

Regulatory Appraisal – The Education (Pupil Information) (Wales) Regulations 2004

Purpose and intended effect

1. Provision for the keeping and disclosure of pupil records and records of pupil achievements and skills by head teachers of maintained schools are contained within the Education (Individual Pupils' Achievements) (Information) (Wales) Regulations 1997 as amended and the Education (Pupil Records) (Wales) 2001.
2. The Individual Learner Data Programme is seeking to implement the Assembly's Information Management Strategy (IMS) and make more effective use of information and communications technology in schools. The IMS sets out to facilitate the design of management information systems so that data is entered once only and, using electronic transfer systems, used many times.
3. Changes to the type and scope of data collected, and methods of collection and exchange, brought about through developments in the implementation of the IMS, require current Regulations to be updated.
4. The development of a Common Transfer System (CTS) and secure school to school transfer site (s2s) form part of the IMS implementation plan. Together they aim to ensure that pupil information and records travel efficiently between schools when pupils relocate. Further the system establishes a database for storage of records where pupils leave a school, without their destination school being known.
5. The Education (Pupil Information) (Wales) Regulations 2004 replace with changes provisions formerly contained in the Education (Individual Pupils' Achievements) (Information) (Wales) Regulations 1997 as amended and the Education (Pupil Records) (Wales) Regulations 2001.
6. The proposed Regulations specify the information that should be maintained by schools in relation to educational and curricular records, disclosure of such records to parents and other schools, requirements to report to parents and adult pupils and to pass on information when pupils transfer to new schools. The Regulations will clarify existing requirements and make additional requirements in relation to the use of electronic systems for the transfer of information when pupils move school.
7. Specifically, the Regulations will require that the head teacher of a maintained school from which a pupil is transferring must send to the pupil's new school a standard set of pupil information, in electronic format. Such information to be sent in a format that enables the receiving school to import it directly to the school's management information system; thereby reducing the administrative burden associated with collecting and entering data for new pupils. The Regulations will also require the transfer

of the pupils' educational record (including the curricular record), in electronic and/or paper format as appropriate.

8. Where a pupil moves outside of the sending schools' LEA area, moves to a non-maintained school, moves outside of Wales or England, or where the destination of a leaver is unknown, the Regulations will require that the electronic file of pupil information be sent to a designated area of the s2s web site for storage and future use. In this way it is envisaged that LEAs and the Assembly will be better able to research, and then tackle, issues relating to pupils who disappear from the educational system.

Risk Assessment

9. There are no risks to LEAs and schools associated with these Regulations; systems and software used to facilitate the electronic transfers are well tested and available to all schools in Wales. The secure school to school transfer site (s2s) is encrypted and fully tested.

Options

10. Subject to Assembly approval The Education (Pupil Information) (Wales) Regulations 2004 will come into force on 30 April 2004.

There are two options:

- Do nothing – without the benefit of new regulations it may not be legitimate for schools to pass certain assessment and individual pupil level data, in electronic format, to other schools when pupils move.
- Adopt the regulations – this would bring benefits to pupils, parents, schools, LEAs, the Assembly and stakeholders. The Regulations will ensure that data is collected once only but used many times where appropriate, and ensure that we are better able to monitor pupil movements and tackle issues associated with pupils disappearing from the educational system.

Costs

11. The new Regulations have no direct financial implications for schools or LEAs, the systems and software required to operate the new common transfer system are already available in schools; their implementation was supported by Special Grant funding in 2002 and 2003 equating to approximately £1,250 per school.

Consultation

12. Development of the Assembly's IMS has been carried out under the direction and scrutiny of a Steering Group and an Advisory Group. Membership of these groups includes representation from schools, LEAs, teaching unions, ACCAC and Estyn amongst others.
13. A public consultation exercise was undertaken in summer 2003 involving all maintained schools in Wales, Directors of Education, Governors Associations, The Welsh Local Government Association, Diocesan

Directors of Education, Teaching unions, Parent Teacher Associations and other parent representative groups, and other interested parties. The consultation document was also published on the Assembly's website with an online feedback option. The consultation took place over a 10 week period between 22nd July and 30th September 2003.

14. Section 2 of the Consultation document specifically sought views on the proposals to amend these Regulations. The responses in respect of this section of the consultation have been taken into account in drafting the draft Regulations.
15. The instrument was included in the list of forthcoming legislation provided to the Education and Lifelong Learning Committee on 18th June 2003 and has not been identified for formal scrutiny.
16. The consultation document was circulated to all members of the Education and Lifelong Learning Committee in July 2003. One member responded to the consultation, raising a general concern regarding the bureaucratic impact of such measures. The Individual Learner Data Programme is seeking to utilise electronic data exchanges and appropriate, secure sharing of data in order to reduce bureaucratic burdens; the bureaucratic burdens team is represented on the advisory and steering groups which guide and monitor the programme development..

Summary

17. These Regulations will provide for the keeping of pupil records, disclosure and transfer of said records to parents and other schools on consideration of transfer requests and when pupils move school. The Regulations will replace with changes provisions formerly contained in the Education (Individual Pupils' Achievements) (Information) (Wales) Regulations 1997 as amended and the Education (Pupil Records) (Wales) Regulations 2001