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Llywodraeth Cymru
Welsh Government

Welsh Government
Consultation Document

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

Date of issue: 22 June 2020
Action required: Responses by 10 July 2020

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

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

Overview

This consultation seeks views on the relaxation of The School Reporting Requirements (Wales) (Coronavirus) Regulations 2020 which would come into force early in Autumn 2020, as a result of proposed changes to relax burdens on schools and local authorities in Wales.

How to respond

Responses to this consultation should be e-mailed to the address below to arrive by **10 July 2020** at the latest.

IMS@gov.wales

Further information and related documents

This consultation document can be accessed from the Welsh Government's website at www.gov.wales/consultations. Large print, Braille and alternative language versions of this document are available on request.

Welsh Government Regulations governing the Information Management Strategy for schools can be found at:

<https://gov.wales/regulations-governing-information-management-strategy>

For further information, please e-mail:

IMS@gov.wales

Contact details

For further information:

School Information and Improvement Branch
Welsh Government
e-mail: IMS@gov.wales



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General Data Protection Regulation (GDPR)

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer:
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

e-mail: Data.ProtectionOfficer@gov.wales

The contact details for the Information Commissioner's Office are:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545 745 or
0303 123 1113

Website: <https://ico.org.uk/>

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Background

1. The Welsh Government recognises that, during this time, when we are all responding to the coronavirus pandemic, schools, local authorities and governing bodies may be unable to comply with certain statutory requirements. They may also pose a disproportionate administrative burden on those responsible, at a time when they are already stretched. As a result, we are proposing to bring into force amending Regulations that will modify or dis-apply a number of current school reporting requirements.

2. A communication was issued to key stakeholders in May 2020 to provide advance notification of the planned regulatory changes and implications for schools. The notification was issued as a direct response to queries from stakeholders who were seeking timely clarity on reporting requirements for schools. The advice was issued subject to the legislative process.

Proposal

3. The Relaxation of School Reporting Requirements (Wales) (Coronavirus) Regulations 2020 will:

- Revoke **The School Performance and Absence Targets (Wales) Regulations**.
- Amend **The Head Teacher's Report to Parents and Adult Pupils (Wales) Regulations 2011** for the academic year 2019/20.
- Amend **The School Information (Wales) Regulations 2011** for the academic year 2019/20.
- Amend **The School Performance Information (Wales) Regulations 2011** for the academic year 2019/20.
- Amend **The School Governors' Annual Reports (Wales) Regulations 2011** for the academic year 2019/20.

Next Steps

4. You are invited to submit your views on this proposal. Responses should be emailed by 10 July 2020 at the latest. Responses to consultations are likely to be made public on the internet or in a report. If you would prefer your response to remain anonymous, please indicate in your response.

5. Subject to the outcome of this consultation, we propose that these changes will come into force prior to the start of the academic year 2020.

Legislative detail and the proposed amending Regulations

6. Current school reporting arrangements are underpinned by a suite of Regulations and statutory guidance. The proposed amending Regulations will revoke one set of Regulations and amend a number of others, which place duties on headteachers, governing bodies and local authorities to produce pupil and school reports and record pupil attendance in a register. The Regulations revoked or amended are listed below.

The School Performance and Absence Targets (Wales) Regulations 2011 (“the Targets Regulations”)

7. The Targets Regulations require schools to set and publish targets which are agreed by local authorities. Due to the closure of schools, and disruption to assessments, tests and examinations, this year’s attainment and attendance will either be unavailable or incomparable to previous years. It is inappropriate for schools to be required to report against targets previously set for the 2019/20 academic year or set future targets for the next academic year based on these outcomes. The Targets Regulations need to be revoked to ensure that schools are able to undertake their self-evaluation and forward planning for 2020/21 appropriately and effectively, given current circumstances. The target setting cycle, as prescribed by the Targets Regulations, occurs over a three year period. The implications of current disruption for performance and absence data affects both the reviewing, finalising and reporting against targets set in previous years, as well as the process for setting, reviewing and finalising targets for future years. This presents a particular problem with amending existing requirements; revoking the Targets Regulations is considered the only viable and practical solution. Evaluation and improvement arrangements are being developed to align to the new curriculum and will set out, following further consultation, the future approach to school improvement priorities.

The Head Teachers’ Reports to Parents and Adult Pupils (Wales) Regulations 2011 (“the Reporting Regulations”)

8. The Reporting Regulations require headteachers to make a report available to all parents or adult pupils about the educational achievements of pupils, each school year. For the 2019/20 school year, some information that would ordinarily be included in a report, will be either unavailable, not meaningful, or considered inappropriate. It may also be difficult for headteachers to produce reports before the end of the academic year, or to do so in written form. It is proposed that the Reporting Regulations are amended to a “reasonable endeavours” basis. This means that any duties the Reporting Regulations impose on headteachers for reports relating to the 2019/20 school year are to be treated as discharged, if the headteacher has used reasonable endeavours to discharge the duty. The exception to “reasonable endeavours” is regulation 5(1) of the Reporting Regulations; **the requirement to provide a school leaver’s report, which needs to remain an absolute duty**, so that this cohort of learners are not disadvantaged this year.

The School Information (Wales) Regulations 2011 (“the School Information Regulations”)

9. The School Information Regulations require local authorities to publish a composite school prospectus and schools to publish their own individual prospectus, and prescribes the school information that must be included. It is proposed that provision is made to exclude data on authorised and unauthorised absences in respect of pupils registered at the school in the 2019/20 school year from being published in any school prospectus.

The School Governors' Annual Reports (Wales) Regulations 2011 ("the Annual Report Regulations")

10. The Annual Report Regulations require school governing bodies to produce an annual report, including information about school performance against published targets. Whilst governing bodies will still be able to produce a report, it would be inappropriate for reports produced in respect of pupils registered at schools in the 2019/20 school year to include performance and attendance data, as it will not be comparable to previous years. It is proposed that the Annual Report Regulations are amended to modify the content of reports produced in relation to the 2019/20 academic year so that information may not be included in any school governors' report. **The statutory duty for governing bodies to produce a report will remain.**

11. Information to be disapplied/excluded in relation to pupils registered at the school in the 2019/20 school year:

- the most recent Summary of Secondary School Performance (SSSP);
- the number of authorised and unauthorised absences in the school year; and
- any information in relation to performance and absence targets, including improvements set by the governing body in respect of performance of learners, or for reducing the level of absence.

The School Performance Information (Wales) Regulations 2011 ("the Performance Regulations")

12. The Performance Regulations provide for the reporting of teacher assessment and examination outcomes (from schools and governing bodies to local authorities and Welsh Ministers). There has been disruption to the undertaking of foundation phase and key stage teacher assessments during the 2019/20 summer term, due to school closures, and the associated Welsh Government statutory data collection was cancelled. It is, therefore, proposed that amendments are made to remove the duties on governing bodies and local authorities to provide data to local authorities and Welsh Ministers, respectively, on teacher assessment outcomes and authorised or unauthorised absence for the pupils registered at schools in the 2019/20 school year. The Welsh Government will not be reporting on 2019/20 school performance measures, including them in All Wales Core Data Sets ('data packs'), or publishing them on the My Local School website. We will, however, need to retain provision that allows Welsh Government receive results of approved qualifications, for other purposes not related to school performance or accountability.

13. Note that a separate consultation exercise on amending the Performance Regulations was conducted earlier this year (WG39862). It included proposals regarding the mandatory reporting of national reading and numeracy test outcomes to local authorities. The wider regulatory impact of Covid-19 has taken precedence for 2019/20, but the outcome of this consultation will be published in due course.

Consequential policy amendments

14. Given the impact of disruption to school operations and cancellation of summer GCSE, AS and A level examinations, normal arrangements for the reporting of school performance outcomes for the 2019/20 academic year will be suspended. In response to the reporting and registration regulatory changes, the Welsh Government will be suspending the inclusion of performance measures in the All Wales Core Data Sets for schools and local authorities, Summary of Secondary School Performance, and relevant aspects of the My Local School website.

15. Learners entered for GCSE, AS, or A Level examinations will still receive a grade as will those doing the Skills Challenge Certificate. We are confident that the qualifications this year will be consistent and robust but whilst they will have the same values for learners, they will not be used to measure school performance or to hold schools to account.