
WELSH STATUTORY INSTRUMENTS

2004 No. 1025

The Education (School Performance Information) (Wales) Regulations 2004

PART 1

General

Name, commencement and application

1.—(1) These Regulations are called the Education (School Performance Information) (Wales) Regulations 2004 and come into force on 30th April 2004.

(2) These Regulations apply only in relation to Wales.

Interpretation

2.—(1) In these Regulations, except where the context otherwise requires—

“the 1996 Act” (“*Deddf 1996*”) means the Education Act 1996;

“the 2002 Act” (“*Deddf 2002*”) means the Education Act 2002⁽¹⁾;

“ACCAC” (“*ACCAC*”) means the Qualifications, Curriculum and Assessment Authority for Wales or Awdurdod Cymwysterau, Cwricwlwm ac Asesu Cymru⁽²⁾;

“approved external qualification” (“*cymhwyster allanol a gymeradwywyd*”) is a qualification within the meaning of section 96(5) of the Learning and Skills Act 2000⁽³⁾ that was, at the relevant time, approved under section 99 of that Act for the purposes of section 96 of that Act;

“authority” (“*awdurdod*”) means—

- (i) in relation to a school maintained by a local education authority that authority; and
- (ii) in relation to a non-maintained special school or an independent school, the local education authority in whose area the school is situated;

“external marking agency” (“*asiantaeth farcio allanol*”) means a body nominated by ACCAC and approved by the National Assembly to mark NC tests;

“maintained school” (“*ysgol a gynhelir*”) means—

- (i) any community, foundation or voluntary school, or
- (ii) any community or foundation special school which is not established in a hospital, but excludes any nursery school;

“the National Assembly” (“*Cynulliad Cenedlaethol*”) means the National Assembly for Wales;

⁽¹⁾ 2002 c. 32.

⁽²⁾ See section 27 of the Education Act 1997.

⁽³⁾ 2000 c. 21.

“National Data Collection Agency” (“*Asiantaeth Casglu Data Cenedlaethol*”) means a body which, for the purposes of or in connection with the functions of the National Assembly relating to education, is responsible for collating information relating to pupils;

“NC tests” (“*profion y Cwricwlwm Cenedlaethol*”) and “NC tasks” (“*tasgau'r Cwricwlwm Cenedlaethol*”) mean, respectively, National Curriculum tests and National Curriculum tasks administered to pupils in accordance with the statutory assessments;

“non-maintained special school” (“*ysgol arbenig nas gynhelir*”) means a special school which is not maintained by an authority;

“NQF” (“*NQF*”) means the National Qualifications Framework comprising qualifications accredited by ACCAC, the Qualifications and Curriculum Authority and the Northern Ireland Council for the Curriculum Examinations and Assessment and “NQF level” (“*lefel NQF*”) means the level(s) to which qualifications are accredited within the NQF;

“relevant subjects” (“*pynciau perthnasol*”) means—

- (a) in relation to teacher assessment and any key stage, all those subjects in respect of which the pupil or pupils concerned are required to be assessed by teacher assessment;
- (b) in relation to NC tests and any key stage, all those subjects in respect of which the pupil or pupils concerned are required to be assessed by the administration of such tests; and
- (c) in relation to NC tasks and any key stage, all those subjects in respect of which such tasks are required to be administered to the pupil or pupils concerned,

in that key stage in accordance with the statutory assessments;

“reporting school year” (“*blwyddyn adrodd yr ysgol*”) means the school year immediately preceding the school year in which information provided to the National Assembly is to be published by the National Assembly or, as the case may be, local education authorities;

“school day” (“*diwrnod ysgol*”) has the meaning given by section 579(1) of the 1996 Act(4);

“school year” (“*blwyddyn ysgol*”) has the meaning given by section 579(1) of the 1996 Act;

“special school” (“*ysgol arbennig*”) has the meaning given by section 337 of the 1996 Act(5);

“Statutory Assessment and Reporting Arrangements guidance” (“*Canllawiau ar yr Aesu Stadudol a'r Trefniadau Adrodd*”) means the guidance published by ACCAC each school year on the administration of statutory assessments;

“statutory assessments” (“*asesiadau statudol*”) means such assessment arrangements as are specified by the National Assembly in an order made under section 108(3)(c) of the 2002 Act and “level” (“*lefel*”) is to be construed in accordance with the provisions of such orders;

“unauthorised absence” (“*absenoldeb heb ei awdurdodi*”) means an occasion on which a pupil is recorded as absent without authority pursuant to the Education (Pupil Registration) Regulations 1995 and “authorised absence” (“*absenoldeb wedi'i awdurdodi*”) is to be construed accordingly; and

“unique pupil number” (“*Rhif unigryw disgybl*”) means a combination of numbers which together with a letter or letters is allocated to a pupil and are particular to that pupil, by use of a formula determined by the National Assembly.

(2) In these Regulations, except where the context otherwise requires—

- (a) references to pupils of a particular age are to pupils who attained that age during the period of twelve months ending on the 31st August preceding the commencement of the reporting school year, where the reporting school year begins after that date, or the 31st August which falls within the reporting school year, where the reporting school year begins on

(4) Section 579(1) was amended by paragraph 43 of Schedule 7 to the Education Act 1997.

(5) Section 337 was substituted by paragraphs 57 and 80 of Schedule 30 to the School Standards and Framework Act 1998.

- or before that date, and who were registered pupils at the school on the third Thursday in January in the reporting school year;
- (b) references to approved external qualifications for which pupils at the school were entered include approved external qualifications for which they were entered otherwise than in pursuance of section 402 of the 1996 Act⁽⁶⁾; and
 - (c) references to key stages are references to the periods set out in section 103(1) of the 2002 Act.
- (3) Where these Regulations require or permit information to be transferred in machine readable form, that requirement may be met by transferring the information—
- (a) through a secure internet website provided for that purpose by or on behalf of the National Assembly,
 - (b) by floppy disk, or
 - (c) through an intranet provided for that purpose by or on behalf of an authority, and for the purposes of this regulation an intranet means a closed network that can only be accessed—
 - (i) by the authority,
 - (ii) by or on behalf of a governing body of a school within that authority,
 - (iii) by a teacher at a school within that authority.
- (4) For the purposes of these Regulations any attainment of a pupil determined by an NC test or NC task during a previous school year or any approved external qualification for which a pupil was entered during a previous school year is to be treated as such an attainment or entry during the reporting school year.
- (5) In these Regulations, unless the context otherwise requires, any reference to a numbered regulation or Schedule is a reference to the regulation or Schedule bearing that number in these Regulations and any reference in a regulation or Schedule to a numbered paragraph is to the paragraph in that regulation or Schedule bearing that number.

Qualification of duties

3. The duties of governing bodies, authorities and proprietors to make available or provide information apply only to the extent that that information is available to them in time for it to be reasonably practicable for them to make available, provide or publish that information before the latest occasion on which that information is required to be made available, provided or published, as the case may be.

Revocations and savings

4.—(1) Subject to paragraph (2), the Regulations referred to in Schedule 4 are revoked.

(2) The revocation of the Regulations referred to in Schedule 4 is not to relieve any person of any duty to make available, provide or publish information which has not been performed before the date that these Regulations come into force.

⁽⁶⁾ Section 402 was amended by paragraphs 57 and 101 of Schedule 30 to the School Standards and Framework Act 1998 and by paragraph 45 of Schedule 21 to the Education Act 2002.