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WELSH STATUTORY INSTRUMENTS

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**2020 No. 729 (W. 164)**

**EDUCATION, WALES**

**The Relaxation of School Reporting Requirements  
(Wales) (Coronavirus) Regulations 2020**

<i>Made</i>	- - - -	<i>13 July 2020</i>
<i>Laid before Senedd Cymru</i>		<i>15 July 2020</i>
<i>Coming into force</i>	- -	<i>7 August 2020</i>

The Welsh Ministers in exercise of the powers conferred on the Secretary of State by sections 29(3) and (5), 408(1), 537(1), (4) and (7), 537A(1), (2) and (3) and 569(4) of the Education Act 1996(1), sections 19(1) and 54(3) of the Education Act 1997(2) and sections 63(1) and 138(7) of the School Standards and Framework Act 1998(3), and now vested in them(4), and in exercise of the powers conferred on the National Assembly for Wales by sections 30(1) and 210(7) of the Education Act 2002 and now vested in them(5), and after consulting with those persons with whom consultation

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- (1) 1996 c. 56. Section 29(3) was amended by Schedule 30 and paragraph 67 of Schedule 31 to the School Standards and Framework Act 1998 (c. 31). The heading of section 29 and subsections (1), (3) and (5) were amended by S.I. 2010/1158. There are other amendments which are not relevant to these Regulations. Section 408(1) was amended by paragraph 30(a) of Schedule 7 to the Education Act 1997 (c. 44), paragraph 106(a) of Schedule 30 and Schedule 31 to the School Standards and Framework Act 1998, paragraphs 1 and 57(1) and (2) of Schedule 9 to the Learning and Skills Act 2000 (c. 21), paragraph 46(1) and (2) of Schedule 21 to the Education Act 2002 (c. 32), paragraphs 9 and 11(1) and (2) of Schedule 12 to the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), paragraphs 5 and 7 of Schedule 8 to the Education Act 2011 (c. 21), paragraph 1(1) and (2)(a) of Schedule 4 to the Qualifications Wales Act 2015 (anaw 5) and by S.I. 2010/1158. There are other amendments which are not relevant to these Regulations. Section 537(1) was amended by paragraph 152(a) of Schedule 30 to the School Standards and Framework Act 1998, by paragraph 9(1) and (15) of Schedule 13 to the Education Act 2011 and by S.I. 2010/1158. Subsection (4) was amended by paragraph 37 of Schedule 7 to the Education Act 1997. Subsection (7) was amended by paragraph 152(b) of Schedule 30 and Schedule 31 to the School Standards and Framework Act 1998, by paragraphs 1 and 60 of Schedule 9 to the Learning and Skills Act 2000, by paragraph 6(1) and (5) of Part 2 of Schedule 7 to the Education Act 2002 and by S.I. 2010/1158. Section 537A was inserted by section 20 of the Education Act 1997, substituted by paragraph 153 of Schedule 30 to the School Standards and Framework Act 1998 and further amended by S.I. 2010/1158 and by S.I. 2012/976. Section 569(4) was amended by section 8(1) and (5) of the Education (Wales) Measure 2009 (nawm 5). There are other amendments which are not relevant to these Regulations. For the definitions of “prescribed” and “regulations” see section 579(1) of the Education Act 1996.
- (2) 1997 c. 44. Subsection (3) of section 19 of the Education Act 1997 was substituted by paragraph 213 of Schedule 30 to the School Standards and Framework Act 1998. Section 19 was repealed in relation to England by section 66(1) and other amendments are made to subsection (1) by section 66(1) and (2) of the Deregulation Act 2015 (c. 20). For the definitions of “prescribed” and “regulations” see section 56(1) of the Education Act 1997.
- (3) 1998 c. 31. Subsections (1), (3) and (4) of section 63 were amended by section 53(1) to (4) and Part 3 of Schedule 22 to the Education Act 2002, and subsection (3A) was inserted by section 53(1) and (3) of the Education Act 2002. Subsection (7) was amended by paragraphs 3(1) and (4) of Schedule 17 to the Education and Inspections Act 2006 (c. 40). For the definitions of “prescribed” and “regulations” see section 142(1) of the School Standards and Framework Act 1998.
- (4) 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).
- (5) 2002 c. 32. Subsections (1), (2) and (3) of section 30 were amended by section 103(1)(a) and (b) of the Education Act 2005 (c. 18). Subsection (7) was amended by section 21(1)(3)(c)(i) of the Learner Travel (Wales) Measure 2008 (nawm 2). There are other amendments which are not relevant to these Regulations. The functions of the National Assembly for Wales under

appeared to the Welsh Ministers to be desirable pursuant to section 408(5) of the Education Act 1996, make the following Regulations:

### **Title and coming into force**

1.—(1) The title of these Regulations is the Relaxation of School Reporting Requirements (Wales) (Coronavirus) Regulations 2020.

(2) These Regulations come into force on 7 August 2020.

### **Amendment of the School Governors' Annual Reports (Wales) Regulations 2011**

2.—(1) The School Governors' Annual Reports (Wales) Regulations 2011(6) are amended as follows.

(2) After regulation 1 insert—

#### **“Disapplication of certain requirements for the 2019-2020 school year**

1A. The information specified in paragraphs 6, 7 and 8(b) of Schedule 2 and relating to the 2019-2020 school year(7) must not be included in any governors' report.”

(3) Paragraph 10 of Schedule 2 is revoked.

### **Amendment of the Head Teacher's Report to Parents and Adult Pupils (Wales) Regulations 2011**

3. After regulation 1 of the Head Teacher's Report to Parents and Adult Pupils (Wales) Regulations 2011(8) insert—

#### **“Modification of duties for school year 2019-2020**

1A. Any duty imposed on a head teacher by these Regulations in respect of the 2019-2020 school year(9), except the duty in regulation 5(1), is to be treated as discharged if the head teacher has used reasonable endeavours to discharge the duty.”

### **Amendment of the School Information (Wales) Regulations 2011**

4. After regulation 1 of the School Information (Wales) Regulations 2011(10) insert—

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section 30 of the Education Act 2002 were transferred to the Welsh Ministers under paragraph 30 of Schedule 11 to the Government of Wales Act 2006. For the definitions of “prescribed” and “regulations” see section 212(1) of the Education Act 2002.

(6) S.I. 2011/1939 (W. 207), amended by S.I. 2013/437 (W. 53), S.I. 2013/1561 (W. 142), S.I. 2014/2677 (W. 265) and S.I. 2018/766 (W. 153).

(7) For the definition of “school year” see section 579 of the Education Act 1996. The definition was inserted by paragraph 43 of Schedule 7 to the Education Act 1997.

(8) S.I. 2011/1943 (W. 210), amended by S.I. 2013/437 (W. 53), S.I. 2014/1998 (W. 199), S.I. 2016/236 (W. 88), S.I. 2016/837 (W. 211) and S.I. 2018/766 (W. 153).

(9) For the definition of “school year” see section 579 of the Education Act 1996. The definition was inserted by paragraph 43 of Schedule 7 to the Education Act 1997.

(10) S.I. 2011/1944 (W. 211), amended by S.I. 2013/437 (W. 53), S.I. 2016/211 (W. 84) and S.I. 2018/766 (W. 153).

**“Disapplication of certain duties for the 2019-2020 school year**

**1A.** The information specified in paragraph 30 of Schedule 3 and relating to the 2019-2020 school year(11) must not be included in any school prospectus.”

**Revocation of the School Performance and Absence Targets (Wales) Regulations 2011**

5. The following are revoked—
- (a) the School Performance and Absence Targets (Wales) Regulations 2011(12),
  - (b) regulation 13 of the Qualifications Wales Act 2015 (Consequential Amendments) Regulations 2016(13),
  - (c) regulation 6 of the Education (Amendments Relating to Teacher Assessment Information) (Wales) Regulations 2018(14), and
  - (d) the School Performance and Absence Targets (Wales) (Amendment) Regulations 2019(15).

**Amendment of the School Performance Information (Wales) Regulations 2011**

6.—(1) The School Performance Information (Wales) Regulations 2011(16) are amended as follows.

- (2) After regulation 1 insert—

**“Disapplication of certain duties for the 2019-2020 school year**

**1A.** The information provided pursuant to regulations 5, 6 and 8 must not include any information relating to the 2019-2020 school year(17).”

- (3) In regulations 4, 5 and 6, after “each” insert “school”.

*Kirsty Williams*  
Minister for Education, one of the Welsh  
Ministers

13 July 2020

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(11) For the definition of “school year” see section 579 of the Education Act 1996. The definition was inserted by paragraph 43 of Schedule 7 to the Education Act 1997.

(12) S.I. 2011/1945 (W. 212).

(13) S.I. 2016/236 (W. 88).

(14) S.I. 2018/766 (W. 153).

(15) S.I. 2019/993 (W. 174).

(16) S.I. 2011/1963 (W. 217), amended by S.I. 2013/437 (W. 53), S.I. 2016/236 (W. 88) and S.I. 2016/837 (W. 211).

(17) For the definition of “school year” see section 579 of the Education Act 1996. The definition was inserted by paragraph 43 of Schedule 7 to the Education Act 1997.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend a number of regulations so as to relax a number of requirements on schools as a result of the coronavirus pandemic.

The School Governors' Annual Reports (Wales) Regulations 2011 ("the Annual Report Regulations") set out the information that must be published by a school governing body in an annual report. Therefore, regulation 2(2) of these Regulations inserts a new regulation into the Annual Report Regulations the effect of which is that the following information for the 2019-2020 school year is not required to be published in any governors' annual report—

- (a) paragraph 6 of Schedule 2 to the Annual Report Regulations (the summary of secondary school performance),
- (b) paragraph 7 of Schedule 2 to the Annual Report Regulations (the numbers of authorised and unauthorised pupil absences), and
- (c) paragraph 8(b) of Schedule 2 to the Annual Report Regulations (further information relating to authorised and unauthorised pupils absences).

The Head Teacher's Report to Parents and Adult Pupils (Wales) Regulations 2011 ("the 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. Not all children are attending school and many pupils and teachers are working and studying remotely. This presents challenges for teachers in respect of providing the report to parents and adult pupils. Therefore regulation 3 of these Regulations inserts a new provision into the Reporting Regulations the effect of which is to amend the obligations on the head teachers so that they are obligated to use their reasonable endeavours to comply with those obligations.

The School Information (Wales) Regulations 2011 ("the School Information Regulations") prescribe the school information that must be published by local authorities and schools in a school prospectus. Not all children are attending school and many pupils and teachers are working and studying remotely. It is likely that will have a negative impact on the quality of some of the data regulated by the School Information Regulations. It is considered that the data on pupil absences is particularly affected and should not therefore be published in a school prospectus. Therefore, regulation 4 of these Regulations inserts a provision into the School Information Regulations the effect of which is to disapply the obligation on a school governing body to include in any school prospectus the data set out in paragraph 30 of Schedule 3 to those Regulations (data relating to pupil absences) in respect of the 2019-2020 school year.

The School Performance and Absence Targets (Wales) Regulations 2011 ("the School Targets Regulations") set out the school performance targets that must be set by a school governing body. The targets are set for a 3 year period and the revised targets provide the basis for targets for the following year. The data that will inform those targets is adversely affected by the fact that many pupils and children are not attending schools and are instead working remotely. This presents a particular problem with setting targets for a school year and how that will work with the 3 year cycle of targets and revision of those targets. Therefore regulation 5 of these Regulations revokes the School Targets Regulations. It is anticipated that a new set of these Regulations will be made following the introduction of the new curriculum and assessment arrangements from 2022 onwards.

The School Performance Information (Wales) Regulations 2011 ("the School Performance Regulations") regulate the transfer of information relating to the educational performance of pupils

from head teachers to school governing bodies, local authorities and the Welsh Ministers. As noted above not all children are attending school and many pupils and teachers are working and studying remotely. It is likely that will have a negative impact on the quality of some of the data regulated by the School Performance Regulations. Many schools will not have completed the foundation phase and key stage assessments and the collection of this data by Welsh Ministers, via local authorities, will not take place for the 2019-2020 school year. Therefore, regulation 6(2) of these Regulations inserts a provision into the School Performance Regulations the effect of which is to disapply the obligations on a school to supply the prescribed information relating to the 2019-2020 school year to local authorities, and on local authorities to supply that information to the Welsh Ministers.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.