

EXPLANATORY MEMORANDUM

The Education (Information About Individual Pupils) (Wales) Regulations 2007

This Explanatory Memorandum has been prepared by the Department for Children Education Lifelong Learning & Skills and is laid before the National Assembly for Wales.

Description

This Regulation makes minor amendments to allow changes to the data collected through the Pupil Level Annual School Census (PLASC)

Matters of special interest to the Subordinate Legislation Committee

There are no matters of special interest in relation to these Regulations.

Legislative Background

The Assembly will make the Regulations in exercise of the powers conferred on the Secretary of State by section 537A (1), (2) and (4) and section 569(4) and (5) of the Education Act 1996, which is now vested in the Welsh Ministers.

Purpose and intended effect of the legislation

Currently schools are required to return a Pupil Level Annual School Census (PLASC) in January of each year. The Education (Information About Individual Pupils) (Wales) Regulations 2003 set out the individual pupil level data required for inclusion in the PLASC return.

PLASC returns also include additional data about the individual learning activities of post-16 pupils. Post-16 pupils are defined as those taught in year 12 or above in Secondary schools.

The proposed amendment Regulation will allow the following changes to data collected through PLASC:

- To support standardisation of data collection and analysis across Wales, where a pupil has been identified as having special educational needs schools will be required to enter information into PLASC about the **level of provision** to meet pupils' needs **as well as** their type(s) of SEN and status according to the Code of Practice graduated response and the support being provided.
- to improve the recording of, access to and use of attendance data as a management tool in schools and LEAs require that data be collected on a **pupil's attendance** level for all pupils of compulsory school age who attend a maintained primary or secondary school.
- Require that for pupils taught in designated year 12 and 13 classes in secondary schools (excluding Special Schools), or who are aged 16 or

above as at the 31st August preceding the census date (a Post-16 Pupil), data be collected on is

- **Embedded Basic Skills** - Embedded Basic Skills support is direct support for learning that arises from the identification of a Basic Skills learning need, but does not lead to a formal Basic Skills qualification.
- The amendments also remove the requirement for schools to provide information about whether a pupil has applied and been found eligible for free school milk.
- This Regulation will revoke the Education (Information about Individual Pupils) (Wales) Regulation 2003 as amended in 2005 and 2006 and The Education (Individual Pupil Information) (Prescribed Persons) (Wales) Regulation 2004.

Implementation

The Regulations were made on 17th December 2007 and are intended to come into force on 14th January 2008.

Consultation

We issued a consultation document on 24 September. The consultation ended on 16 November 2007.

Regulatory Impact Assessment

A Regulatory Impact Assessment has been carried out and follows.

Compliance

The proposed legislation is compatible with the provisions in section 80, section 81 and section 82.

REGULATORY IMPACT ASSESSMENT

The Education (Information about Individual Pupils) (Wales) Regulations 2007

Options

Option 1: Do Nothing

In the event of the instrument not coming into force;

- The Pupil Level Annual School Census (PLASC) would go ahead but would not require the provision of some elements of data needed to support the standardisation of data collection and analysis across Wales, where a pupil has been identified as having special educational needs.

- The Pupil Level Annual School Census (PLASC) would go ahead but would not require the provision of some elements of data needed to improve the recording of, access to and use of attendance data as a management tool in schools and LEAs.
- The Pupil Level Annual School Census (PLASC) would go ahead but would not require the provision of some elements of data needed to support pupils where a pupil has been screened and identified as having basic skills below the national target of Level 1 and where they should have their basic skills assessed in more detail.

Option 2: Do Minimum

Where some but not all of the data requirements outlined above are implemented.

Option 2: Make the Legislation

The Assembly will be granted the powers to collect the data in PLASC needed to ensure the smooth and accurate flow of data between schools, LEAs, appropriate agencies and the Assembly.

Benefits

These amendments help ensure that teaching and learning are supported through the smooth and accurate flow of data between schools, LEAs and appropriate agencies and the Assembly. They also help to reduce the administrative burden on schools by reducing duplication of data requests both to and from schools and help clarify the legal basis for the collection, use and sharing of pupil level data.

Costs

The new Regulation has no direct financial implication for the Assembly, schools or Local Education Authorities.

Consultation

We issued a consultation document on 24 September. The consultation ended on 16 November 2007.

Post implementation review

The requirements as a result of these Regulations will be monitored through the PLASC data return.

Summary

This Regulation makes minor amendments to allow changes to the data collected through the Pupil Level Annual School Census (PLASC).