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WELSH STATUTORY INSTRUMENTS

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**2003 No. 2453 (W.237)**

**EDUCATION, WALES**

**The Education (Information About Post-16 Individual Pupils) (Wales) Regulations 2003**

*Made* - - - - 24th September 2003

*Coming into force* - - 26th September 2003

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on the Secretary of State by sections 537A(1), (2) and (4) and 569(4) and (5) of the Education Act 1996(1) and now vested in the National Assembly for Wales(2):

**Name, commencement and application**

1.—(1) These Regulations are called the Education (Information About Post-16 Individual Pupils) (Wales) Regulations 2003 and come into force on 26th September 2003.

(2) These Regulations apply in relation to Wales.

**Interpretation**

2. In these Regulations—

“the 1996 Act” (“*Ddeddf 1996*”) means the Education Act 1996;

“learning activity reference” (“*cyfeirnod gweithgaredd dysgu*”) means a combination of numbers which together with a letter are allocated to a course of study or other learning activity and are particular to that course or learning activity, determined by the National Council for Training and Education for Wales;

“Register” (“*Cofrestr*”) means the register of pupils kept under section 434 of the 1996 Act and in accordance with the Education (Pupil Registration) Regulations 1995(3);

“sixth form pupil” (“*disgybl chweched dosbarth*”) means a pupil in respect of whose education the National Council for Training and Education for Wales may make a grant to the local education authority under section 36 of the Learning and Skills Act 2000(4); and

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(1) 1996 c. 56. Section 537A was inserted by the Education Act 1997 (1997 c. 44), section 20, and substituted by the School Standards and Framework Act 1998 (1998 c. 31), section 140(1) and Schedule 30, paragraphs 57 and 153.  
(2) See the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672). For the meanings of “prescribed” and “regulations” see section 579(1) of the 1996 Act.  
(3) S.I. 1995/2089.  
(4) 2000 c. 21.

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“unique pupil number” (“*rhif unigryw disgybl*”) means a combination of numbers which together with a letter or letters are allocated to a pupil and are particular to that pupil, by use of a formula determined by the National Assembly for Wales.

**Provision of information by schools maintained by local education authorities to their local education authorities**

3. Within fourteen days of receiving a request in writing from the local education authority by which a school is maintained, the governing body must provide to the authority such of the information referred to in the Schedule to these Regulations as is so requested in respect of each sixth form pupil on the school’s Register on the date specified in the request.

**Prescribed Persons**

4. For the purposes of section 537A(4) of the 1996 Act the National Council for Training and Education for Wales is prescribed as a person to whom the National Assembly for Wales may provide any individual pupil information.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(5)

24th September 2003

*D.Elis-Thomas*  
The Presiding Officer of the National Assembly

## SCHEDULE

Regulation 3

### PROVISION OF INFORMATION ABOUT POST-16 INDIVIDUAL PUPILS

1. The following information about the pupil —
  - (a) surname, and where the pupil has a former surname which is known to the governing body that former surname;
  - (b) first name, or if more than one each first name;
  - (c) middle name, or if more than one each middle name;
  - (d) gender;
  - (e) date of birth;
  - (f) current unique pupil number, and, where the school has held a previous unique pupil number for that pupil, the previous number;
  - (g) ethnic group;
  - (h) national identity;
  - (i) date of admission to the school; and
  - (j) National Curriculum year group in which the pupil is taught.
2. Whether the pupil is a registered pupil at one school or more than one school.
3. The postcode of the home where the pupil normally resides.
4. Whether the information as to the pupil's ethnic group provided by virtue of this Schedule was provided by —
  - (a) the pupil;
  - (b) a parent;
  - (c) the school;
  - (d) a former school; or
  - (e) any other source.
5. The pupil's level of fluency in the Welsh language.
6. Whether or not the pupil speaks Welsh at home and, if so, with whom.
7. Whether the pupil studies any subject, other than Welsh as a first or second language, through the medium of Welsh.
8. Where the pupil has special educational needs, whether the pupil has a statement under section 324 of the 1996 Act and the SEN provision made for the pupil pursuant to "The Special Educational Needs Code of Practice for Wales"<sup>(6)</sup>, which was issued under section 313 of the 1996 Act and came into force on 1st April 2002.
9. Whether the pupil is studying towards a Welsh Baccalaureate Qualification.
10. The title of each course or other learning activity the pupil is studying.
11. In relation to each course or other learning activity the pupil is studying —
  - (a) the learning activity reference;
  - (b) the date the pupil commenced the learning activity;
  - (c) the expected end date of the learning activity;

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- (d) the identity of the provider of the learning activity;
- (e) whether the learning activity is delivered through the medium of English, the medium of Welsh, or bilingually through the media of English and Welsh; and
- (f) whether the pupil has a learning difficulty and/or a disability and if so whether the pupil is undertaking a discrete learning activity or a mainstream learning activity.

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### **EXPLANATORY NOTE**

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

These Regulations require the governing body of any maintained school with a sixth form on receiving a written request from the local education authority by which the school is maintained to supply within fourteen days such of the information referred to in the Schedule as may be requested by the authority on sixth form pupils at the school.

Regulation 4 additionally prescribes the National Council for Training and Education for Wales as a person to whom the National Assembly for Wales may provide any individual pupil information under section 537A(4) of the Education Act 1996.