
STATUTORY INSTRUMENTS

2011 No. 1943 (W.210)

EDUCATION, WALES

**The Head Teacher's Report to Parents and
Adult Pupils (Wales) Regulations 2011**

<i>Made</i>	- - - -	<i>29 July 2011</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>4 August 2011</i>
<i>Coming into force</i>	- -	<i>1 September 2011</i>

The Welsh Ministers in exercise of the powers conferred on the Secretary of State by sections 408 and 569(4) and (5) of the Education Act 1996⁽¹⁾ and now vested in them⁽²⁾, and after consulting with those persons with whom consultation appeared to the Welsh Ministers to be desirable pursuant to section 408(5) of the Education Act 1996, make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Head Teacher's Report to Parents and Adult Pupils (Wales) Regulations 2011 and they come into force on 1 September 2011.

(2) These Regulations apply in relation to Wales.

Interpretation

2.—(1) In these Regulations—

“the 2002 Act” (*“Deddf 2002”*) means the Education Act 2002⁽³⁾;

“approved relevant qualification” (*“cymhwyster allanol a gymeradwywyd”*) is a qualification within the meaning of section 30(5) of the Education Act 1997⁽⁴⁾;

“area of learning” (*“maes dysgu”*) has the meaning given to it in the “Framework for Children's Learning for 3 to 7 year-olds in Wales”⁽⁵⁾ setting out the desirable outcomes and educational programmes in respect of each of the areas of learning and which has effect by virtue of an order made under section 108(2) of the 2002 Act⁽⁶⁾;

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- (1) 1996 c. 56. Section 408 was amended by paragraph 30 of Schedule 7 and Schedule 8 to the Education Act 1997 (c. 44), paragraphs 57 and 106 of Schedule 30, and Schedule 31, to the School Standards and Framework Act 1998 (c. 31), paragraph 57 of Schedule 9 to the Learning and Skills Act 2000 (c. 21), Schedule 21 of the Education Act 2002, Schedule 12 and Part 7 of Schedule 16 of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22) and by S.I. 2010/1158.
- (2) The functions of the Secretary of State under these sections were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and then to the Welsh Ministers under paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).
- (3) 2002 c. 32.
- (4) 1997 c. 44. Sub-section (5) of section 30 was substituted by paragraph 15(6) of Schedule 12 to the Apprenticeships, Skills, Children and Learning Act 2009.

“the associated documents” (“*y dogfennau cysylltiedig*”) means the documents published by the Welsh Ministers, setting out levels of attainment, attainment targets and programmes of study in relation to the relevant subjects, which documents have effect by virtue of the orders made under section 108(3)(a) and (b) of the 2002 Act for those subjects for the time being in force;

“attendance record” (“*cofnod presenoldeb*”) means the record of a pupil’s school attendance contained in the attendance register kept in accordance with section 434 of the Education Act 1996 and the Education (Pupil Registration) (Wales) Regulations 2010(7);

“DEWi” (“*Menter Cyfnewid Data Cymru*”) means the data exchange Wales initiative database maintained and published by the Welsh Ministers(8);

“education welfare officer” (“*swyddog lles addysg*”) means any person who is employed by a local authority, and whose duties include securing the regular attendance at school of pupils of compulsory school age;

“foundation phase” (“*cyfnod sylfaen*”) is to be construed in accordance with section 102 of the 2002 Act;

“key stage” (“*cyfnod allweddol*”) means any of the periods set out in paragraphs (b) to (d) of section 103(1) of the 2002 Act, and a reference to the second, third or fourth key stage is a reference to the periods set out respectively in the said paragraphs (b) to (d);

“maintained school” (“*ysgol a gynhelir*”) means a community, foundation or voluntary school or a community or foundation special school (other than one established in a hospital) and, unless the context otherwise requires, a nursery school maintained by a local authority or a pupil referral unit;

“NC level” (“*lefel CC*”) means the National Curriculum level of attainment described in the associated documents;

“NQF” (“*FfCC*”) means the National Qualifications Framework comprising relevant qualifications within the meaning of section 30(5) of the Education Act 1997 which are awarded or authenticated by a body which is recognised by the Welsh Ministers under section 30(1)(e) of that Act in respect of the qualifications;

“NQF level” (“*lefel FfCC*”) means the level to which qualifications are accredited within the NQF;

“other areas of learning” (“*meysydd dysgu eraill*”) means—

- (i) Welsh language development;
- (ii) knowledge and understanding of the world;
- (iii) physical development; and
- (iv) creative development;

“the register” (“*y gofrestr*”) means the register maintained and published by the Office of Qualifications and Examinations Regulation pursuant to section 148 of the Apprenticeships, Skills, Children and Learning Act 2009(9);

“relevant areas of learning” (“*meysydd dysgu perthnasol*”) means—

- (i) mathematical development;
- (ii) personal and social development, well-being and cultural diversity; and

(5) ISBN. 9780750444293.

(6) The Education (National Curriculum) (Foundation Stage) (Wales) Order 2008 (S.I. 2008/1732 (W.169)) as amended by the Education (National Curriculum) (Foundation Stage) (Wales) (Amendment) Order 2008 (S.I. 2008/2629 (W.229)).

(7) S.I. 2010/1954 (W.187).

(8) The website address for DEWi is www.dataexchangewales.org.uk.

(9) 2009 c. 22.

(iii) language, literacy and communication skills;

“relevant subjects” (“*pynciau perthnasol*”) means, 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 in that key stage in accordance with the statutory assessments;

“result” (“*canlyniad*”) in relation to any assessment under the statutory assessments means the result of the assessment as determined and recorded in accordance with those arrangements;

“statutory assessments” (“*asesiadau statudol*”) means such assessment arrangements as are specified by the Welsh Ministers in an order made under—

(i) section 108(2)(b)(iii) of the 2002 Act⁽¹⁰⁾ in relation to pupils in the foundation phase; or

(ii) section 108(3)(c) of the 2002 Act⁽¹¹⁾ in relation to pupils in a key stage;

“teacher assessment” (“*asesiad athrawon*”) means assessment by a teacher in accordance with the statutory assessments; and

“unit or credit” (“*uned neu gredyd*”), in relation to a qualification, means a module or part of a course leading to that qualification which, when successfully completed, can be counted together with other modules or parts towards obtaining that qualification.

(2) In these Regulations references to levels of attainment and attainment targets are references to the levels and targets set out in the associated documents.

(3) In these Regulations, unless the context otherwise requires, any reference to a head teacher or governing body is, in relation to a pupil referral unit, a reference to the teacher in charge of the pupil referral unit.

Head teacher’s report to parents and adult pupils

3.—(1) Subject to paragraph (5) the head teacher of every maintained school must make available, each school year, in accordance with this regulation a report in writing containing the information prescribed in this regulation.

(2) The prescribed persons to whom the report must be made available are—

(a) each adult pupil;

(b) the parent of each adult pupil (if the head teacher considers there to be special circumstances which make it appropriate); or

(c) the parent of each pupil in the case of all other pupils registered at the school.

(3) The report must contain the information about the educational achievements of the pupil or adult pupil to whom or to whose parent the report is made available and the information relating to that pupil set out—

(a) in paragraph 1 of Part 1 of the Schedule, where that pupil is in the foundation phase;

(b) in paragraphs 2, 3, and 4 of Part 1 of the Schedule and Part 2 of the Schedule, where that pupil is in the second, third and fourth key stages;

(c) in Part 3 of the Schedule, where that pupil was entered for any approved relevant qualifications at NQF level 3 or above; and

(d) in Part 4 of the Schedule.

⁽¹⁰⁾ Sub-section (2) of section 108 was amended by section 21(1) and (7)(a) of the Education (Wales) Measure 2009 (nawm 5).

⁽¹¹⁾ Sub-section (3) of section 108 was amended by section 21(1) and (7)(b) of, and paragraphs 11 and 15 of the schedule to, the Education (Wales) Measure 2009. The current orders are the National Curriculum (Key Stage 2 Assessment Arrangements) (Wales) Order 2004 (S.I. 2004/2915 (W.254)) and the National Curriculum (Key Stage 3 Assessment Arrangements) (Wales) Order 2005 (S.I. 2005/1394 (W.108)).

(4) In the case of the pupils registered at the school there must be included in the report the most recent school comparative information in relation to the school's performance in statutory assessments for the foundation phase and key stages published by the Welsh Ministers on DEWi.

(5) Nothing in this regulation prevents the information specified in paragraphs (3) and (4) being contained in more than one report provided that, subject to paragraph (7), the head teacher must 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 must 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 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, the head teacher must make available such information as soon as practicable and in any event not later than the following 30 September.

(8) The information is—

- (a) the details of approved relevant qualifications achieved by a pupil; and
- (b) the information referred to in paragraphs 1 and 2(4) of the Schedule.

(9) For the purposes of this regulation "adult pupil" means a pupil aged 18 or over at the time the report referred to in paragraph (1) is made available and who is not proposing to leave the school by the end of the school year.

Additional information to be made available

4.—(1) Subject to paragraph (3), in the case of a registered pupil at a maintained school in any key stage who is assessed in accordance with the statutory assessments in that key stage, the head teacher must if requested in writing by the pupil's parent make available to the parent, in accordance with this regulation, the pupil's levels of attainment and any other results in each attainment target in any relevant subject.

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

(3) Paragraph (1) does not apply if the information referred to in that paragraph has previously been made available to the pupil's parent pursuant to these Regulations.

School leaver's report

5.—(1) The head teacher of every maintained school must make available to any pupil who has ceased to be of compulsory school age and is proposing to leave or has left the school a report containing the information referred to in paragraph (2) in accordance with paragraphs (3) and (4).

(2) The information consists of—

- (a) the pupil's name;
- (b) the pupil's school;
- (c) the details of any approved relevant qualification and any unit or credit towards such a qualification awarded to the pupil; and
- (d) brief particulars of the pupil's progress and achievements in subjects (other than those in which the pupil has achieved any approved relevant qualification or any unit or credit towards such a qualification) 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 part of the report in which the information referred to in sub-paragraphs (a), (b) and (d) of paragraph (2) is made available must provide for signature by the pupil, and both that part and the part of the report in which the information referred to in sub-paragraphs (a) and (c) of paragraph (2) is made available, must provide for signature by a teacher who is familiar with the pupil and that pupil's achievements.

(4) The report in paragraph (1) must be made available to the pupil not later than 30 September following the end of the school year during or at the end of which the pupil left the school.

Restrictions on provision of information

6.—(1) The provisions of paragraph (2) apply to the information specified in paragraph 6(1) of the Schedule.

(2) Nothing in regulation 3 requires 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 authority which maintains the school;

(ii) in the case of 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;

(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 requires 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 of attainment and any other results in any attainment target or subject of any other identified pupil.

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

Translation of information and documents

7.—(1) If it appears necessary to the head teacher of any school that any document or information required to be made available under these Regulations which is provided in Welsh should be translated into English, it must be so translated and these Regulations are to apply to the document or information so translated as they apply to the original document or information.

(2) If it appears necessary to the head teacher of any school that any document or information required to be made available under these Regulations which is provided in English should be translated into Welsh, it must be so translated and these Regulations are to apply to the document or information so translated as they apply to the original document or information.

(3) If it appears necessary to the head teacher of any school that any document or information required to be made available under these Regulations should be translated into a language other than English or Welsh or that a Braille or audio tape version of such a document or information should be available, it must be so translated or produced in Braille or audio tape, as the case may be,

and these Regulations are to apply to the translated document, information, Braille or audio version as they apply to the original document or information.

(4) No charge must be made for a copy of any information translated or produced in accordance with paragraphs (1), (2) or (3), but where a charge is made for a copy of an original document no greater charge is to be made for a copy of the document so translated or produced.

29 July 2011

Leighton Andrews
Minister for Education and Skills, one of the
Welsh Ministers

SCHEDULE

Regulation 3(3)

INFORMATION ABOUT INDIVIDUAL PUPILS

PART 1

Foundation Phase

1.—(1) In relation to each relevant area of learning a brief description of each foundation phase outcome attained by the pupil in each of those relevant areas of learning in the final year of the foundation phase.

(2) In relation to all other areas of learning a brief statement of the pupil's level of attainment achieved by the pupil in each of those areas of learning in the final year of the foundation phase.

Pupils in the second key stage

2.—(1) The results of teacher assessment of the pupil's subject level of attainment and the results of teacher assessment of the pupil's level of attainment in each attainment target in the final year of the second key stage in Welsh first language and English.

(2) A brief statement on whether the pupil has achieved the core subject indicator.

(3) A pupil in the second key stage will achieve the core subject indicator if they achieve NC level 4 or above in—

- (a) English or Welsh first language, according to the curriculum the pupil has been taught;
- (b) mathematics; and
- (c) science.

(4) A brief account of what the pupil's results 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 third key stage

3.—(1) The results of teacher assessment of the pupil's subject level of attainment and the results of teacher assessment of the pupil's level of attainment in each attainment target in the final year of the third key stage in—

- (a) English and Welsh second language or Welsh first language and English, according to the curriculum the pupil has been taught;
- (b) mathematics;
- (c) science; and
- (d) the relevant subjects.

(2) A brief statement on whether the pupil has achieved the core subject indicator.

(3) A pupil in the third key stage will achieve the core subject indicator if they achieve NC level 5 or above in—

- (a) English or Welsh first language, according to the curriculum the pupil has been taught;
- (b) mathematics; and
- (c) science.

(4) A brief account of what the pupil's results 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 fourth key stage

4.—(1) The name of any subject in which the pupil was entered in respect of an approved relevant qualification and the grade (if any) achieved.

(2) The average number of points scored by the pupil in such subject examinations entered by the pupil.

(3) For the purposes of this paragraph any question as to the points allocated to each approved relevant qualification must be determined in accordance with the register.

PART 2

Pupils in any key stage

5.—(1) In relation to all foundation subjects, brief particulars of the pupil's achievements in relation to each subject drawing attention to any particular strengths and weaknesses, together with, where the particulars include levels, a statement indicating whether or not those levels have been determined in accordance with the statutory assessments.

(2) Particulars of any subject from which the pupil is exempt.

PART 3

Pupils entered for an approved relevant qualification

6.—(1) The name of any subject in which the pupil was entered in respect of an approved relevant qualification and the grade (if any) achieved.

(2) The average number of points scored by the pupil in such subject examinations entered by the pupil.

(3) For the purposes of this paragraph any question as to the points allocated to each approved relevant qualification must be determined in accordance with the register.

PART 4

All pupils

7.—(1) Brief particulars of the pupil's achievements in any area of learning, subject or activity, including the Welsh Baccalaureate Qualification Core Certificate, not mentioned elsewhere in this Schedule which forms part of the school curriculum and of the pupil's skills and abilities and about the pupil's 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 the pupil's parent or, in the case of a pupil aged 18 or over, the pupil.

(3) Details of any approved relevant qualification or any unit 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.

(4) A summary of the pupil's attendance record during the period to which information relates showing the number of authorised and unauthorised absences (within the meaning of the Education (Pupil Registration) (Wales) Regulations 2010⁽¹²⁾) and the number of possible attendances.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision as to the report the head teacher is required to send to parents and adult pupils each school year (regulation 3 and the Schedule) and the additional information parents of registered pupils who are assessed in any key stage may request relating to the pupil's levels of achievements in relevant subjects (regulation 4). These Regulations replace with changes provisions relating to head teacher's reports to parents and adult pupils formerly contained in the Education (Pupil Information) (Wales) Regulations 2004 ("the 2004 Regulations") as amended. The other provisions of the 2004 Regulations have been revoked and replaced by the Pupil Information (Wales) Regulations 2011.

Regulation 5 prescribes the information the head teacher must make available in the reports given to school leavers. Regulation 6 sets out certain restrictions on the provision of information.

Where necessary, any document or information required to be made available under the Regulations must be translated into English or Welsh or another language or produced in Braille or audio tape (regulation 7).