

REGULATORY APPRAISAL

THE EDUCATION (INFORMATION ABOUT INDIVIDUAL PUPILS) (WALES) (AMENDMENT) REGULATIONS 2005

Purpose and intended effect

1. Currently schools are required to return a Pupil Level Annual School Census (PLASC) in January each year. The Education (Information About Individual Pupils) (Wales) Regulations 2003 set out the individual pupil level data required for inclusion in the PLASC return. The PLASC data is collected from Governing Bodies of maintained sector schools under sections 537A(1) and (2) and 569(4) and (5) of the Education Act 1996.
2. PLASC returns also include additional data about the individual learning activities of post-16 pupils. Post-16 pupils are defined as those taught in year 12 or above in Secondary schools, or aged 16 or over as at the preceding 31 August in Special schools.
3. The intended effect of this Instrument is to set down requirements for schools to provide additional information about post-16 pupils. Such information relates to the screening and assessment of basic skills needs in literacy and numeracy at the start and end of their programme of learning activities and information about learning activities from which individual pupils have withdrawn or have completed. The amendment sets down a requirement that schools provide the PLASC data in electronic format.
4. The Education (Information About Individual Post-16 Pupils) (Wales) Regulations 2003 were introduced on an interim basis to support the collection of data on Post-16 pupils in the maintained sector via a PLASC in September 2003. This Regulation was revoked and replaced with amendments by the Education (Information About Individual Pupils) (Wales) Regulations 2003 in December 2003. This new Regulation covered PLASC data collections from Primary, Secondary and Special schools including the collection of Post-16 data.

Risk Assessment

5. There are no risks to Local Education Authorities (LEAs) and schools associated with these regulations as both are well practiced in the practical aspects of producing electronic PLASC returns. LEAs and schools have been informed of the additional data requirements covered by this amendment and all currently provide their data in electronic format.

Options

6. In the event of the Instrument not coming into force on the census date of 18 January there would be three options; either:
 - The PLASC census could not proceed. In this event data would not be available to inform the Local Government Revenue settlement, ELW would receive incomplete data to inform their Post-16 funding allocations, and

would not receive information on the Basic Skills levels of Post-16 pupils studying within the maintained sector; or,

- The census could only go ahead in schools where there were no Post-16 pupils. In this event there would be an incomplete data set and insufficient data to accurately inform ELWa's Post-16 Funding and Planning System and ELWa would not receive information on the Basic Skills levels of Post-16 pupils studying within the maintained sector; or,
- The census could proceed but schools with Post-16 pupils would have to be instructed to omit specific data items as there would be insufficient legal basis to enable them to be passed onto the LEA and, subsequently, the National Assembly for Wales and ELWa. In this event ELWa would receive incomplete data to inform their Post-16 funding allocations, and would not receive information on the Basic Skills levels of Post-16 pupils studying within the maintained sector.

Costs

7. Funding to support the implementation of the Assembly's Information Management Strategy has been provided to LEAs via Special Grant 6 (2002) and Special Grant 13 (2003) totalling in excess of £2.4m. Funding under the special grants was distributed on the basis of the number of primary, secondary, special, nursery schools and pupil referral units within each LEA, the sum distributed equated to approximately £1,250 per school. Funding was provided on a flexible basis to allow purchase of hardware, software, training and/or administrative support, as appropriate to local circumstances. This funding supported the initial implementation of PLASC to which the proposed amendment to Regulations makes only a minor change to the data collected as part of the PLASC, affecting only schools with Post-16 pupils. All schools have completed PLASC electronically to date, hence the amendment to specify return of the data in electronic format is a formality which will not have a direct impact on schools all of whom have the necessary hardware, software and skills to comply.

Consultation

With Stakeholders

8. Development of the Assembly's Information Management Strategy, of which PLASC forms part, 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 (Awdurdod Cymwysterau, Cwricwlwm ac Asesu Cymru) and Estyn amongst others.
9. Public consultation exercises were undertaken in summer 2003 on the development of the PLASC process and introduction of a Post-16 PLASC. The first consultation sought views specifically on the introduction of Regulations to support a Post-16 PLASC and involved all Secondary schools in Wales. The second consultation sought views on a range of proposals to support implementation of the Assembly's Information Management Strategy including a specific section on the introduction of PLASC in all schools in Wales, it involved all maintained schools in Wales. Both consultations involved 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 documents were also published on the Assembly's website with online feedback options. The consultations took place over a 6-week period ending on 31 July 2003, and a 10-week period ending on 30 September 2003. Section 1 of the second Consultation document specifically sought views on the proposals to introduce PLASC in all sectors, including a collection of data on post-16 pupils as part of the January PLASC. Of the 46 responses received 37 stated clear support for the principles of PLASC, 27 of the respondents commented specifically on the post-16 element of which 13 were supportive. Of the other 14 responses most concerns related to the school software systems, these concerns have been taken forward with the commercial suppliers of the school software.

10. The National Council ELWa has also undertaken a series of workshops and issued guidance and advice on specific aspects of the post-16 data collection and new funding and planning system inviting representatives from schools and LEAs to attend to raise questions, queries and concerns.

With Subject Committee

11. The instrument was included in the list of forthcoming legislation (item no: ELL-39-04) provided to the Education and Lifelong Learning Committee for the first time on 16 June 2004 and has not been identified for formal scrutiny. The item has remained on the list of forthcoming legislation since that date.
12. The consultation documents were circulated to all members of the Education and Lifelong Learning Committee in June and July 2003 respectively for their comments. Only one response, to the second document, was received which had no impact on the proposal to move to a PLASC.

Summary

13. These amending regulations will place additional requirements on schools with post-16 pupils to provide additional information as part of their PLASC returns. These amendments will further require that all PLASC returns be provided in electronic formats. Schools and LEAs are well prepared for this, are fully informed of the data requirements for January 2005 and are already all returning PLASC in electronic format.