

SL(6)218 – The Provision of Information by Head Teachers to Parents and Adult Pupils (Wales) Regulations 2022

Background and Purpose

The Provision of Information by Head Teachers to Parents and Adult Pupils (Wales) Regulations 2022 (“the Regulations”) are made by the Welsh Ministers in exercise of the powers conferred on them by sections 408(1) and 569(4) and (5) of, and paragraph 3 of Schedule 1(3) to, the Education Act 1996. In accordance with section 408(5) of that Act, the Welsh Ministers have consulted with such persons as they consider desirable.

The Curriculum and Assessment (Wales) Act 2021 (“the 2021 Act”) establishes a new framework for a curriculum and makes provision about assessment for children and pupils in Wales (“the new CfW”).

Regulation 1 provides for the commencement of the Regulations by year groups. This will mirror the planned roll out of the new CfW which will also be phased in over a period of time by year groups. The new CfW and the Regulations will be rolled out for children and pupils in a phased manner. The new CfW will become mandatory for the year groups in schools and other settings as follows—

(a) on 1 September 2022 for—

- (i) children in a maintained nursery school,
- (ii) pupils in a reception year, and
- (iii) pupils in years 1, 2, 3, 4, 5 and 6,

(b) on 1 September 2022 for children and pupils in year 7 in those schools and other settings where there is a curriculum provided in accordance with the 2021 Act,

(c) on 1 September 2023 for children and pupils in years 7 and 8,

(d) on 1 September 2024 for children and pupils in year 9,

(e) on 1 September 2025 for children and pupils in year 10, and

(f) on 1 September 2026 for children and pupils in year 11.

The Regulations apply in relation to children and pupils to whom education is provided—

(a) in maintained schools,

(b) in maintained nursery schools, and



(c) in pupil referral units ("PRUs").

The Regulations apply to PRUs by virtue of paragraph 3 of Schedule 1 to the Education Act 1996. Regulation 2(2) provides that, in relation to a PRU, a reference to a head teacher is a reference to a teacher in charge of a PRU and that a reference to a governing body is a reference to a management committee (if there is one) and to a teacher in charge of a PRU if there is not.

Regulation 3 and Schedule 1 provide for the phased disapplication and revocation of the Head Teacher's Report to Parents and Adult Pupils (Wales) Regulations 2011 ("the 2011 Regulations"). The disapplication and revocation of the 2011 Regulations mirrors the planned roll out of the new CfW and the Regulations.

Regulation 4 requires the head teacher of a maintained school to make arrangements to provide information about the pupil's termly progress to parents of registered pupils and to adult pupils. The information that must be provided is set out in Part 1 of Schedule 2.

Regulation 5 requires the head teacher of a maintained school to provide information on the annual progress of registered pupils to parents of registered pupils and to adult pupils ("annual information"). The information that must be provided is set out in Parts 2 and 3 of Schedule 2. Regulation 6 sets out the reporting period for the annual information.

Regulation 7 provides that an adult pupil or the parent of a pupil may request any information required by virtue of regulation 5 and Parts 2 and 3 of Schedule 2 they consider is missing from the annual information provided.

Regulation 8 requires the head teacher to provide to any pupil who has ceased to be of compulsory school age a school leaver's report ("school leaver's report"). The information that must be provided in the school leaver's report is set out in Part 4 of Schedule 2.

Regulation 9 sets out the reporting period for the school leaver's report.

Regulation 10 sets out certain restrictions on the provision of information.

Regulation 11 provides that, where necessary, any document or information required to be made available under these Regulations must be translated into English or Welsh or another language, or produced in Braille or audio tape.

Procedure

Negative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny



No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following points are identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

These Regulations do not define the term “head teacher” but this term is used extensively in the Regulations. Other instruments in the suite, such as The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Secondary Legislation) (No.2) Regulations 2022 define “head teacher” as having “the meaning given to it in section 579(1) of the 1996 Act”. This inconsistency in approach could cause confusion to the reader, particularly given the significance of the term ‘head teacher’ to the operation of the Regulations.

Welsh Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

29 June 2022



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—

Welsh Parliament

Legislation, Justice and Constitution Committee