

Explanatory Memorandum for:

The School Performance Information (Wales) Regulations 2011

This Explanatory Memorandum has been prepared by the Department for Education and Skills (DfES) and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the above Regulations.

Jeff Cuthbert
Deputy Minister for Skills

Date: 3 August 2011

EXPLANATORY MEMORANDUM

1. Description

This legislation will implement the Welsh Government's policy on collecting, publishing and sharing information about schools and pupils.

These Regulations replace and revoke the *School Performance Information (Wales) Regulations 2004* (as amended).

The Regulations cover the information that the Welsh Government requires for the National Data Collection (NDC). The NDC collects the results of the teacher assessments of pupils' performance carried out at the end of the Foundation Phase and each Key Stage. The Regulations need to be amended to clarify details of the data to be provided and the deadlines for its provision.

Amendments will:

- require provision of end of foundation phase teacher assessment outcomes to local authorities and the Welsh Government;
- clarify details of the data to be provided to align with minor changes to assessment requirements;
- clarify the deadlines for provision of information to the Welsh Government;
- provide for consequential amendment to the relevant assessment orders to ensure consistency in relation to the deadlines for completion of end of phase assessments and provision of information; and,
- update definitions.

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

None

3. Legislative background

The Welsh Ministers' powers to make these Regulations are derived from sections 29, 408, 537, 537A and 569 of the Education Act 1996.

4. Purpose and intended effect of the legislation

The legislation is intended to implement the Welsh Government's policy on collecting, publishing and sharing information about schools and pupils. That policy is being implemented in response to changes in policy such as the introduction of the Foundation Phase and the actions outlined in the speech given by the Minister for Education and Skills on 2 February 2011.

The proposed changes to these Regulations align existing practice more closely to the policy changes which have occurred since the existing

Regulations were laid or amended. Specifically, the revised Regulations will support the policy objective of making data more accessible and meaningful.

5. Consultation

Officials have carried out substantial informal consultation engaging with and discussing our intentions with ADEW, school governors and other stakeholder groups. However, no formal consultation document was issued. There is nothing contentious or significant within the changes proposed and I therefore considered that a formal consultation was not necessary on this occasion.

This subordinate legislation will impose negligible additional costs on schools and local authorities. As a result, no regulatory impact assessment has been undertaken in relation to these Regulations.