STATUTORY INSTRUMENTS

1999 No. 1188

EDUCATION, ENGLAND AND WALES

WALES

The Education (Baseline Assessment) (Wales) Regulations 1999

Made - - - -	*18th April 1999*
Laid before Parliament	*26th April 1999*
Coming into force	*1st September 1999*

In exercise of the powers conferred on the Secretary of State by sections 17, 18 and 54(3) and (4) of the Education Act 1997**(a)**, the Secretary of State for Wales hereby makes the following Regulations:

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Baseline Assessment) (Wales) Regulations 1999 and shall come into force on 1st September 1999.

(2) These Regulations shall apply in relation to maintained primary schools in Wales.

Interpretation

2. In these Regulations–

"the Act" means the Education Act 1997;

"the 1996 Act" means the Education Act 1996**(b)**;

"accredited" in relation to a baseline assessment scheme means such a scheme when it has been accredited by a designated body in accordance with section 16(2) of the Act;

"appropriate authority" has the meaning given to it by paragraph 1 of the Schedule to these regulations;

"baseline assessment" means, in respect of a pupil at a maintained primary school, an assessment carried out in accordance with the baseline assessment scheme adopted for the school;

"compulsory school age" has the meaning given to it by section 8 of the 1996 Act**(c)**;

"Welsh Office number" in relation to a school means the number assigned to the school by the Welsh Office;

"first Key Stage" has the meaning given to it by section 355(1)(a) of the 1996 Act;

"nursery class" means a class predominantly engaged in the provision of full-time or part-time education suitable for children who have not attained compulsory school age;

(a) 1997 c. 44.
(b) 1996 c. 56.
(c) Section 8 is amended by section 52 of the Education Act 1997 with effect from 1st August 1998, by virtue of S.I. 1998/386.

"pupil" has the meaning given to it by section 3 of the 1996 Act;

"reception class" has the meaning given to it by section 579(1) of the 1996 Act;

"relevant stage" in relation to a pupil means the relevant stage of his education as prescribed in regulation 3.

Relevant stage of education

3. For the purposes of section 17(1) of the Act, a pupil shall be regarded as at the relevant stage of his education if, as a registered pupil at a maintained primary school,–

(a) he has attained the age of four but

(b) he has not yet attained the age of six

and either–

(i) he is below compulsory school age and is in a reception class or a class, other than a nursery class, at the school into which children below compulsory school age are normally placed on admission to the school, or

(ii) he is at the first Key Stage.

Timing of assessment

4—(1) The prescribed period for the purposes of section 17(2) of the Act (period before the end of which the baseline assessment must be completed) in relation to a pupil who is at the relevant stage shall be the period commencing on the day on which the pupil first attends the school as a pupil at the relevant stage and ending–

(a) unless paragraph (2) applies, with the day defined in paragraph (3);

(b) if paragraph (2) applies, with the day defined in paragraph (4).

(2) This paragraph applies where, exceptionally, for reasons outside the control of the head teacher, the baseline assessment in relation to the pupil cannot be completed within the period defined in paragraph (3).

(3) The day in question shall be the 34th school day after the commencement of the period.

(4) The day in question shall be the first day following the day defined in paragraph (3) by which the baseline assessment could reasonably have been completed.

Circumstances in which requirement to assess may not apply

5. A head teacher may direct that the requirement in section 17(1) of the Act (all pupils who are at the relevant stage to be assessed) is not to apply to a pupil if, at the time of the direction,–

(a) a statement of the child's special educational needs is being maintained by a local education authority in respect of the pupil pursuant to section 324 of the 1996 Act; and

(b) in the opinion of the head teacher, a baseline assessment in relation to the pupil would not add materially to the information available to the school as a result of the assessment of his educational needs made by the authority.

Functions of governing bodies

6. The governing body of a maintained primary school shall have the functions set out in Part II of the Schedule to these Regulations and shall act accordingly.

Functions of head teachers

7. The head teacher of a maintained primary school shall have the functions set out in Part III of the Schedule to these Regulations and shall act accordingly.

Functions of local education authorities

8. Every local education authority shall have the functions set out in Part IV of the Schedule to these Regulations and shall act accordingly.

Signed by authority of the Secretary of State for Wales

Peter Hain
Parliamentary Under Secretary of State,
Welsh Office

18th April 1999

SCHEDULE

Regulations 6, 7 and 8

PART I

INTERPRETATION

1. In this Schedule, the expression "appropriate authority" means, in relation to a primary school which is maintained by a local education authority, that authority.

PART II

FUNCTIONS OF GOVERNING BODIES

2. In so far as functions in connection with baseline assessment are conferred or imposed on the head teacher of a maintained primary school it shall be a function of the governing body of the school to exercise their functions generally with a view to securing that any requirements of these Regulations in relation to those functions of the head teacher may be complied with.

3. It shall be a function of the governing body of the school to inform the appropriate authority of the baseline assessment scheme adopted for the school.

4. The information required by paragraph 3 shall be supplied to the appropriate authority–

(a) in the case of a school the governors of which have, by the relevant date, adopted a baseline assessment scheme for the school, within 10 days of the relevant date, and

(b) in any other case, within 10 school days of the adoption of the scheme by the governing body,

the "relevant date" for the purposes of this paragraph being the first day of the first school term commencing after the coming into force of these Regulations.

PART III

FUNCTIONS OF HEAD TEACHERS

5. It shall be the function of the head teacher to secure that every pupil of the school to whom the requirement in section 17(1) of the Act (all pupils who are at the relevant stage to be assessed) applies is assessed in accordance with the baseline assessment scheme adopted for the school.

6. It shall be the function of the head teacher, in accordance with the following paragraphs of this Part, to give the following notifications:

(a) in respect of each pupil who is at the relevant stage and in relation to whom a baseline assessment has been carried out at the school, that it has been carried out and of the results of the assessment, notification being addressed to the appropriate authority;

(b) in respect of each pupil who is at the relevant stage and in relation to whom a baseline assessment has not been carried out at the school during the prescribed period, that it has not been carried out and of the reason for its not having been carried out, notification being addressed to the appropriate authority;

(c) in respect of a pupil who ceases to be a registered pupil at the school,–

(i) of any baseline assessment of the pupil carried out at the school, or

(ii) if no baseline assessment of the pupil has been carried out at the school, of the reason for its not having been carried out,

notification being addressed to the school notified by its head teacher as the pupil's new school.

7. The function in paragraph 6(c) shall only operate in the case of a pupil who reached the relevant stage after these regulations came into force.

8. A notification required by sub-paragraph (a), (b) or (c) of paragraph 6 shall be given in writing.

9.—(1) A notification required by sub-paragraphs (a) or (b) of paragraph 6 shall be given not later than 10 school days before the end of the school term in which the prescribed period, as defined by regulation 4, ended.

(2) A notification required by sub-paragraph (c) of paragraph 6 shall be given not later than 15 school days after notification is received from the new school.

(3) A notification not given in accordance with sub-paragraph (1), or, as the case may be, sub-paragraph (2) shall be given as soon thereafter as reasonably practicable.

10. A notification required by sub-paragraph (a) or (c)(i) of paragraph 6 shall contain the following information pertaining to the baseline assessment to which it relates:

(a) the name and address of the school;

(b) the Welsh Office number of the school;

(c) the baseline assessment scheme used for the assessments.

11. A notification required by sub-paragraph (a) or (c)(i) of paragraph 6 shall contain the following information pertaining to the pupil to who it relates:

(a) his family name and given name;

(b) his sex;

(c) his date of birth;

(d) the month and year of the assessment;

(e) whether his attendance at school during the period of the assessment was part-time or full-time;

(f) the outcome or outcomes of the assessment;

(g) the aspects of his development, if any, which have been assessed in a language other than English or Welsh.

12.—(1) A notification required by sub-paragraph (b) or (c)(ii) of paragraph 6, if the reason why baseline assessment has not been carried out at the school is that a baseline assessment had been carried out prior to the pupil's admission to the school, at another school (a "previous" school), shall, unless sub-paragraph (2) applies, include a copy of the notification given by the previous school.

(2) This sub-paragraph applies only where–

(a) the notification is required by sub-paragraph (b) of paragraph 6, and

(b) the school giving the notification is, and at the time of the baseline assessment of the pupil the previous school was, a primary school maintained by the same local education authority.

13.—(1) It shall be the function of the head teacher in accordance with sub-paragraphs (2) and (3)

(a) to offer to the parent of a pupil in relation to whom a baseline assessment has been carried out at the school, and,

(b) if the parent signifies a wish to accept, to arrange,

a reasonable opportunity for the parent to discuss with a teacher at the school the results of the assessment.

(2) The offer shall be made within the term in which the assessment was completed and the head teacher shall secure that any resulting discussion takes place within that term or as soon thereafter as is reasonably practicable.

PART IV

FUNCTIONS OF LOCAL EDUCATION AUTHORITIES

14. Every local education authority shall have the functions of receiving and keeping the notifications made to them under Parts II and III of this Schedule.

15.—(1) It shall be the function of every local education authority to notify the body designated by the Secretary of State for the purpose of any assessment notified to them in pursuance of paragraph 6(a).

(2) A notification required by sub-paragraph (1) shall be given not later than 7 days after the last day of the school term in which the assessment was notified to the local education authority.

EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations make provision in support of baseline assessment, introduced by Chapter I of Part IV of the Education Act 1997.

In particular–

Regulation 3 defines when a pupil is at the relevant stage of his education for the purposes of baseline assessment;

Regulation 4 prescribes for the purposes of section 17(2) of the Act the period before the end of which the baseline assessment must be completed in relation to a pupil who is at the relevant stage;

Regulation 5 defines the circumstances in which a head teacher may direct that the requirement in section 17(1) of the Act (all pupils who are at the relevant stage to be assessed) is not to apply to a pupil;

Regulation 6, and Part II of the Schedule to the Regulations imposes functions on the governing bodies of maintained primary schools in relation to baseline assessment;

Regulation 7, and Part III of the Schedule to the Regulations imposes functions on the head teachers of maintained primary schools in relation to baseline assessment;

Regulation 7, and Part IV of the Schedule to the Regulations imposes functions on local education authorities in respect of the primary schools they maintain in relation to baseline assessment.

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£2.00

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WO 4652 4/99 ON (MFK)