

2005 No. 3101

EDUCATION, ENGLAND

**The Education (Information About Individual Pupils) (England)
(Amendment) Regulations 2005**

<i>Made</i> - - - -	<i>6th November 2005</i>
<i>Laid before Parliament</i>	<i>14th November 2005</i>
<i>Coming into force</i> - -	<i>12th December 2005</i>

The Secretary of State for Education and Skills makes the following Regulations in exercise of the powers conferred by section 537A of the Education Act 1996(a):

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Information About Individual Pupils) (England) (Amendment) Regulations 2005 and shall come into force on 12th December 2005.

(2) These Regulations apply only in relation to schools in England.

Amendment of the Education (Information About Individual Pupils) (England) Regulations 2001

2. The Education (Information About Individual Pupils) (England) Regulations 2001(b) are amended in accordance with regulations 3 to 9.

3. In regulation 2, at the appropriate place in alphabetical order insert—

““exclusion start date” means the date by which the headteacher required the pupil to leave the school;

“unauthorised absence” means an occasion on which a pupil is recorded as absent without authority pursuant to the Education (Pupil Registration) Regulations 1995(c), and “authorised absence” shall be construed accordingly;”.

4. In Part I of the Schedule, for sub-paragraphs (i) and (j) of paragraph 2, substitute—

- “(i) first language;
- (j) National Curriculum year group; and
- (k) date of leaving the school.”.

(a) 1996 c.56. Section 537A was inserted by the Education Act 1997 (c. 44), section 20, and substituted by the School Standards and Framework Act 1998 (c. 31), Schedule 30, paragraph 153. By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the powers conferred by these sections are exercisable by the Secretary of State only in relation to England.

(b) S.I. 2001/4020; as amended by S.I. 2002/3112, 2003/689 and 2003/3277.

(c) S.I. 1995/2089; as amended by S.I. 1997/2624, 2001/2802 and 2002/3178 .

5. In Part I of the Schedule, for paragraph 3 substitute—

“3. In respect of the home where the pupil normally resides—

- (a) either—
 - (i) the address, or
 - (ii) any number and name relating to the sub-dwelling and the dwelling; and
- (b) the postcode.”.

6. In Part I of the Schedule, in paragraph 7 after “the type of special educational needs that pupil has” insert “, the primary and secondary ranking of those types if there is more than one type,”.

7. In Part I of the Schedule, after paragraph 15 insert—

“16. Whether the pupil has been registered or identified by the school as belonging to its Gifted and Talented cohort.

17. For each pupil who is not a boarder, the total number of morning and afternoon sessions held by the pupil’s school during such periods as are specified in the request for information, and—

- (a) the number of authorised absences from such sessions;
- (b) the number of unauthorised absences from such sessions.

18. Where the pupil has special educational needs, whether the pupil is taught (wholly or partly)—

- (a) in a special educational needs unit in a school which is not a special school; or
- (b) at a place reserved in a school which is not a special school where that school receives additional funding from a local education authority in order to cater for the pupil’s special educational needs.”.

8. In Part II of the Schedule, for paragraph 1 substitute—

“1. In respect of each pupil who is either—

- (a) permanently excluded from the school and whose permanent exclusion date was in the year ending on 31st August preceding the date on which the request for information is made; or
- (b) excluded (whether permanently or otherwise) and whose exclusion start date was during such period as is specified in the request for information in the twelve months preceding that request,

the following information.”.

9. In Part II of the Schedule, after paragraph 4 insert—

“5. The exclusion start date.

6. Whether the exclusion type is—

- (a) for a fixed period (otherwise than as specified in sub-paragraph (b));
- (b) for a fixed period or periods between the morning and the afternoon school sessions(a); or
- (c) permanent.

7. The reason for the exclusion.

(a) The Education (Pupil Exclusions and Appeals) (Maintained Schools) (England) Regulations 2002 (S.I.2002/3178) provide that any exclusion for a fixed period consisting of the period between the morning and afternoon sessions shall for the purposes of those Regulations be taken as equivalent to half a school day.

8. Where the exclusion is for a fixed period, the number of sessions to which the exclusion applies.”.

6th November 2005

Jacqui Smith
Minister of State
Department for Education and Skills

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Information About Individual Pupils) (England) Regulations 2001 S.I.2001/4020. The effect of the amendment is to change some of the information schools have to provide on request.

The new requirements provide that, in relation to all pupils, the information which schools are required additionally to provide includes—

- (a) the date the pupil left the school (regulation 4);
- (b) the pupil's address or part of the address (regulation 5);
- (c) where the pupil has special educational needs, the SEN type ranking (regulation 6);
- (d) whether the pupil has been registered or identified as belonging to the school's Gifted and Talented cohort (regulation 7);
- (e) the number of authorised and unauthorised absences from the total number of sessions held by the school (regulation 7);
- (f) whether the pupil is taught in an SEN unit or in other resourced provision (regulation 7).

In relation to certain excluded pupils, there is also a change in the manner of collecting information about exclusions (regulation 8), and schools can be required (regulation 9) to provide—

- (g) the exclusion start date;
- (h) the type of exclusion;
- (i) the reason for exclusion;
- (j) the number of sessions to which the exclusion applies.

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