

**EXPLANATORY MEMORANDUM TO THE INFORMATION ABOUT
INDIVIDUAL PUPILS (Wales) (AMENDMENT) REGULATIONS 2013.**

This Explanatory Memorandum has been prepared by the Department for Education and Skills of the Welsh Government and is laid before the National Assembly for Wales in accordance with Standing Order 27.1.

Member's Declaration

In my view this Explanatory Memorandum gives a fair and reasonable view of the expected impact of *the Information About Individual Pupils (Wales) (Amendment) Regulations 2013*.

Huw Lewis

Minister for Education and Skills

10 December 2013

1. Description

The Information About Individual Pupils (Wales) (Amendment) Regulations 2013 amends the Information About Individual Pupils (Wales) Regulations 2007 (the 2007 Regulations) to ensure that fixed term exclusion data and the reasons for exclusions is reported during the Pupil-Level Annual School Census (PLASC).

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

There is no specific information which the Minister wishes to bring to the attention of the Committee.

3. Legislative background

Sections 537A(1), (2) and (4) and 569(4) and (5) of the Education Act 1996 provides the National Assembly for Wales with the power to make the Regulations which, amongst other matters, prescribe the data which must be provided by schools in Wales to the governing body, Local Authority and Welsh Ministers.

The functions of the National Assembly for Wales were transferred to the National Assembly for Wales by the Transfer of Functions Order 1999 and are now vested in the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

These Regulations are made subject to annulment by the National Assembly for Wales (i.e. negative resolution procedure).

4. Purpose & intended effect of the legislation

PLASC is an annual collection of data regarding individual pupils. It is collected between January and March of each year from local authorities by the Welsh Ministers pursuant to section 29 of the Education Act 1996. Analysis of the individual pupil records from PLASC, in conjunction with pupils' Key Stage and examination results, provides schools, local authorities and central agencies with a far greater range of information than is possible with school totals thereby supporting the drive to raise standards, the more accurate targeting of funding, and the monitoring and development of policy. PLASC data provides much of the contextual data that is used in the All Wales Core Data Sets.

The 2007 Regulations prescribe the information that governing bodies must provide to local authorities. It is this information that Welsh Minister collect from local authorities as part of the PLASC census. The 2007 Regulations

also prescribe who individual pupil level data may be shared with “Prescribed Persons”. However, at present the 2007 Regulations do not require the submission of a pupil’s unique learner number or details on fixed term exclusion data including the reasons for exclusion during the PLASC collection.

These Regulations ensure that information on the unique learner number and fixed term exclusions will also be reported enabling Welsh Ministers and those prescribed to require pupil-level data to have the necessary information from schools relating to exclusions in order to enable the effective management of exclusions through analysis of accurate and complete data sets.

5. Consultation

No formal consultation was issued as the matter relates to data schools submit during the PLASC collection. Informal consultation has taken place with schools and software suppliers when instructions were issued that schools must submit data on fixed term exclusions and the reason for exclusion. The Amendment is an update of the Regulations to ensure a legal basis is present to govern the data which schools must report.

6. Regulatory Impact Assessment (RIA)

A Regulatory Impact Assessment has not been produced for this Instrument, as these are minor but necessary amendments to existing secondary legislation which reflect a legal basis for instructions which have already been issued to schools regarding PLASC reporting.

These amendments do not impose any additional costs or administrative burdens.