

2020 No. (W.)

EDUCATION, WALES

**The School Performance
Information (Wales) (Amendment)
Regulations 2020**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the School Performance Information (Wales) Regulations 2011 (“the 2011 Regulations”). The 2011 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.

Regulation 2(1) of the 2011 Regulations defines “statutory assessments” to include the assessment arrangements made by the Welsh Ministers—

- (a) in the National Curriculum (Desirable Outcomes, Educational Programmes and Baseline and End of Phase Assessment Arrangements for the Foundation Phase) (Wales) Order 2015,
- (b) in the Education (National Curriculum) (Assessment Arrangements for Reading and Numeracy) (Wales) Order 2013 (“the reading and numeracy tests”), and
- (c) in an order made under section 108(3)(c) of the Education Act 2002.

Regulation 5 of the 2011 Regulations requires the head teacher to provide the information set out in Schedule 2 including the results of the statutory assessments to the governing body. Regulation 6 of the 2011 Regulations requires the local authority to provide the information set out in Schedule 2 including the statutory assessments to the Welsh Ministers.

The Education (National Curriculum) (Assessment Arrangements for Reading and Numeracy) (Wales) (Amendment) Order 2018 amended the 2011 Regulations so that from 1 September 2018 a pupil is able to sit an on-line version of the reading and

numeracy tests. The on-line version of the reading and numeracy assessments is marked automatically by computer software and the results are automatically provided to the school and the Welsh Ministers by computer software.

These Regulations substitute a new Schedule 2 into the 2011 Regulations so that the results of the on-line version of the reading and numeracy tests are excluded from the statutory assessments information that must be sent to the local authority by the governing body. Therefore, the local authority will no longer receive the results of the on-line version of the reading and numeracy tests. However, the local authority will continue to receive the reading and numeracy test results for those pupils who sit the paper based form of the reading and numeracy tests until the end of the school year 2019/20 after which time the paper based form of the reading and numeracy tests will cease to be used.

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.

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Made 2020

Laid before the National Assembly for Wales
2020

Coming into force 2020

The Welsh Ministers, in exercise of the powers in sections 29(3)(1), 408(1)(2) and 537A(1), (2) and (4)(3) of the Education Act 1996, and exercisable by them(4), make the following Regulations.

In accordance with section 408(5) of the Education Act 1996 the Welsh Ministers have consulted with those persons with whom consultation appeared to the Welsh Ministers to be desirable.

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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.
- (2) 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 to the School Standards and Framework Act 1998, paragraph 46(1) and (2) of Schedule 21 to the Education Act 2002 (c. 32), paragraphs 9, 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.
- (3) Section 537A of the Education Act 1996 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 amended by S.I. 2010/1158.
- (4) The functions in the Education Act 1996 were conferred on the Secretary of State and were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and are now exercisable by the Welsh Ministers under section 162 of, and paragraph 30 of Schedule 11 to, the Government of Wales Act 2006 (c. 32).

Title and commencement

1.—(1) The title of these Regulations is the School Performance Information (Wales) (Amendment) Regulations 2020.

(2) These Regulations come into force on [] 2020.

Amendment

2. For Schedule 2 to the School Performance Information (Wales) Regulations 2011(1) substitute—

“SCHEDULE 2

Regulations 4, 5 and 6

Provision of Information to Local Authorities: Foundation Phase and Key Stage Results

1. In respect of each registered pupil in the foundation phase, second key stage and third key stage, the results of the pupil's statutory assessments.

2. Where some or all of the results set out in paragraph 1 are not available—

- (a) whether the pupil was exempted from the statutory assessments under section 113 or 114 of the 2002 Act; or
- (b) whether the results of the pupil's statutory assessments are not available for reasons other than the pupil's exemption under section 113 or 114 of the 2002 Act.

3. For the purposes of regulations 5 and 6, the information provided pursuant to paragraphs 1 and 2 must not include the results of pupils sitting the on-line version of the Education (National Curriculum) (Assessment Arrangements for Reading and Numeracy) (Wales) Order 2013(2).”

Name

Minister for Education, one of the Welsh Ministers

Date

(1) 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).

(2) S.I. 2013/433 (W. 51), amended by S.I. 2018/811 (W. 163).