1 in each of those attainment targets and subjects as so determined.

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

(5) The percentages of registered pupils 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 SECOND KEY STAGE

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

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

(3) The percentages of registered pupils in the final year of the second key stage who are working towards level 1 in each relevant subject as so determined.

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

(5) The percentages of registered pupils in the final year of the second 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

3.—(1) For the purposes of this paragraph references to registered pupils are to 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 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 and NC tasks (where applicable).

(3) The percentages of registered pupils in the final year of the third key stage who are working towards level 1 in each relevant subject as so determined.

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

(5) The percentages of registered pupils in the final year of the third key stage who were absent from each NC test referred to in sub-paragraph (2).
SCHEDULE 3  

INFORMATION ABOUT PUPILS AT SCHOOLS IN WALES

PUPILS IN THE FINAL YEAR OF THE FIRST KEY STAGE

1.—(1) The percentages referred to in this paragraph are those that are provided by the Welsh Office in respect of all registered pupils at schools in Wales in the final year of the first key stage in the preceding school year.

(2) The percentages of such pupils who achieved each level of attainment in the attainment targets in English entitled “Reading”, “Writing”, “Spelling” and “Handwriting”, in the attainment targets in Welsh entitled “Oral (Speaking, Viewing and Listening)”, “Reading”, “Writing” and “Handwriting” and in the subjects of Welsh and mathematics, shown (in every case) both as determined by teacher assessment and by NC tests and NC tasks (where applicable).

(3) The percentages of such pupils who were working towards level 1 in each of those attainment targets and subjects as so determined.

(4) The percentages of such pupils who were exempt from each attainment target and subject referred to in sub-paragraph (2).

(5) The percentages of such pupils who were absent from each NC test referred to in sub-paragraph (2).

PUPILS IN THE FINAL YEAR OF THE SECOND KEY STAGE

AND IN THE FINAL YEAR OF THE THIRD KEY STAGE

2.—(1) The percentages referred to in this paragraph are those that are provided by the Welsh Office in respect of all registered pupils at schools in Wales in the final year of the second or, as the case may be, third key stage in the preceding school year.

(2) The percentages of such pupils who achieved each level of attainment in each of the relevant subjects shown both as determined by teacher assessment and by NC tests and NC tasks (where applicable).

(3) The percentages of such pupils who were working towards level 1 in each of those subjects as so determined.

(4) The percentages of such pupils who were exempt from each of those subjects.

(5) The percentages of such pupils who were absent from each NC test referred to in sub-paragraph (2).
SCHEDULE 4

Regulations 5(3) and (4)

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace the Education (Individual Pupils' Achievements) (Information) (Wales) Regulations 1994 (as amended), which are revoked.

The Schedules to the regulations include some minor changes from the 1994 Regulations reflecting changes in the attainment targets for English and Welsh in the revised National Curriculum (Schedule 1, Part 1). There is also now a requirement, in the case of pupils in the final years of the first, second and third key stages, for the head teacher’s report to include comparative information about the educational achievements of pupils at schools in Wales (regulation 3(5) and (6) and Schedule 3).