
STATUTORY INSTRUMENTS

1993 No. 835

EDUCATION, ENGLAND AND WALES

**The Education (Individual Pupils' Achievements)
(Information) (Wales) Regulations 1993**

<i>Made</i>	- - - -	<i>10th March 1993</i>
<i>Laid before Parliament</i>		<i>30th March 1993</i>
<i>Coming into force</i>	- -	<i>20th April 1993</i>

In exercise of the powers conferred on the Secretary of State by sections 22(1), 218(1)(f) and (4) and 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 and commencement, extent and revocation of previous Regulations

1.—(1) These Regulations may be cited as the Education (Individual Pupils' Achievements) (Information) (Wales) Regulations 1993 and shall come into force on 20th April 1993.

(2) These Regulations extend to Wales only.

(3) The Education (Individual Pupils' Achievements) (Information) (Wales) Regulations 1992 (2) are hereby revoked.

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;

(1) 1988 c. 40; section 22 was amended by the Education (Schools) Act 1992 (c. 38), paragraph 6 of Schedule 4.

(2) S.I. 1992/1205.

(3) 1944 c. 31; section 80 was repealed in part and extended by section 4 of and Schedule 2 to the Education (Miscellaneous Provisions) Act 1948 (c. 40) and was amended by Schedule 1 to the Education Act 1980 (c. 20) and paragraph 58 of Schedule 12 to the Education Reform Act 1988. For matters to be prescribed see section 114(1) of the Education Act 1944.

(4) S.I. 1956/357, amended by S.I. 1987/1285, 1988/1185 and 1991/1582.

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

“GCSE” means General Certificate of Secondary Education;

“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, second, third or fourth key stage is a reference to the periods set out respectively in the said paragraphs (a) to (d);

“levels” means the levels of attainment 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 and, unless the context otherwise requires, means such levels determined in accordance with the statutory arrangements;

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

“NC tests” has the same meaning as in the Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics, Science, Welsh Second Language and Technology) (Key Stage 3) (Wales) Order 1992 (5)

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

“qualification” means a qualification for the time being approved pursuant to section 5 of the Act;

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

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

(2) In these Regulations references to pupils aged 15 or 17 are to pupils who attained that age during the period of twelve months ending on the 31st August immediately preceding the commencement of the school year in which they took GCSE examinations or GCE ‘A’ level and ‘AS’ examinations respectively.

(3) In these Regulations a reference to an attainment target, profile component or subject from which a pupil is exempt is to an attainment target, profile component or subject which does not apply to a pupil by virtue of regulations made under section 17 of the Act, 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 (6), or a direction given by the head teacher pursuant to regulations made under section 19 of the Act (7).

(4) In these Regulations, unless the context otherwise requires, 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.

(5) Any average number calculated for the purposes of these Regulations shall be calculated to the nearest whole number (halves being rounded upwards) and, in calculating an average number relating to examination points scores, the results of pupils who were entered for an examination but failed to attain any pass grade shall be taken into account.

Headteacher’s report to parents and adult pupils

3.—(1) The head teacher of every maintained school shall, each school year, make available in writing to the parent of each registered pupil at the school and to each such pupil who has attained

(5) S.I. 1992/2042.

(6) 1981 c. 60.

(7) The current regulations are the Education (National Curriculum) (Temporary Exceptions for Individual Pupils) Regulations 1989 (S.I. 1989/1181).

or who will attain the age of 18 years before 31st August next following the end of that year, a report containing—

- (a) the information relating to the pupil's educational achievements and the other information relating to him specified—
 - (i) as respects pupils in the final year of a key stage, in Part 1 of Schedule 1 hereto;
 - (ii) as respects pupils in a year of a key stage other than the final year in Part 2 of that Schedule;
 - (iii) as respects pupils aged at least 17 who have taken GCE 'A' level or GCE 'AS' examinations, in Part 3 of that Schedule; and
 - (iv) as respects all pupils, in Part 4 of that Schedule; and
- (b) in the case of a pupil at the end of a key stage or who has taken examinations for the GCSE or GCE 'A' level and 'AS' examinations, the information relating to the educational achievements of all other such pupils at the school and of all such pupils at schools in Wales whose achievements were assessed or examined (as the case may be) at the same time as the pupil's, and the other information relating to such pupils, specified in Schedule 2 hereto.

(2) The head teacher shall send the report by post or otherwise—

- (a) in the case of a pupil in the final year of the first or second key stage, during the period beginning on 1st June and ending with the earlier of the end of the summer term and of 31st July;
- (b) in the case of a pupil in the final year of the third or fourth key stage, subject to paragraph (3) during the period beginning with 15th June and ending with the earlier of the end of the summer term and of 31st July;
- (c) in any other case, subject to paragraph (3), at any time before the earlier of the end of the summer term and 31st July:

Provided that the period to which the report relates shall, in all cases, begin with the end of the period to which the report last made pursuant to these Regulations (or as the case may be the Regulations revoked by regulation 1) related, or the pupil's admission to the school, which ever is the later.

(3) Where the report includes the results of public examinations taken by a pupil at the end of the fourth key stage or who is over compulsory school age and not in any key stage, or of NC tests taken by a pupil at the end of the third key stage which are subject to verification by a designated body in accordance with the Education (National Curriculum) (Assessment Arrangements for English, Welsh, Mathematics, Science, Welsh Second Language and Technology) (Wales) Regulations 1992 and the results are not received by the head teacher until after the earlier of the end of the summer term and of 31st July, he shall send the report as soon as practicable and in any event not later than the following 30th September.

(4) In sub-paragraph (b) of paragraph (1) and Schedule 2, the reference to pupils at schools in Wales is to pupils at all such maintained schools and at such independent schools whose achievements were assessed as if the statutory arrangements applied to them or, as the case may be, who took the examinations mentioned in that sub-paragraph and that Schedule.

(5) Where the information consists of levels it shall be accompanied by a brief explanatory commentary which enable a parent to understand his child's progress in the subject individually and in relation to other children in the same year of the key stage, and if the levels have been determined in accordance with the statutory arrangements they shall be accompanied by a statement to that effect.

Additional information to be made available

4.—(1) Subject to paragraph (2) it shall be the duty of the head teacher, in the case of a pupil at the end of the first or second key stage, to disclose to the pupil’s parent, when requested to do so by the 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 day following the day on which he received the request.

(3) In paragraph (1) “the relevant data” means the levels of attainment achieved by the pupil in each attainment target in history, geography, technology and Welsh Second Language in respect of which the pupil has been assessed in accordance with the statutory arrangements.

School leaver’s report

5.—(1) The head teacher of every maintained school shall provide to any pupil who has ceased to be of compulsory school age and who is proposing to leave or has left the school, the information referred to in paragraph (2).

(2) The information consists of—

- (a) the levels attained by the pupil in each foundation subject and each attainment target of a foundation subject, determined by his most recent assessment in accordance with the statutory arrangements;
- (b) the results of any public examination taken by the pupil and any qualification and credits towards a qualification awarded to him; and
- (c) brief particulars of the pupil’s progress and achievements in all subjects and activities forming part of the school curriculum in the school year during, or at the end of which, the pupil left the school.

(3) The information referred to in sub-paragraphs (a) and (c) of paragraph (2) shall be included under the heading “School Achievements” in the form specified in Schedule 3, or a form to the like effect, and that part of the form shall be signed by a teacher who is familiar with the pupil and his achievements, and the information referred to in sub-paragraph (b) of paragraph (2) shall be so included under the heading “Qualifications and Credits” and that part of the form shall be signed by or on behalf of the headteacher and countersigned by a teacher who is familiar with the pupil and his achievements.

(4) Any form in which the information referred to in paragraph (2) is provided shall provide for signature by the pupil.

(5) Such information shall be provided to the pupil not later than 30th September next following the end of the school year during or at the end of which the pupil left the school.

Report when pupil changes schools

6.—(1) Subject to paragraph (4), where a pupil ceases to be a registered pupil at a maintained school (his “old” school) and becomes a registered pupil at another school (his “new” school), the head teacher of the pupil’s old school shall, at the time referred to in paragraph (3), send to the head teacher of his new school a report about the pupil containing the information referred to in paragraph (2).

(2) The information is—

- (a) the levels achieved by the pupil at or near the end of each key stage in each attainment target and subject;

- (b) in the case of a pupil of compulsory school age, his teachers' most recent assessments, since he was last assessed in accordance with the statutory arrangements, of his achievements in relation to all attainment targets in the foundation subjects which apply to him; and
- (c) the results of any public examination taken by him (including results of such examinations taken when the pupil was a registered pupil at another maintained school).

(3) The head teacher of the pupil's old school shall send the report within 15 school days of the pupil's ceasing to be registered at the school.

(4) This regulation does not apply where it is not reasonably practicable for the head teacher of the old school to ascertain the pupil's new school, nor where the pupil was registered at his old school for less than four weeks.

(5) Notwithstanding paragraph (4), if the head teacher of the pupil's old school receives at any time a request from the head teacher of the pupil's new school for a report about the pupil he shall send one containing the information referred to in paragraph (2) within 15 school days of receiving the request.

Savings

7.—(1) The provisions of this regulation apply to the information required to be provided by regulations 3 or 5 consisting of brief particulars of a pupil's skills and abilities and general progress.

(2) Nothing in regulations 3 or 5 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) **(8)** 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;
- (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; or
- (e) so as to disclose to a pupil's parent the levels in any attainment target or subject of any other pupil.

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

Amendment of Education (School Records) Regulations 1989

8. The Education (School Records) Regulations 1989 **(9)** shall be amended—

- (a) by the addition at the end of paragraph (3) of regulation 6 of the following words—

(8) 1986 c. 61.

(9) S.I. 1989/1261; amended by S.I. 1992/1089.

“and the curricular record shall not include the results of any assessment of the pupil’s achievements (whether under Chapter I of Part I of the Education Reform Act 1988 or otherwise)”;

(b) by the substitution for paragraph (4) of that regulation of the following—

“(4) Paragraph (1) (c) does not apply to that part of a curricular record consisting of the results of any assessment of a pupil’s achievements (whether under Chapter I of Part I of the Education Reform Act 1988 or otherwise), and in that subparagraph “inaccurate” means inaccurate or misleading as to any matter of fact.”;

(c) by the addition at the end of that regulation of the following paragraph—

“(6) Nothing in paragraph (3) shall be taken to prevent the disclosure and supply of copies of the results of a pupil’s assessment to the headteacher of a school to which a pupil transfers following his consideration for admission thereto.”; and

(d) by the deletion of paragraph (1) (b) of regulation 12.

Translation of report

9.—(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 requisite 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).

Qualification of headteacher’s duty

10. The duty imposed on a headteacher by regulation 3, read with Schedule 2, to provide information relating to the educational achievements of pupils at schools in Wales, applies only to the extent that such information has been made available to the headteacher by the Secretary of State in sufficient time to enable the headteacher to provide it in accordance with that regulation.

SCHEDULE 1

Regulation 3(1)(a)

INFORMATION ABOUT INDIVIDUAL PUPILS

PART 1

PUPILS IN THE FINAL YEAR OF THE FIRST AND SECOND KEY STAGES

English, Welsh, Mathematics and Science

- (a) the levels of attainment in each subject;
- (b) the level in each attainment target;
- (c) in the first key stage in English, the results of any tests of reading comprehension, reading accuracy or spelling which form part of the statutory arrangements.

Technology

- (a) the levels of attainment in each subject;
- (b) the levels in the two profile components (entitled “Design and Technology Capability” and “Information Technology Capability”).

History, Geography and Welsh Second Language

the levels of attainment in each subject.

Music, Art and Physical Education

a brief account of the pupil’s progress and achievements in relation to each attainment target.

PUPILS IN THE FINAL YEAR OF THE THIRD KEY STAGE

All foundation subjects except Music, Art and Physical Education

- (a) the levels of attainment in each subject and, in technology, the levels in the two profile components;
- (b) the levels in each attainment target determined by teacher assessments and NC tests.

Music, Art and Physical Education

a brief account of the pupil’s progress and achievements in relation to each attainment target.

PUPILS IN THE FINAL YEAR OF THE FOURTH KEY STAGE

All foundation subjects

- (a) the levels of attainment in each subject and, in technology, the levels in the two profile components;
- (b) the levels in each attainment target;
- (c) the name of any subject in which the pupil has been awarded the GCSE, 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 or level he achieved in any such examination.

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

PART 2

PUPILS IN A YEAR OTHER THAN THE FINAL YEAR OF A KEY STAGE

All foundation subjects

Brief particulars of the pupil's achievements in relation to each subject together with a statement, where the particulars include levels of attainment, that those levels have not been determined in accordance with the statutory arrangements.

PART 3

PUPILS WHO HAVE TAKEN GCE 'A' LEVEL OR GCE 'AS' EXAMINATIONS

The number of points scored by the pupils, calculated in accordance with regulation 6 of the Education (School Performance Information) (Wales) Regulations 1992⁽¹⁰⁾.

PART 4

ALL PUPILS

- (a) brief particulars of the pupil's achievements in any subject or activity not mentioned elsewhere in this Schedule which forms part of the school curriculum, and of his skills and abilities and his general progress at school during the period to which the information relates;
- (b) except in the case of a pupil who is not of compulsory school age, a summary of the pupil's attendance record during the period to which information relates showing the number of unauthorised absences (within the meaning of the Pupils' Registration Regulations 1956);
- (c) particulars of the arrangements under which the report may be discussed with the pupil's teachers by his parent and (in the case of a pupil who has attained the age of eighteen years) the pupil;
- (d) particulars of any attainment target, profile component or subject from which the pupil is exempt;
- (e) the results of any public examination taken and any qualification obtained by the pupil during the period to which the information relates which is not referred to elsewhere in this Schedule.

SCHEDULE 2

Regulation 3(1)(b)

INFORMATION ABOUT PUPILS AT THE SCHOOL AND AT SCHOOLS IN WALES

- (a) (a) the total number of registered pupils at the school on 1st April in the final year of the pupil's key stage;
- (b) the numbers or percentages (or both) of such pupils who achieved each level in each foundation subject;

⁽¹⁰⁾ S.I. 1992/2274.

- (c) the numbers or percentages (or both) of such pupils who achieved each level in each of the following—
 - (i) attainment target 2 in English entitled “Reading”;
 - (ii) attainment target 3 in English entitled “Writing”;
 - (iii) attainment target 4 in English entitled “Spelling” (for levels 1-4);
 - (iv) attainment target 4/5 in English entitled “Presentation” (for levels 1–5);
 - (v) attainment target 1 in Welsh entitled “Oral (Listening, Viewing and Speaking)”;
 - (vi) attainment target 2 in Mathematics entitled “Number”;
- (d) the numbers or percentages (or both) of such pupils who were exempted from each foundation subject and attainment target referred to above in this Schedule;
- (e) the numbers or percentages (or both) of pupils who did not achieve any level of attainment in each attainment target referred to in sub-paragraph (c) and in each foundation subject.

2. The percentages for the school year preceding the school year to which the information specified above in this paragraph relates (referred to elsewhere in this Schedule as the “previous school year”) corresponding to those referred to in sub-paragraphs (b) and (c) of paragraph 1 of all pupils at schools in Wales.

- (a) (a) the percentages of pupils aged 15 at the school who in GCSE examinations achieved—
 - (i) grade A, B or C or any level from 7 to 10 in one or more subjects;
 - (ii) any grade from A to G or any level from 4 to 10 in one or more subjects;
 - (iii) grade A, B or C or any level from 7 to 10 in not less than five subjects;
 - (iv) any grade from A to G or any level from 4 to 10 in not less than five subjects;
- (b) the corresponding percentages for the previous school year corresponding to those referred to in sub-paragraph (a) above of pupils at schools in Wales.

4. The average points scores of all pupils (a) at the school and (b) at schools in Wales for the school year preceding the school year to which the information specified in Part 3 of Schedule 1 relates (pupils who have taken GCE ‘A’ level and ‘AS’ level examination).

SCHEDULE 3

Regulation 5

Qualifications and Credits

Subject/qualifications/credits and awarding body	Levels/Results Date achieved
Signature	Date
Supported by	Position

School Achievements

Brief particulars of achievements, subject by subject

Signature (teacher)

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

Signature (pupil)

Date

10th March 1993

David Hunt
Secretary of State for Wales

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations, which apply only to schools in Wales, are made under the Education Reform Act 1988 (“the Act”) and revoke and re-enact with amendments, the provisions of the Education (Individual Pupils' Achievements) (Information) (Wales) Regulations 1992 (S.I.1992/1205). These Regulations continue to require headteachers of schools maintained by local education authorities and of grant maintained schools to provide information about individual pupils' education achievements to parents of the pupils, and pupils over compulsory school age, together with school comparative information and 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. The following changes of substance to the 1992 Regulations are made.

The headteacher is required to provide a report on a pupil's progress and achievements to pupils* as well as parents (regulation 3(1)). The information to be provided must include the National Curriculum levels of attainment and public examination results of pupils at schools in Wales (including independent schools following the National Curriculum) (regulation 3(1)(b) and Schedule 2).

Time limits are specified for the delivery of the report, which must cover the period which has elapsed since the last report was made (regulation 3(2)). The time limit is extended if the report has to contain public examination or National Curriculum test results (regulations 3(3)). The report must now contain an explanatory commentary on the pupil's National Curriculum levels of attainment (regulation 3(5)).

The headteacher is required to provide school leavers with a record of their school achievements and examinations qualification gained (regulation 5) for which purpose a form is prescribed (Schedule 3).

When a pupil transfers to a new school (including an independent school) the headteacher of his old school is required to send to the new school a report containing details of the pupil's achievements in the National Curriculum unless this is not reasonably practicable (regulation 6).

Minor amendments are made to the Education (School Records) Regulations 1989 (regulation 8).

* when over the age of 18 years