

1999 No. 1781

EDUCATION, ENGLAND AND WALES

WALES

The Education (Individual Pupil Information) (Prescribed
Persons) (Wales) Regulations 1999

Made - - - - 18th June 1999

Laid before Parliament 28th June 1999

Coming into force 9th August 1999

In exercise of the powers conferred on the Secretary of State by sections 537A(5) and 569(5) of the Education Act 1996(a) the Secretary of State for Wales hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Individual Pupil Information) (Prescribed Persons) (Wales) Regulations 1999 and shall come into force on 9th August 1999.

(2) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations:

“the Act” means the Education Act 1996;

“the Assembly” means the National Assembly for Wales(b);

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

“GCSE” means General Certificate of Secondary Education;

“GNVQ” means General National Vocational Qualification;

“key stage” means any of the periods set out in paragraphs (a) to (d) respectively of section 355(1) of the Act and a reference to the first, second and third key stage is a reference to the periods set out respectively in paragraphs (a), (b) and (c) of the said section 355(1); and

“relevant local education authority”, in relation to the provision of any individual pupil information, means the local education authority which maintains the school at which the pupil, the subject of that information, is or was registered or, in the case of a school which is

(a) 1996 c. 56; section 537A was substituted by paragraph 153 of Schedule 30 to the School Standards and Framework Act 1998 (c. 31). For the meaning of “prescribed” and “regulations” see section 579(1).

(b) The National Assembly for Wales was established by section 1 of the Government of Wales Act 1998 (c. 38). All the functions of the Secretary of State relevant to these regulations are transferred to the Assembly by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) with effect from 1st July 1999. Accordingly, in relation to Wales, references to the Secretary of State in section 537A of the 1996 Act are to be construed as being, or including, a reference to the Assembly: see section 43 of the Government of Wales Act 1998.

not so maintained, the local education authority for the area in which the school is situated, at which the pupil, the subject of that information, is or was registered.

Prescribed information

3. The individual pupil information which an information collator may provide, at such times as the Assembly may determine, in accordance with section 537A(5)(b) of the 1996 Act, is any such information relating to the educational achievements of pupils in—

- (a) any National Curriculum assessment of pupils at or near the end of the final year of the first, second or third key stage;
- (b) any GCSE subjects;
- (c) any GCE “A” level examinations;
- (d) any GCE “AS” level examinations;
- (e) any GNVQ subjects; and
- (f) any course of study provided to pupils of compulsory school age in any school maintained by a local education authority which leads to a qualification which is approved by the Assembly or the Secretary of State under section 400 of the Act (other than a qualification of the kind referred to in sub-paragraph (b) or (f) above).

Prescribed persons

4. The persons to whom an information collator may provide information in accordance with section 537A(5)(b) of the 1996 Act are:

- (a) any relevant local education authority;
- (b) the Office of Her Majesty’s Chief Inspector of Schools in Wales;
- (c) Awdurdod Cymwysterau Cwricwlwm ac Asesu Cymru or the Qualifications, Curriculum and Assessment Authority for Wales; and
- (d) persons conducting research into the educational achievements of pupils and who require individual pupil information for that purpose.

Signed by authority of the Secretary of State for Wales

18th June 1999

Peter Hain
Parliamentary Under Secretary of State,
Welsh Office.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations replace the provisions of the Education (Individual Performance Information) (Prescribed Bodies and Persons) (Wales) Regulations 1998 (S.I. 1998/1220) which lapsed on 1st April 1999 by virtue of paragraph 153 of Schedule 30 to the School Standards and Framework Act 1998 and article 5 of the School Standards and Framework Act 1998 (Commencement No 3 and Saving and Transitional Provisions) Order 1998 (S.I. 1998/2791).

Section 537A(5)(b) of the Education Act 1996, as substituted by paragraph 153 of Schedule 30 to the School Standards and Framework Act 1998, provides that an information collator may, at such times as the Secretary of State may determine, provide such individual pupil information as may be prescribed to a prescribed person or any person falling within a prescribed category.

“Information collator” and “individual pupil information” are defined in section 537A(9).

These Regulations prescribe the information that may be provided and the persons to whom it may be provided, for the purposes of section 537A(5)(b).

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£1.50

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WO 5025 7/99 ON (MFK)