



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 12

MISCELLANEOUS

Support for participation in education and training

254 Provision of social security information for purposes of functions under Education and Skills Act 2008

- (1) The [Education and Skills Act 2008 \(c. 25\)](#) is amended as follows.
- (2) Omit section 15 (supply of social security information for purposes of Part 1).
- (3) Section 17 (sharing and use of information held for purposes of support services or functions under Part 1) is amended as follows.
- (4) In subsection (1), for “provide relevant information to each other” substitute “—
 - (a) provide relevant information to each other;
 - (b) make arrangements for the holding by either of them of information provided, or which could be provided, under paragraph (a).”
- (5) In subsection (7), in the definition of “relevant information”, after paragraph (b), insert—

“but does not include information provided under section 72 of the Welfare Reform and Pensions Act 1999;”.
- (6) At the end add—

“(9) Nothing in this section authorises the disclosure of any information in contravention of any provision of, or made under, this or any other Act (whenever passed or made) which prevents disclosure of the information.”

Status: This is the original version (as it was originally enacted).

- (7) Section 76 (supply of social security information for purposes of support services) is amended as follows.
- (8) Omit subsection (1).
- (9) For subsections (3) and (4) substitute—
- “(3) For the purposes of subsection (2), “personal information” in relation to a young person, means the person’s name, address and date of birth.
- (3A) The Secretary of State may make arrangements with a person for the supply of social security information for the purposes of the provision of services for young persons in pursuance of section 68 or 70(1)(b).
- (3B) Social security information may be supplied to—
- (a) the Secretary of State, or
 - (b) a person providing services to the Secretary of State under subsection (3A).
- (3C) A person to whom social security information is supplied under subsection (3B) may supply the information to a local education authority or other person involved in the provision of services for young persons or relevant young adults in pursuance of section 68 or 70(1)(b) for the purpose of the provision of those services.
- (3D) Information supplied to a person in reliance on subsection (3C) or this subsection may be supplied in accordance with, or with arrangements made under, section 17(1).
- (3E) Information supplied to a person in reliance on subsection (3B), (3C) or (3D) may be disclosed—
- (a) for the purpose of the provision of services in pursuance of section 68 or 70(1)(b),
 - (b) for the purpose of enabling or assisting the exercise of any function of a local education authority under Part 1,
 - (c) in accordance with any provision of, or made under, any other Act,
 - (d) in accordance with an order of a court or tribunal,
 - (e) for the purpose of actual or contemplated proceedings before a court or tribunal,
 - (f) with consent given by or on behalf of the person to whom the information relates, or
 - (g) in such a way as to prevent the identification of the person to whom it relates.
- (4) It is an offence for a person to disclose restricted information otherwise than in accordance with this section.
- (4A) For the purposes of subsection (4), “restricted information”, in relation to a person, means information that was disclosed to the person—
- (a) in reliance on subsection (3B), (3C) or (3D), or
 - (b) in circumstances that constitute an offence under this section.”

255 Provision of other information in connection with support services

- (1) The [Education and Skills Act 2008 \(c. 25\)](#) is amended as follows.
- (2) In section 69(1) (directions), after paragraph (a) insert—
 - “(aa) requiring the authority to secure that any person by whom such services are provided (whether the authority or any other person) provides such relevant information (within the meaning of section 76A) as the Secretary of State may require to—
 - (i) the Secretary of State, or
 - (ii) a person providing services to the Secretary of State under section 76A;”.
- (3) After section 76 insert—

“76A Supply of information by Secretary of State or person providing services

- (1) The Secretary of State may make arrangements with any other person for the holding and supply of information in connection with, or for the purposes of, the provision of services in pursuance of section 68 or 70(1)(b).
- (2) In this section “relevant information”, in relation to a person by whom services are provided under section 68 or 70(1)(b), means information which—
 - (a) is obtained by a person involved in the provision of those services in, or in connection with, the provision of those services,
 - (b) relates to a person for whom those services are provided;but does not include information provided under section 72 of the Welfare Reform and Pensions Act 1999.
- (3) Relevant information may be supplied to—
 - (a) the Secretary of State, or
 - (b) a person providing services to the Secretary of State under this section.
- (4) Information supplied under subsection (3) may be supplied to any person involved in the provision of services in pursuance of section 68 or 70(1)(b) for the purposes of the provision of those services.
- (5) Except as provided by subsection (4), information supplied in reliance on subsection (3) must not be disclosed in such a way that the identity of the individual is disclosed to, or capable of being discovered by, the person to whom it is disclosed.
- (6) Nothing in this section authorises the disclosure of any information in contravention of any provision of, or made under, this or any other Act (whenever passed or made) which prevents disclosure of the information.”