

Explanatory Memorandum to the Relaxation of School Reporting Requirements (Wales) (Coronavirus) Regulations 2022

This Explanatory Memorandum has been prepared by the Education and Public Services Group and is laid before Senedd Cymru 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 Relaxation of School Reporting Requirements (Wales) (Coronavirus) Regulations 2022.

Jeremy Miles MS

Minister for Education and Welsh Language

25 February 2022

Description

1. These Regulations amend some current school reporting requirements in response to the impact on schools of coronavirus.

Matters of special interest to the Legislation, Justice and Constitution Committee

2. None.

Legislative background

3. The legal powers for making the proposed Regulations are sections 537 and 569(4) of the Education Act 1996 and sections 30(1) and 210(7) of the Education Act 2002. The above functions in the Education Act 1996 were conferred on the Secretary of State and were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999. The above functions in the Education Act 2002 were conferred on the National Assembly for Wales. All of the above are now exercisable by the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006.
4. These sections give the Welsh Ministers the power to make Regulations in relation to the provision of information by maintained schools.
5. The Regulations are being made under the negative procedure.

Purpose and intended effect of the legislation

6. At a time when we continue to support our schools in responding to the coronavirus pandemic and its implications, the Welsh Government recognises that schools, local authorities and governing bodies may be unable to comply with certain statutory reporting requirements. They may also pose a disproportionate administrative burden on those responsible.
7. The Relaxation of School Reporting Requirements (Wales) (Coronavirus) Regulations 2022 bring into force the necessary legislative changes which:
 - Amend **the School Governors' Annual Reports (Wales) Regulations 2011**.
 - Amend **the School Information (Wales) Regulations 2011**.

The School Governors' Annual Reports (Wales) Regulations 2011 ("the Annual Report Regulations")

8. The Annual Report Regulations set out the information that must be published by school governing bodies in an annual report, which includes information about school attendance and performance. It would be inappropriate for reports to include data in respect of the 2021/22 school year which contains performance and attendance data, as it will not be comparable to previous years. Therefore, Regulation 2 of these Regulations amend the Annual Report Regulations to modify the content of reports produced in relation to the 2021/22 academic year, so that information on school performance and attendance data are not included in any school governors' report. **The statutory duty for governing bodies to produce a report will remain.**
9. Information to be excluded in relation to the school governors' report for the 2021/22 school year:
 - the most recent Summary of Secondary School Performance (SSSP); and
 - the number of authorised and unauthorised absences in the school year.

The School Information (Wales) Regulations 2011 (“the School Information Regulations”)

10. The School Information Regulations prescribes the school information that must be included in a school prospectus. Regulation 3 of these Regulations amends the School Information Regulations to disapply the obligation on a school governing body to include in any school prospectus the data on authorised and unauthorised absences in respect of the 2021/22 school year.

Consultation

11. On 19 January 2022, a letter was issued to a range of key stakeholders inviting them to share their views on the Relaxation of School Reporting Requirements (Wales) (Coronavirus) Regulations 2022, by 11 February 2022. Stakeholders included local authorities, regional consortia, schools, teacher unions, and respondents to consultations undertaken on the relaxation of school reporting requirements for 2019/20 and 2020/21 school years.
12. As there were no responses received, it was not considered necessary to make any amendments to draft Regulations.

Regulatory Impact Assessment

13. The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations.

14. Due to the likely costs and benefits of complying with these Regulations, it is not considered necessary to carry out a Regulatory Impact Assessment. The Relaxation of School Reporting Requirements (Wales) (Coronavirus) Regulations 2022 need to be put in place to ensure the removal of inappropriate requirements or additional burdens on schools, local authorities and governing bodies in response to the coronavirus pandemic.