

EXPLANATORY MEMORANDUM

The Education (School Performance Information) (Wales) (Amendment) Regulations 2007

This Explanatory Memorandum has been prepared by the Department for Children Education Lifelong Learning & Skills and is laid before the National Assembly for Wales.

Description

This Regulation makes minor amendments to allow changes the electronic collection of Teacher Assessment data at Key Stages 1, 2 and 3.

Matters of special interest to the Subordinate Legislation Committee

There are no matters of special interest in relation to these Regulations.

Legislative Background

The Assembly will make the Regulations in exercise of the powers conferred on the Secretary of State by section 537A (1), (2) and (4) and section 569(4) and (5) of the Education Act 1996, which is now vested in the Welsh Ministers.

Purpose and intended effect of the legislation

The Education (School Performance Information) (Wales) Regulations 2004 specify the collection arrangements of Teacher Assessment data at Key Stages 1, 2 & 3

It is proposed to make minor amendments to the Regulation which reflect:

- The new data transfer arrangements
- The requirement from 2008 for all non-core data and Attainment Target data at the end of Key Stage 3 to be submitted at pupil level.
- Introduction of Teacher Assessment outcome codes where “Absent” is no longer a valid reason for a pupil to be exempted from an assessment. Even where pupils have a poor attendance record an assessment should be made based on evidence and knowledge gathered when the pupil has been present. This information should then be included in the school’s teacher assessment.
- The Data Exchange Wales Information (DEWi) website is a secure transfer site which enables LEAs and schools to upload teacher assessment files for the National Data Collection. For this reason a floppy disk is no longer a valid format for data transfer.

Implementation

These Regulations were made on the 17th December 2007 and are intended to come into force on 14th January 2008.

Consultation

We issued a consultation document on 24 September. The consultation ended on 16 November 2007.

Regulatory Impact Assessment

A Regulatory Impact Assessment has been carried out and follows.

Compliance

The proposed legislation is compatible with the provisions in section 80, section 81 and section 82.

REGULATORY IMPACT ASSESSMENT

The Education (School Performance Information) (Wales) (Amendment) Regulations 2007

Options

Option 1: Do Nothing

In the event of the instrument not coming into force;

- The National Data Collection of Teacher Assessment data would go ahead but would make optional the requirement to submit pupil level non-core and Attainment Target data at the end of Key Stage 3.
- There will still be a legal loophole which will allow schools to use "Absent" as a Teacher Assessment code thus exempting the pupil from having a teacher assessment.
- Insecure floppy discs would still be a valid format for data transfer through the Data Exchange Wales Information (DEWi) website which is a secure transfer site which enables LEAs and schools to upload teacher assessment files for the National Data Collection.

Option 2: Do Minimum

Where some but not all of the requirements outlined above are implemented.

Option 2: Make the Legislation

The Assembly will be granted the powers to reflect the policy on improving the data collection arrangements as part of the National Data Collection (NDC).

Benefits

The National Data Collection NDC is the electronic collection of Teacher Assessment data at Key Stages 1, 2 and 3. These data are sent by schools to the Assembly care of their LEA. These amendments ensure that teaching and learning are supported through the smooth and accurate flow of data between schools, LEAs and the Welsh Assembly Government. LEAs can access NDC data direct through a secure website meaning there should be no need for any school to be asked to generate duplicate data returns for LEA use.

By removing the 'absent' code it allows pupils even with a poor attendance record to have an assessment made based on evidence and knowledge gathered when the pupil has been present. This information would then form part of the school's teacher assessment.

DEWi currently holds an excellent reputation with both schools and LEAs for being secure and reliable. The removal of outdated, insecure data transfer formats ensures the website can continue to be held in esteem.

Costs

The new Regulation has no direct financial implication for the Assembly, schools or Local Education Authorities.

Consultation

We issued a consultation document on 24 September. The consultation ended on 16 November 2007.

Post implementation review

This Regulation is bringing into line best practice currently exercised by schools. This Regulation will be monitored through the National Data Collection process.

Summary

Minor amendments are proposed which reflect policy on improving the data collection arrangements as part of the National Data Collection (NDC).