



Collecting data on children educated otherwise than at school

Consultation

Consultation document No: 078/2009

Date of issue: 25 November 2009

Action required: Responses by 18 December 2009

Collecting data on children educated otherwise than at school

- Audience** Local authorities, maintained schools, teachers in charge of pupil referral units, proprietors of independent schools, school governors, parents and other interested statutory and voluntary organisations.
- Overview** This consultation document seeks the views on draft Regulations to require the provision, by local authorities, of individual level data on children and young people receiving funded education outside of the mainstream sector.
- Action required** All interested parties to respond by **18 December 2009**.
- Further information** School Information and Improvement Branch
Welsh Assembly Government
Cathays Park
Cardiff
CF10 3NQ
Tel: 029 2082 6014
Fax: 029 2082 6016
e-mail: ims@wales.gsi.gov.uk
- Additional copies** Further copies of this document can be obtained from the above address.
This document can be accessed from the Welsh Assembly Government website www.wales.gov.uk

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Collecting data on children educated otherwise than at school

Summary

This consultation document seeks the views on draft Regulations to require the provision, by local authorities to the Welsh Assembly Government, of individual level data on children receiving funded education outside of the mainstream sector. Regulations will also strengthen current reporting to parent requirements to extend them to teachers in charge of pupil referral units and proprietors of independent schools.

The consultation period ends on **18 December 2009**. Responses to be sent to:

School Information and Improvement Branch
Department for Children, Education, Lifelong Learning and Skills (DCELLS)
Welsh Assembly Government
Cathays Park
CF10 3NQ

Tel: 029 2082 6014

Fax: 029 2082 6016

Email: ims@wales.gsi.gov.uk

Overview and Background

Section 4 of the Education & Inspections Act 2006 amends the Education Act 1996 by inserting a new section which requires all local education authorities to make arrangements to enable them to establish (so far as it is possible to do so) the identities of children and young people in their area who are not receiving a suitable education.

The duty applies in relation to children and young people of compulsory school age who are not on a school roll, and who are not receiving a suitable education otherwise than being at school (EOTAS). The duty does not apply in relation to children and young people who are registered at a school who are not attending regularly nor does it apply to children and young people elected to be educated at home by parents.

Local authorities will be responsible for meeting the requirements of the duty. They will need to put in place arrangements for joint working and appropriate information sharing with other local education authorities. This will not be in isolation but needs dovetail with what they are already doing to meet their duties under sections 25-29 of the Children Act 2004 in relation to improving the well being of children and young people in each local authority area.

The purpose of the duty is to make sure that children missing from education are identified quickly and that effective monitoring systems are put in place to ensure that action is taken to provide them with suitable education once found.

To support the effective delivery of the duty we are developing policy around 'plugging the data gaps' to help local authorities to track pupils effectively and to ensure they are well informed about the children for whom they are responsible.

For this reason and in support of the new duty we plan to introduce an equivalent of the school Pupil Level Annual School Census (PLASC) for children educated otherwise than at school (EOTAS). The collection will focus on children receiving funded education otherwise than at school as defined in Section 19(1) of the Education Act 1996 i.e. those children of compulsory school age who, by reason of illness, exclusion or otherwise may not for any period receive suitable education.

The collection will help inform evidence based policy on a group about which historically we have had little data. We expect that local authorities, where they do not already do so, would collect the data that is used to complete the return. The Regulations will also encourage local authorities to maintain and monitor the information about this group of vulnerable children and young people more systematically. Such information would also support local authorities in meeting their statutory duties to improve outcomes, reduce inequalities and to plan appropriate intervention strategies early.

Head teachers of maintained schools in Wales are required to send out a written report at least once a year to parents of each pupil registered at the school. We would like to extend the requirement to teachers in charge of pupils registered at Pupil Referral Units and proprietors of Independent Schools.

These Regulations provide the regulatory basis to allow for a pupil level data collection from local authorities on children receiving funded alternative provision and strengthens current pupil progress reporting requirements.

Powers

The Welsh Ministers will make these Regulations under Section 180 of the Education & Inspections Act 2006 which provides that any function conferred on the Secretary of State by virtue of the amendments made by a number of provisions of the Act set out in that section, so far as is exercisable in relation to Wales, is to be taken to have been transferred to the Assembly by an Order in Council under section 22 of the Government in Wales Act 1998.

The specified provision in the 2006 Act includes Section 164 - provision of information about children receiving funded education outside school). These functions are now those of the Welsh Ministers by virtue of paragraph 30 of Schedule 11 of the Government of Wales Act 2006.

Collecting data on children educated otherwise than at school

Regulations will prescribe the supply of individual data items about children receiving education which is funded by the local authority outside mainstream schools, usually referred to as alternative provision. This could include education at an independent school or a pupil referral unit. The providers of such education must supply such information to either the Welsh Assembly Government or the local authority which is funding education when required to do so.

Analysis of the individual pupil records from the school PLASC and this EOTAS data return, in conjunction with pupils' Key Stage assessments and examination results, will provide schools, LAs and central agencies with a far greater range of information than was possible previously. This will support the drive to raise standards and increase effectiveness as well as the monitoring and development of policy.

Regulations authorise the provision and sharing of such data to various bodies including Estyn, Careers Wales and the relevant local authority.

Regulations provide the regulatory framework to enable the Welsh Assembly Government to put in place a pupil level data collection for children being educated otherwise than at school (EOTAS). This collection would be equivalent to the current school Pupil Level Annual School Census (PLASC). Nearly all of the data items set out in these Regulations are currently recorded as part of a school's PLASC data return.

They are as follows:

- current unique pupil number and, any previous unique pupil numbers the child may have had;
- surname;
- forename;

- middle name(s);
- gender;
- date of birth;
- national identity (and source of this information);
- ethnic group (and source of this information);
- National Curriculum year group in which the pupil would be taught;
- the postcode of the home where the pupil normally resides;
- whether the pupil is eligible for free school meals;
- whether the pupil has special educational needs and if so confirmation of:
 - the pupil's primary need and any secondary need;
 - the level and type of need being made for the pupil under the SEN Code of Practice for Wales.
- whether the pupil is a child looked after by a local authority and if so the name of the authority the pupil was most recently cared for.

The following data items are not part of a school PLASC return and would therefore be unique to the EOTAS data collection.

- **Category of provision** – This is to identify the category of alternative provision the pupil has been placed in. For example the pupil could be placed in a Pupil Referral Unit, a further education college, a non maintained special school, an independent school etc or could even be awaiting provision. It is possible that the pupil may be placed in more than one category of provision at the same time e.g. part of the week at an FE college and part of the week with a voluntary provider or a PRU. All categories where the pupil is scheduled to be during 'census week' will need to be included as part of the return.
- **Hours of provision** – This is the hours of provision made for each pupil in the week of the collection broken down by category of provision.

Reporting Pupil Progress to Parents

Head teachers of maintained schools in Wales are required to send out a written report at least once a year to parents of each pupil registered at the school. Through these Regulations we want to strengthen this requirement by extending the requirements to include teachers in charge of Pupil Referral Units and proprietors of Independent Schools.

These Regulations specify that the teacher in charge of a pupil referral unit and the proprietor of an independent school will be required to send out a written report to the parent of each compulsory school age child to whom it provides funded education.

The report should include:

- brief particulars of achievements in all subjects and activities forming part of the curriculum;
- comments on general progress;
- arrangements for discussing the report with the pupil's teacher;
- a summary of the pupil's attendance record during the period to which the information relates showing the number of authorised and unauthorised absences and the number of possible sessions;
- the results of any teacher assessment;
- the name of any subject in which the pupil was entered in respect of an approved external qualification and the grade (if any) achieved;
- the average number of points scored by the pupil in such subject examinations entered by the pupil;
- details of any unit or credit towards such qualifications obtained by the pupil during the period to which the information relates.

**Collecting data and reporting progress on children
educated otherwise than at school (EOTAS)**

Consultation Response Form

**The closing date for this consultation is
Friday 18 December 2009**

The information you provide in your response will be subject to the Freedom of Information Act 2000 and the Environmental Information Regulations, which allow public access to information held by the Welsh Assembly Government. This does not necessarily mean that your response can be made available to the public as there are exemptions relating to information provided in confidence and information to which the Data Protection Act 1998 applies. You may request confidentiality by ticking the box below, but you should note that neither this, nor an automatically generated e-mail confidentiality statement, would not necessarily exclude the public right of access.

Please tick if you want us to keep your response confidential	<input type="checkbox"/>
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Name:	
Organisation (if applicable)	
E-mail/telephone number:	
Address:	

Are you responding as an individual or representing an organisation or group of people? (Delete as appropriate)

Individual / Organisation

The Education (Information About Children in Alternative Provision) (Wales) Regulations 2009

1. Do you agree with the proposed Regulations which will allow the Welsh Assembly Government to collect data at an individual level on children receiving funded education otherwise than at school (EOTAS)?

Agree

Disagree

Not sure

Comments:

2. Do you agree with the Regulations which require the teacher in charge of a pupil referral unit and the proprietor of an independent school to send out an annual written report to the parent of each compulsory school age child to whom it provides funded education?

Agree

Disagree

Not sure

Comments:

3. Are there any other issues that you wish to raise in connection with this consultation document?

Agree

Disagree

Not sure

Comments:

THANK YOU FOR TAKING TIME TO RESPOND TO THIS CONSULTATION

Completed questionnaires and other responses should be sent to the address shown below by **Friday 18 December 2009**.

School Information & Improvement Branch
Department for Children, Education, Lifelong Learning and Skills (DCELLS)
Welsh Assembly Government
Cathays Park
Cardiff
CF10 3NQ

Tel: 029 2082 6010

Fax: 029 2082 6016

Or return via e-mail to - IMS@wales.gsi.gov.uk

If you have a query relating to this consultation you can contact Kara Richards.