
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the—

- (a) Education (Information About Individual Pupils) (Wales) Regulations 2007 (“the Individual Pupil Information Regulations”);
- (b) School Governors’ Annual Reports (Wales) Regulations 2011 (“the Annual Report Regulations”);
- (c) Head Teacher’s Report to Parents and Adult Pupils (Wales) Regulations 2011 (“the Head Teacher Reporting Regulations”);
- (d) School Information (Wales) Regulations 2011 (“the School Information Regulations”);
- (e) School Performance and Absence Targets (Wales) Regulations 2011 (“the Targets Regulations”);
- (f) School Teacher Appraisal (Wales) Regulations 2011 (“the Teacher Appraisal Regulations”);
- (g) Government of Maintained Schools (Training Requirements for Governors) (Wales) Regulations 2013 (“the Training Regulations”);
- (h) Welsh in Education Strategic Plans and Assessing Demand for Welsh Medium Education (Wales) Regulations 2013 (“the WESP Regulations”); and
- (i) Education (School Development Plans) (Wales) Regulations 2014 (“the Development Plans Regulations”).

The Individual Pupil Information Regulations require the governing body of a maintained school upon written request from the local authority that maintains the school to supply the individual pupil information requested and which is set out in Schedule 2 to those Regulations. The Individual Pupil Information Regulations also set out the persons to whom the Welsh Ministers may provide that individual pupil information. These Regulations update the list of persons to whom the information may be provided. These Regulations also make two further minor changes—

- (a) so as to allow the Welsh Ministers to collect individual pupil information for sixth form pupils in the year previous to the school year in which the request was submitted. This reflects the current collection practice; and
- (b) so as to remove reference to “basic skills” data as this is no longer collected by the Welsh Ministers (regulation 2).

The Annual Report Regulations set out the information that must be published by a school governing body in an annual report. These Regulations amend the Annual Report Regulations so that governing bodies no longer have to publish school comparative information or the literacy and numeracy report (“the Reports”) (regulation 3). In future the Welsh Ministers will not publish data comparing schools in respect of their teacher assessments and so the Reports will not be available to the school governing body for publication in their annual report.

The Head Teacher Reporting Regulations make provision as to the report the head teacher of a maintained school is required to send to parents and adult pupils each school year and the additional information a parent may request from the head teacher. These Regulations amend the Head Teacher Reporting Regulations so that head teachers do not have to include in the report the school’s most recent comparative information for pupils below the fourth key stage. As the Welsh Ministers will

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not publish data comparing schools in respect of their teacher assessments in future the head teacher will not have school comparative information for pupils below the fourth key stage to include in the report to parents and adult pupils. These Regulations also make some minor amendments to correct cross references in regulation 3 of the Head Teacher Reporting Regulations (regulation 4).

The School Information Regulations set out the information about a school that must be published by local authority and the school governing body. These Regulations amend the School Information Regulations so that governing bodies no longer have to publish the most recent school comparative information (“the Report”) (regulation 5). In future the Welsh Ministers will not publish data comparing schools in respect of their teacher assessments and so the Report will not be available to local authorities or governing bodies.

The Targets Regulations set out the school performance targets that must be set by a school governing body. These Regulations amend the Targets Regulations so that—

- (a) the governing body is no longer required to set targets for achieving the core subject indicator or for the number of pupils leaving without relevant qualifications but are free to do so on a voluntary basis (regulation 6(2)(a), (4)(d)(i) and (5)(g));
- (b) the definition of “data set” is amended to omit reference to “teacher assessments” (regulation 6(2)(b));
- (c) amendments to regulations 3(4)(b) and 4(4)(b) mean a governing body will not have to have regard to “data sets” only supplied by the Welsh Ministers in respect of the second and third key stages. Instead a governing body will have to have regard to a range of data on pupil performance in teacher assessments which will be available from a range of sources (regulation 6(3));
- (d) instead of setting performance targets for pupils aged 16 in the fourth key stage the governing body will have to set targets for pupils in year 11 (regulation 6(2)(c), (4)(a) and (c) and (5)(c) and (e)); and
- (e) amendments to regulation 8 and Schedule 2 to the Targets Regulations reflect the fact that school governing bodies will no longer be required to publish pupil attainment data for the second and third key stages. This data will continue to be published for pupils in year 11 (regulation 6(5)(a), (d) and (f) and (6)).

The Teacher Appraisal Regulations provide for the appraisal of the performance of school teachers. These Regulations amend references in the Teacher Appraisal Regulations from the professional development of school teachers to the professional learning of school teachers (regulation 7). The change of wording is consistent with the wording used in non legislative documents and is therefore more familiar to the teaching profession.

The Training Regulations set out the training requirements for school governors. The training requirements in relation to school performance data are set out in a document entitled “Training for school governors in Wales on understanding school data” and is referred to in the definition of “the school performance data training” (“the 2016 Document”) in regulation 2 of the Training Regulations. These Regulations amend that definition so as to remove the reference to the 2016 Document and instead include a reference to the new school performance data training set out in a document entitled “Training for school governors in Wales on understanding school data” published in June 2018 (“the 2018 Document”) (regulation 8(1)). The 2016 document required school governors to be trained in certain school performance data which was provided to them by the Welsh Ministers (regulation 8). In future that data will no longer be provided.

Regulation 8(2) contains a saving provision the effect of which is that existing school governors do not have to complete the training in the 2018 Document if they have already completed the training required by the Training Regulations before these Regulations come into force.

Section 84 of the School Standards and Organisation (Wales) Act 2013 (“the 2013 Act”) requires a local authority to prepare a Welsh in education strategic plan (“WESP”) and carry out an assessment

of demand for Welsh medium education. The WESP Regulations set out the circumstances in which a local authority must carry out such a Welsh medium education assessment and make provision in respect of the form, content and publication of its WESP. In particular regulation 8 of the WESP Regulations makes provision for the publication of a local authority's WESP including the supporting information set out in Schedule 3 to the WESP Regulations. These Regulations substitute a new regulation 8 so as to no longer require the pupil assessment data set out in paragraphs 4 and 5 of Schedule 3 to the WESP Regulations be published as part of the WESP ("Assessment Data") (regulation 9). That Assessment Data will still form part of the Plan and will continue to assist a local authority discharge its functions in Part 4 of the 2013 Act but it will no longer be published.

The Development Plans Regulations place a duty on school governing bodies to draw up a school development plan which must deal with the matters set out in the Schedule to those Regulations. These Regulations amend the Development Plans Regulations so as to remove reference to "teacher assessments" from the definition of "school comparative information" in regulation 2. The Welsh Ministers will no longer include "teacher assessment" information in the school comparative information they provide to schools (regulation 10(a)). The other comparative information set out in the definition of "school comparative information" will continue to be provided.

These Regulations also amend the Schedule to the Development Plans Regulations so as to remove references to "professional development" and insert references instead to "professional learning". The change of wording is consistent with the wording used in non legislative documents and is more familiar to the teaching profession. This change also mirrors the changes made to the Teacher Appraisal Regulations (regulation 9(b)).

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Curriculum and Assessment Division in the Department for Education and Public Services in the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.