
WELSH STATUTORY INSTRUMENTS

2001 No. 832 (W.37)

EDUCATION, WALES

The Education (Pupil Records) (Wales) Regulations 2001

Made - - - - *8th March 2001*

Coming into force - - *16th April 2001*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on the Secretary of State by sections 563 and 569(4) and (5) of the Education Act 1996⁽¹⁾ and now vested in the National Assembly for Wales⁽²⁾.

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Pupil Records) (Wales) Regulations 2001 and shall come into force on 16th April 2001 —

(2) These Regulations apply in relation to schools in Wales only.

Interpretation

2.—(1) In these Regulations—

“curricular record” (“*cofnod cwricwlaidd*”) means a formal record of a pupil’s academic achievements, the pupil’s other skills and abilities and his or her progress in school;

“institution of further or higher education” (“*sefydliad addysg bellach neu addysg uwch*”) means any institution falling within sub-section (10) of section 218 of the Education Reform Act 1988⁽³⁾;

“responsible person” (“*person cyfrifol*”) means —

- (a) the head teacher of an independent school; or
- (b) the governing body of any other school; or
- (c) the person responsible for the conduct of any institution of further or higher education or other place of education or training to which a pupil transfers or may transfer;

“school day” (“*diwrnod ysgol*”) means any day on which there is a school session at the school.

(1) 1996 c. 56. Section 563(3)(b) was repealed by Schedule 31 to the School Standards and Framework Act 1998 (c. 31). For the meaning of “regulations” see section 579(1)

(2) See the National Assembly for Wales (Transfer of Functions) Order 1999, S.I.1999/672.

(3) 1988 c. 40 as amended by paragraph 49 of Schedule 8 to the Further and Higher Education Act 1992 (c. 13).

(2) In these Regulations, any reference to a numbered regulation is a reference to the 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.

Meaning of educational records

3.—(1) In these Regulations “educational record” (“*cofnod addysgol*”) means any record of information which —

- (a) is processed by or on behalf of the governing body of, or a teacher at, any school specified in paragraph (2);
- (b) relates to any person who is or has been a pupil at the school; and
- (c) originated from or was supplied by or on behalf of any of the persons specified in paragraph (3),

other than information which is processed by a teacher solely for the teacher’s own use.

(2) The schools referred to in paragraph (1)(a) are —

- (a) a school maintained by a local education authority; and
- (b) a special school which is not so maintained.

(3) The persons referred to in paragraph (1)(c) are —

- (a) an employee of the local education authority which maintains the school;
- (b) in the case of —
 - (i) a voluntary aided, foundation or foundation special school; or
 - (ii) a special school which is not maintained by a local education authority, a teacher or other employee at the school (including an educational psychologist engaged by the governing body under a contract for services);
- (c) the pupil to whom the record relates; and
- (d) a parent of that pupil(4).

Duties of head teacher - curricular records

4. The head teacher of every school maintained by a local education authority, except a nursery school, and of every special school not so maintained, shall keep a curricular record, updated at least once a year, in respect of every registered pupil at the school.

Duties of head teacher - educational records

5.—(1) Upon receiving a written request by a parent for disclosure of a pupil’s educational record, the head teacher of a school maintained by a local education authority, except a nursery school, and of a special school not so maintained, shall, within fifteen school days, make it available for inspection, free of charge, to the parent.

(2) Upon receiving a written request by a parent for a copy of a pupil’s educational record, the head teacher of such a school shall, within fifteen school days, give the parent a copy of it on payment of such fee (not exceeding the cost of supply), if any, as the governing body may prescribe.

(3) In every case where the pupil is under consideration for admission to another school (including an independent school) or to an institution of further or higher education or any other place of education or training, the head teacher shall transfer the pupil’s curricular record to the responsible person, free of charge, if that person so requests, within fifteen school days of receiving the request.

(4) This definition of “educational record” is the same as the one contained in Schedule 11 to the Data Protection Act 1998 (c. 29).

(4) The record supplied under paragraph (3) shall not include the results of any assessment of the pupil's achievements.

(5) When complying with a request for disclosure or a copy of a pupil's educational record under paragraph (1) or (2) of this regulation, a head teacher shall not disclose any documents which are subject to any order under section 30(2) of the Data Protection Act 1998⁽⁵⁾.

Translation

6.—(1) This regulation applies to any document required to be made available for inspection or supplied under regulation 5(1), (2) or (3).

(2) If it appears requisite to the head teacher of the school that any such document should be translated into Welsh or English, the head teacher shall arrange for it to be so translated and subject to paragraph (4), regulation 5 shall apply to the translated document as it applies to the original document.

(3) If it appears requisite to the head teacher of the school that any such document should be translated into a language other than English or Welsh, the head teacher shall arrange for it to be translated and subject to paragraph (4), regulation 5 shall apply to the translated document as it applies to the original document.

(4) Where a charge is made for a copy of the original document, no greater charge shall be made for a copy of the document so translated.

Revocation

7. The Education (School Records) Regulations 1989⁽⁶⁾ are revoked.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998⁽⁷⁾.

8th March 2001

Dafydd Elis Thomas
The Presiding Officer of the National Assembly

(5) 1998 c. 29.
(6) S.I. 1989/1261.
(7) 1998 c. 38.

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

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which replace provisions formerly contained in the Education (School Records) Regulations 1989, provide for the keeping by the head teacher of records about the academic achievements and the skills and abilities and progress (curricular records) of a pupil at a school maintained by a local education authority (except a nursery school) and a special school not so maintained (regulation 4).

They also make provision for the disclosure and transfer by the head teacher of educational records (as defined in regulation 3) to parents and schools to which pupils are transferring (regulation 5).

Where requisite, the original educational records must be provided together with a translation into English or Welsh or another language (regulation 6).

The 1989 Regulations are revoked (regulation