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WELSH STATUTORY INSTRUMENTS

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**2011 No. 2325 (W.242)**

**EDUCATION, WALES**

**The Education (Information About Individual Pupils) (Wales) (Amendment) Regulations 2011**

<i>Made</i>	- - - -	<i>20 September 2011</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>22 September 2011</i>
<i>Coming into force</i>	- -	<i>14 October 2011</i>

The Welsh Ministers in exercise of the powers conferred on the Secretary of State by sections 537(A) (1), (2) and (4) and 569(4) and (5) of the Education Act 1996<sup>(1)</sup> and now vested in them<sup>(2)</sup> make the following Regulations:

**Title, commencement and application**

1.—(1) The title of these Regulations is the Education (Information About Individual Pupils) (Wales) (Amendment) Regulations 2011 and they come into force on 14 October 2011.

(2) These Regulations apply in relation to Wales.

**Amendment**

2.—(1) The Education (Information About Individual Pupils) (Wales) Regulations 2007<sup>(3)</sup> are amended as follows.

(2) In regulation 3—

(a) after the definition of “child looked after by a local authority” insert—

““first language circular” (“*cylchlythyr iaith gyntaf*”) means the “Collecting and recording data on pupils' first language”<sup>(4)</sup> circular published by the Welsh Ministers under circular number 001/2011;”;

(b) after the definition of “key stage” insert—

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- (1) 1996 c. 56. Section 537A was inserted by section 20 of the Education Act 1997 (c. 44) and was substituted by the School Standards and Framework Act 1998 (c. 31), Schedule 30, paragraph 153 and sub-section 1(a)(i) was further amended by S.I. 2010/1158.
- (2) The functions of the Secretary of State under these sections were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and then to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).
- (3) S.I. 2007/3562 (W.312).
- (4) ISBN number 978 0 7504 5907 5.

- ““language code” (“*cod iaith*”) means the main codes and sub codes for the standard language categories set out in Annex A to the first language circular;”;
- (c) after the definition of “register” insert—
- ““relevant qualification” (“*cymhwyster perthnasol*”) has the meaning given to it in section 30(5) of the Education Act 1997;”;
- (d) after the definition of “unauthorised absence” insert—
- ““unique learner number” (“*rhif unigryw dysgwr*”), in relation to a registered pupil at a school, means the specific combination of letters and numbers allocated to the pupil by the Chief Executive of the Skills Funding Agency as that pupil’s unique learner number; and”.
- (3) In regulation 5—
- (a) at the end of paragraph (2) insert—
- “(e) the Skills Funding Agency(5);
- (f) any body recognised by the Welsh Ministers under section 30(1)(e) of the Education Act 1997 in respect of the award or authentication of a specified qualification or description of relevant qualification;
- (g) the Office of Qualifications and Examinations Regulation; and
- (h) any body which is recognised by the Office of Qualifications and Examinations Regulation under section 132 of the Apprenticeships, Skills, Children and Learning Act 2009 in respect of the award or authentication of a specified qualification or description of qualification to which Part 7 of that Act applies.”.
- (4) In Part 1 of Schedule 2—
- (a) at the end of paragraph 1(j) insert—
- “(k) unique learner number, where known.”; and
- (b) at the end of paragraph 16 insert—
- “17. Where the pupil is learning English or Welsh as an additional language a statement as to that pupil’s level of development in English being—
- (a) category A: new to English;
- (b) category B: early acquisition;
- (c) category C: developing competence;
- (d) category D: competent; or
- (e) category E: fluent.
18. The language code that best describes the pupil’s first language.”.

20 September 2011

*Leighton Andrews*  
Minister for Education and Skills, one of the  
Welsh Ministers

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## EXPLANATORY NOTE

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

These Regulations amend the Education (Information About Individual Pupils) (Wales) Regulations 2007 (“the 2007 Regulations”). The 2007 Regulations require the governing body of any maintained school on receiving a written request from the local authority by which the school is maintained to supply within fourteen days such of the information as is requested by the authority in respect of pupils at the school.

Regulation 4 and Part 1 of Schedule 2 to the 2007 Regulations prescribe the information that may be shared with persons prescribed under regulation 5(2) of the 2007 Regulations. These Regulations add new paragraphs 17 and 18 to Part 1 of Schedule 2 to the 2007 Regulations so as to add to the prescribed list of individual pupil information that may be shared (regulations 2(2) and 2(4)).

Regulation 5 of the 2007 Regulations prescribes persons who may be provided with individual pupil information by the Welsh Ministers under section 537A(4) of the Education Act 1996. These Regulations insert new sub-paragraphs (e) to (h) into regulation 5(2) so as to add to the prescribed list of bodies to which individual pupil information may be provided (regulation 2(3)).