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STATUTORY INSTRUMENTS

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**1992 No. 1205**

**EDUCATION, ENGLAND AND WALES**

**The Education (Individual Pupils' Achievements)  
(Information) (Wales) Regulations 1992**

<i>Made</i>	- - - -	<i>19th May 1992</i>
<i>Laid before Parliament</i>		<i>21st May 1992</i>
<i>Coming into force</i>	- -	<i>11th June 1992</i>

In exercise of the powers conferred on the Secretary of State by sections 22(1), 218(1)(f) and (4), 232(5) and (6) of the Education Reform Act 1988(1), and after consulting with those persons with whom consultation appeared to him to be desirable, the Secretary of State for Wales hereby makes the following Regulations:—

**Citation, commencement, extent and revocation of previous Regulations**

1.—(1) These Regulations may be cited as the Education (Individual Pupils' Achievements) (Information) (Wales) Regulations 1992 and shall come into force on 11th June 1992.

(2) These Regulations extend to Wales only.

(3) The Education (Individual Pupils' Achievements) (Information) Regulations 1990(2) are hereby revoked insofar as they apply to Wales.

**Definitions**

2.—(1) In these Regulations—

“the Act” means the Education Reform Act 1988;

“attendance record” means the record of a pupil’s school attendance contained in the Attendance Register kept in accordance with section 80 of the Education Act 1944(3) and the Pupils' Registration Regulations 1956(4);

“class” has the meaning assigned to it by section 3(6) of the Act;

“GCE ‘A’ level” and “GCE ‘AS’” mean General Certificate of Education advanced level and advanced supplementary respectively;

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(1) 1988 c. 40.  
(2) S.I. 1990/1381.  
(3) 1944 c. 31.  
(4) S.I. 1956/357, amended by S.I. 1987/1285, 1988/1185 and 1991/1582.

“key stage” means any of the periods set out in paragraphs (a) to (d) respectively of section 3(3) of the Act, and a reference to the first or the fourth key stage is a reference to the periods set out in section 3(3)(a) and (d) respectively of the Act;

“levels of attainment” means the levels set out in any document of a kind referred to in section 4(4) of the Act the provisions of which have effect, or (as the case may be) have effect as amended, by virtue of any Order made under section 4(2)(a) or (b) of the Act;

“maintained school” has the meaning assigned to it by section 25(1) of the Act;

“profile component” means any grouping of attainment targets for the purposes of the statutory arrangements;

“school day” means a day on which the school meets; and

“the statutory arrangements” means assessment arrangements specified by orders made under section 4(2)(c) of the Act.

(2) In these Regulations, unless the context otherwise requires, any reference to a regulation bearing that number in these Regulations and any reference in a regulation to a numbered paragraph is to the paragraph of that regulation bearing that number.

(3) In these Regulations a reference to pupils in the relevant age group in relation to GCSE examinations or GCE 'A' level and 'AS' examinations is to pupils who were aged 15 or 17 respectively on 31st August immediately preceding the school year in which the examinations were taken.

### **General duty of head teacher**

3.—(1) The head teacher of every maintained school shall make available in writing to the parent of each registered pupil at the school the information relating to that pupil’s educational achievements and the other information specified in regulation 4.

(2) That information shall be made available at the times and in the manner specified in regulation 5.

### **Information to be provided to parents**

4.—(1) The information required to be made available by regulation 3 is—

(a) where the pupil is in the final year of a key stage in any foundation subject in relation to which attainment targets and programmes of study are specified, and his achievements in that subject have been assessed in accordance with the statutory arrangements, brief particulars of his achievements in that subject, including in particular—

(i) the pupil’s level of attainment in the subject and in each profile component of the subject so assessed;

(ii) a statement that the levels have been so assessed;

(iii) the information specified in paragraph (2) about the levels of attainment in the subject, in each profile component of the subject and in the tests and attainment targets referred to in sub-paragraph (b) of all other pupils in the final year of that key stage whose achievements have been so assessed; and

(iv) where the pupil has been exempted from any attainment target, a statement to that effect referring to the target.

(b) without prejudice to sub-paragraph (a), where the pupil is in the final year of the first key stage:—

(i) in English, the results of any tests of reading accuracy or spelling which form part of the statutory arrangements for that subject and key stage; and

- (ii) in mathematics, his level of attainment in attainment target 3 entitled “Number”;
  - (c) where the pupil is in a year other than the final year of a key stage, brief particulars of his achievements in any foundation subject in relation to which year attainment targets and programmes of study are specified or which is required to be taught to him for a reasonable time by virtue of section 10(2)(a) and (3) of the Act;
  - (d) where the pupil is in the final year of the fourth key stage—
    - (i) the name of any subject in which the pupil has been awarded the General Certificate of Secondary Education and of any other qualification awarded to him in reliance (in either case) on his assessment in accordance with the statutory arrangements and the grade he achieved in any such examination; and
    - (ii) the percentage of pupils at the school in the relevant age group who achieved—
      - (aa) grade A, B or C in GCSE examination in one or more subjects;
      - (bb) any grade from A to G in such examinations;
      - (cc) grade A, B or C in such examinations in not less than five subjects;
      - (dd) any grade from A to G in such examinations in not less than five subjects;
  - (e) where the pupil has taken GCE `A' level or GCE `AS' examinations, the number of points scored by him and the average points score (calculated as provided in paragraph (5)) of all pupils at the school in the relevant age group who took any such examinations, such scores to be determined as follows:—
    - GCE `A' level: grade A = 10 points; grade B = 8 points; grade C = 6 points; grade D = 4 points; and grade E = 2 points.
    - GCE `AS': grade A = 5 points; grade B = 4 points; grade C = 3 points; grade D = 2 points; and grade E = 1 point.
  - (f) in the case of all pupils—
    - (i) brief particulars of the pupil’s achievements in any subject or activity not referred to elsewhere in this paragraph which forms part of the school curriculum and of his skills and abilities and his general progress at school during the school year to which the information relates;
    - (ii) (except a pupil who is not of compulsory school age) a summary of the pupil’s attendance record during that year showing the number of authorised and unauthorised absences (within the meaning of the Pupils' Registration Regulations 1956); and
    - (iii) particulars of the arrangements under which the information required to be made available by this regulation may be discussed by the pupil’s parents with his teachers.
- (2) The information referred to in sub-paragraph (a)(iii) of paragraph (1) is—
- (a) the numbers or percentages (or both) of pupils in the final year of the pupil’s key stage who achieved each level of attainment in the subjects English, Welsh, mathematics, science, technology and Welsh Second Language;
  - (b) the corresponding numbers or percentages (or both) for the profile components in English entitled “Reading” and “Writing”;
  - (c) the corresponding numbers or percentages (or both) for attainment target 3 in mathematics entitled “Number”;
  - (d) the corresponding numbers or percentages (or both) for attainment target 1 in Welsh entitled “Oral”; and

- (e) the number or percentages (or both) of pupils in the final year of the pupil's key stage who have been exempted from each subject, profile component and attainment target respectively referred to in sub-paragraphs (a) to (d).
- (3) Where the brief particulars referred to in paragraph (1)(c) include references to the pupil's levels of attainment they shall contain a statement that those levels have not been assessed in accordance with the statutory arrangements.
- (4) In the case of a pupil over compulsory school age and who is not in any year of a key stage the brief particulars referred to in sub-paragraph (f)(i) of paragraph (1) shall include the results of any public examination, other than a GCE 'A' level or GCE 'AS' level examination, taken by the pupil in the school year to which the information relates.
- (5) The average number referred to in paragraph (1)(e) shall be calculated to the nearest whole number (halves being rounded upwards), and in calculating the number the results of pupils who were entered for any such examination but failed to attain any pass grade shall be included.
- (6) In paragraphs (1) and (2) a reference to a pupil who has been exempted from any attainment target, profile component or subject is a reference to a pupil to whom any attainment target, profile component or subject does not apply or applies with modifications (as the case may be) by virtue of—
- (a) regulations made under section 17 of the Act; or
  - (b) provision made pursuant to section 18 of the Act in the pupil's statement of special educational needs made under section 7 of the Education Act 1981(5); or
  - (c) a direction given by a head teacher pursuant to regulations made under section 19 of the Act(6).
- (7) In this regulation "specified" means specified for the time being by an order made under section 4(2)(a) and (b) of the Act.

#### **Time and manner of provision of information**

- 5.—(1) Subject to paragraphs (2) and (3) the head teacher shall send the information (whether by post or otherwise) to the pupil's parent not later than 31st July in each year immediately following the end of the school year to which the information relates.
- (2) Where the head teacher receives information after 31st July in any year consisting of the results of public examinations taken by a pupil at the school during the school year immediately preceding that date, he shall send that information (whether by post or otherwise) as soon as reasonably practicable to the parent of that pupil.
- (3) In the case of a pupil who is at the end of the fourth key stage or who is over compulsory school age and not in any year of any key stage, paragraph (1) shall have effect with the substitution of "30th September" for "31st July".

#### **Additional information to be made available to parents in certain cases**

- 6.—(1) Subject to paragraph (2) it shall be the duty of the head teacher, in the case of a pupil mentioned in regulation 4(1)(a), to disclose to that pupil's parent, when requested to do so by that parent, the relevant data, and to make available to the parent without charge a copy of those data.
- (2) The head teacher shall comply with any request pursuant to paragraph (1) within fifteen school days of its receipt by him or, if the request is received on a day which is not a school day, within fifteen school days of the first school day following the day on which he received the request.

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(5) 1981 c. 60.

(6) The Regulations in force at the date these Regulations are made are the Education (National Curriculum) (Temporary Exceptions for Individual Pupils) Regulations 1989 (S.I. 1989/1181).

(3) In paragraph (1) “the relevant data” means the levels of attainment achieved by the pupil in each attainment target in any foundation subject in respect of which the pupil has been assessed in accordance with the statutory arrangements.

### **Savings**

7.—(1) The provisions of this regulation apply to the information referred to in sub-paragraph (f) (i) of paragraph (1) of regulation 4 (brief particulars of a pupil’s skills and abilities and general progress).

(2) Nothing in regulations 3 and 4(1)(f)(i) shall require 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 education authority which maintains the school;
  - (ii) in the case of a grant-maintained or 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 (within the meaning of the Education (No.2) Act 1986(7)); or
  - (iv) the person requesting disclosure.
- (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; or
- (c) 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;
- (d) 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;
- (e) so as to disclose to a pupil’s parent the levels of attainment in any subject of any other pupil.

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

### **Publication and Translation of Information**

8.—(1) If any information required to be made available under these Regulations is published in Welsh, then if it appears requisite to the head teacher of any school that the information should be published in English, or in English and Welsh as well, it shall be so published and these Regulations shall apply to the information so published as they apply to the original publication.

(2) If any information required to be made available under these Regulations is published in English, then if it appears requisite to the head teacher of any school that the information should be published in Welsh, or in Welsh and English as well, it shall be so published and these Regulations shall apply to the information so published as they apply to the original publication.

(3) If it appears to the head teacher of any school that a translation of any information required to be made available under these Regulations should be published in a language other than English or Welsh, it shall be so translated and these Regulations shall apply to the translated information as they apply to the original information.

(4) No charge shall be made for a copy of any information translated in accordance with paragraphs (1), (2) or (3).

### **Amendment of the Education (School Records) Regulations 1989**

9. The Education (School Records) Regulations 1989(8) shall be amended by substituting for paragraph (a) of regulation 9 the following paragraph—

- “(a) originating from or supplied by or on behalf of any person other than—
- (i) an employee of the local education authority which maintains the school;
  - (ii) in the case of a grant-maintained or voluntary aided school, a teacher or other employee at the school (including a person engaged under a contract for service);
  - (iii) an education welfare officer (within the meaning of the Education (No.2) Act 1986); or
  - (iv) the person requesting disclosure;”.

19th May 1992

*David Hunt*  
Secretary of State for Wales

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## EXPLANATORY NOTE

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

These Regulations, which apply only to schools in Wales, made under the Education Reform Act 1988 (“the Act”) revoke and re-enact with amendments, the provisions of the Education (Individual Pupils' Achievements) (Information) Regulations 1990 (S.I.1990/1381). They require head teachers of schools maintained by local education authorities and of grant-maintained schools to provide information about individual pupils' educational achievements to parents of the pupils, including pupils over compulsory school age, together with information about the pupil's attendance at school and the pupil's general progress. Parents must also be given details of the arrangements for discussing a pupil's report with his teachers.

For all pupils assessed under statutory arrangements by an order under section 4 of the Act at the end of a final year of a key stage (7 year olds, 11 year olds, 14 year olds and 16 year olds), information is to be given about the pupil's level of attainment by profile component and subject together with comparative school information (regulation 4(1)(a) and (b)). For all pupils who are in a year other than the final year of a key stage, brief particulars are to be given of a pupil's achievements in subjects and activities studied as part of the national curriculum (regulation 4(1)(c)). Details of subjects in which the pupil has been awarded a GCSE certificate together with comparative information about the GCSE examination are to be given (regulation 4(1)(d)). The subjects entered by the pupil for A/AS level examinations and the grades achieved together with the student's overall points score (regulation 4(1)(e)) are to be given.

For all pupils (including those over compulsory school age) brief particulars are to be given of their achievements in subjects which are not part of the national curriculum and of the pupil's general progress (regulation 4(1)(f)(i)); for all pupils within a key stage details of their attendance record during the year are to be given (regulation 4(1)(f)(ii)) and for all pupils (including those over compulsory school age) details are to be given of the arrangements by which the information to be given under these Regulations is to be discussed with teachers at the school (regulation 4(1)(f)(iii)).

If a pupil has been excepted from any National Curriculum attainment target the head teacher is required to provide that information (regulation 4(1)(a)(iv) and (3)).

The information must be sent to parents by 31st July (regulation 5(1)) except for pupils at the end of key stage 4 or over compulsory school age in which the relevant date is 30th September (regulation 5(3)). If the head teacher receives public examination results after 31st July he must send these to parents as soon as reasonably practicable (regulation 5(2)).

The head teacher is to provide, on request by a parent, details of a pupil's level of attainment for each attainment target where the pupil has been assessed in accordance with arrangements specified by a section 4 order (regulation 6).

In reporting on a pupil's general progress, the head teacher may exclude certain confidential information. This information is set out in regulation 7.

Regulation 8 provides for the translation of documents which are to be published or made available for public inspection under these Regulations.

Minor amendments are made to regulation 9(a) of the the Education (School Records) Regulations 1989 by regulation 9 of these Regulations.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.