



Welsh Government
Consultation Document

**The Relaxation of School Reporting Requirements (Wales)
(Coronavirus) Regulations 2021**

Date of issue: 5 March 2021

Action required: Responses by 26 March 2021

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

The Relaxation of School Reporting Requirements (Wales) (Coronavirus) Regulations 2021

Overview

This consultation seeks views on the relaxation of The School Reporting Requirements (Wales) (Coronavirus) Regulations 2021 which would come into force in Summer 2021, as a result of proposed changes to relax burdens on schools and local authorities in Wales.

How to respond

Responses to this consultation should be e-mailed to the address below to arrive by **26 March 2021** at the latest.

IMS@gov.wales

Further information and related documents

This consultation document can be accessed from the Welsh Government's website at www.gov.wales/consultations. Large print, Braille and alternative language versions of this document are available on request.

Welsh Government Regulations governing the Information Management Strategy for schools can be found at:

<https://gov.wales/regulations-governing-information-management-strategy>

For further information, please e-mail:

IMS@gov.wales

Contact details

For further information:

School Information and Improvement Branch
Welsh Government
e-mail: IMS@gov.wales



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General Data Protection Regulation (GDPR)

The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation.

If your details are published as part of the consultation response then these published reports will be retained indefinitely. Any of your data held otherwise by Welsh Government will be kept for no more than three years.

Your rights

Under the data protection legislation, you have the right:

- to be informed of the personal data held about you and to access it
- to require us to rectify inaccuracies in that data
- to (in certain circumstances) object to or restrict processing
- for (in certain circumstances) your data to be 'erased'
- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

For further details about the information the Welsh Government holds and its use, or if you want to exercise your rights under the GDPR, please see contact details below:

Data Protection Officer:
Welsh Government
Cathays Park
Cardiff
CF10 3NQ

e-mail: Data.ProtectionOfficer@gov.wales

The contact details for the Information Commissioner's Office are:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545 745 or
0303 123 1113

Website: <https://ico.org.uk/>

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Background

1. The Welsh Government recognises that, during this time, when we are all responding to the coronavirus pandemic, schools, local authorities and governing bodies may be unable to comply with certain statutory requirements. They may also pose a disproportionate administrative burden on those responsible, at a time when they are already stretched. In response to this, in August 2020, we brought into force amending Regulations that revoked the school performance and absence target setting regulations and relaxed a number of other school reporting requirements for the 2019/20 school year. We are proposing to bring into force similar amending regulations, where required, for 2020/21.

Proposal

2. The Relaxation of School Reporting Requirements (Wales) (Coronavirus) Regulations 2021 will:
 - Amend **The School Information (Wales) Regulations 2011** for the school year 2020/21.
 - Amend **The School Governors' Annual Reports (Wales) Regulations 2011** for the school year 2020/21.
 - Amend **The Head Teacher's Report to Parents and Adult Pupils (Wales) Regulations 2011** for the school year 2020/21.
 - Amend **The School Performance Information (Wales) Regulations 2011** for the school year 2020/21.

Next Steps

3. You are invited to submit your views on this proposal. Responses should be emailed by 26 March 2021 at the latest. Responses to consultations are likely to be made public on the internet or in a report. If you would prefer your response to remain anonymous, please indicate in your response.
4. Subject to the outcome of this consultation, we propose that these changes will come into force in the summer term 2021.

Legislative detail and the proposed amending Regulations

5. Current school reporting arrangements are underpinned by a suite of Regulations and statutory guidance. The proposed amending Regulations will amend four sets of Regulations which place duties on governing bodies and local authorities to report information about their schools. The Regulations amended are listed below.

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

6. The School Information Regulations require local authorities to publish a composite school prospectus and schools to publish their own individual prospectus, and prescribes the school information that must be included. It is proposed that provision is made to exclude data on authorised and unauthorised absences in respect of pupils registered at the school in the 2020/21 school year from being published in any school prospectus.

The School Governors’ Annual Reports (Wales) Regulations 2011 (“the Annual Report Regulations”)

7. The Annual Report Regulations require school governing bodies to produce an annual report, including information about school performance against published targets. Whilst governing bodies will be still be able to produce a report, it would be inappropriate for reports produced in respect of pupils registered at schools in the 2020/21 school year to include performance and attendance data, as it will not be comparable to previous years. It is proposed that the Annual Report Regulations are amended to modify the content of reports produced in relation to the 2020/21 academic year so that information may not be included in any school governors’ report. **The statutory duty for governing bodies to produce a report will remain.**
8. Information to be disapplied/excluded in relation to pupils registered at the school in the 2020/21 school year:
 - the most recent Summary of Secondary School Performance (SSSP);
 - the number of authorised and unauthorised absences in the school year; and
 - any information in relation to performance and absence targets, including improvements set by the governing body in respect of performance of learners, or for reducing the level of absence. (The School Performance and Absence Targets (Wales) Regulations 2011 were revoked in August 2020).

The Head Teacher’s Report to Parents and Adult Pupils (Wales) Regulations 2011 (“the Reporting Regulations”)

9. The Reporting Regulations require headteachers to make a report available to all parents or adult pupils about the educational achievements of pupils, each school year. For the 2020/21 school year, in order to provide assurance of progress to parents, **the provision of reports in respect of all learners will remain an absolute duty.** In accordance with the Regulations, reports must be made available to parents and adult pupils by 30 September 2021. We recognise, however, that some information that would ordinarily be included in a report, will be either unavailable, not meaningful, or considered inappropriate. It is proposed that Regulation 3(3) of the Reporting Regulations, that specifies the content for reports about the educational achievement of pupils, is amended to a “reasonable endeavours” basis. This means that any duties that this Regulation imposes on headteachers for the content of reports relating to the 2020/21 school year, is to be treated as discharged, if the headteacher has used reasonable endeavours to discharge the duty. Headteachers must continue to provide relevant and useful reports on progress for all pupils, drawing on teachers’ knowledge of their pupils and the information available to them.

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

10. The Performance Regulations provide for the reporting of teacher assessment, national test and examination outcomes (from schools and governing bodies to local authorities and Welsh Ministers). Not all schools will have completed their foundation phase or key stage teacher assessments or tests during the 2020/21 school year, which have remained subject to “reasonable endeavours”. It is, therefore, proposed that amendments are made to remove the duties on governing bodies and local authorities to provide data to local authorities and Welsh Ministers, respectively, on teacher assessment and national test outcomes for the pupils registered at schools in the 2020/21 school year. The Welsh Government will not be reporting on 2020/21 school performance measures, including them in All Wales Core Data Sets (‘data packs’), or publishing them on the My Local School website. We will, however, need to retain provision that allows Welsh Government to receive results of approved qualifications, for other purposes not related to school performance or accountability.

Related policy amendments

11. Given the impact of disruption to school operations and cancellation of summer GCSE, AS and A level examinations, as in 2019/20, normal arrangements for the reporting of school performance outcomes for the 2020/21 academic year will be suspended. The Welsh Government will again be suspending the inclusion of performance measures in the All Wales Core Data Sets for schools and local authorities, Summary of Secondary School Performance, and relevant aspects of the My Local School website. Qualification awards data will not be used to report on attainment outcomes at a school, local authority or regional consortium level and must not be used to hold schools to account for their learners’ outcomes.