

2006 No. 2601

EDUCATION, ENGLAND

**The Education (Information About Individual Pupils) (England)
Regulations 2006**

<i>Made</i>	- - - -	<i>21st September 2006</i>
<i>Laid before Parliament</i>		<i>3rd October 2006</i>
<i>Coming into force</i>	- -	<i>31st October 2006</i>

The Secretary of State for Education and Skills makes the following Regulations in exercise of the powers conferred by sections 537A(1) and (2) and 569(4) of the Education Act 1996(a), and in relation to the third entry of Schedule 3 to this instrument, section 214 of the Education Act 2002(b):

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Information About Individual Pupils) (England) Regulations 2006 and come into force on 31st October 2006.

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

Interpretation

2. In these Regulations—

“the 1996 Act” means the Education Act 1996;

“the 2006 Regulations” mean the Education (Pupil Registration) Regulations 2006(c);

“child looked after by a local authority” has the meaning given by section 22(1) of the Children Act 1989(d);

“exclusion start date” means the date set by the head teacher for the exclusion to take effect;

“learning aim” means a course of study leading to a qualification accredited by the Qualifications and Curriculum Authority under section 24 of the Education Act 1997(e) and which has been allocated a qualification accreditation number;

“level 3” means level 3 as set out in the National Qualifications Framework of 1st September 2004(f) and determined by the Qualifications and Curriculum Authority;

(a) 1996 c. 56. Section 537A was inserted by the Education Act 1997 (1997 c. 44), section 20, and substituted by the School Standards and Framework Act 1998 (1998 c. 31), section 140(1) and Schedule 30, paragraphs 57 and 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 in relation to England.

(b) 2002 c. 32.

(c) S.I. 2006/1751.

(d) 1989 c. 41.

(e) 1997 c. 44; section 24 was last amended by S.I. 2005/3239.

(f) “The Statutory Regulation of external qualifications in England, Wales and Northern Ireland (2004)”; the National Qualifications Framework is accessible on the Authority’s website at www.qca.org.uk.

“non-maintained special school” means a special school which is not maintained by a local education authority and which is approved for the time being by the Secretary of State under section 342 of the 1996 Act;

“part-time” means that the pupil is attending fewer than ten school sessions in any week during which the school meets;

“permanently excluded” in relation to a pupil means permanently excluded on disciplinary grounds from the school to which a request is made under regulation 3 or 5;

“qualification accreditation number” means the number assigned to a pupil’s learning aim by the Qualifications and Curriculum Authority;

“register” means the register of pupils kept under section 434 of the 1996 Act, and refers to the admission register or attendance register kept in accordance with the 2006 Regulations as the case may require;

“special educational needs provision type” means the special educational needs provision type forming part of the graduated approach adopted pursuant to “The Special Educational Needs Code of Practice”(a) issued on 3rd December 2001 under section 313 of the 1996 Act;

“special school” has the meaning given by section 337 of the 1996 Act(b);

“unauthorised absence” means an occasion on which a pupil is recorded as absent without authority pursuant to the 2006 Regulations, and “authorised absence” shall be construed accordingly; and

“unique pupil number” means a combination of numbers which together with a letter or letters are allocated to a pupil and are particular to him, by use of a formula determined by the Department for Education and Skills.

Provision of information by schools maintained by local education authorities to their local education authorities

3. Within fourteen days of receiving a request from the local education authority by which a school is maintained, the governing body of that school shall provide to the authority such of the information referred to in Schedule 1 to these Regulations, and (where the request stipulates) in respect of such categories of pupils, or former pupils, as is so requested.

Provision of information by schools with sixth forms and maintained by local education authorities to the Secretary of State

4. Within fourteen days of receiving a request from the Secretary of State, the governing body of a school (not being a special school) maintained by a local education authority, which—

- (a) provides full-time education suitable to the requirements of pupils over compulsory school age, and
- (b) provides full-time education suitable to the requirements of pupils of compulsory school age,

shall provide to the Secretary of State such of the information referred to in Schedule 2 to these Regulations, as is so requested.

Provision of information by non-maintained special schools, city technology colleges, city colleges for the technology of the arts and Academies to the Secretary of State

5. Within fourteen days of receiving a request from the Secretary of State, the proprietor of a non-maintained special school, a city technology college, a city college for the technology of the arts or an Academy shall provide to the Secretary of State such of the information referred to in

(a) ISBN 1 84185 5294.

(b) Section 337 was substituted by the School Standards and Framework Act 1998 (1998 c. 31), section 140(1) and Schedule 30, paragraphs 57 and 80.

Schedules 1 and 2 to these Regulations, and (where the request stipulates) in respect of such categories of pupils, or former pupils, as is so requested.

Requests for information received by primary and special schools prior to 1 March 2007 in relation to excluded pupils

6.—(1) This regulation applies where a pupil was permanently excluded from a primary school, or special school, and his name was deleted from the admission register(a) during the year ending on 31st August 2006.

(2) In respect of a request for information to which regulations 3 or 5 apply and received on or before 1st March 2007 by the school from which the pupil was permanently excluded, any reference in these Regulations and in the request to the “exclusion start date” is to be construed as a reference to the “permanent exclusion date”, and any reference in these Regulations and in the request to information relating to exclusions which are not permanent exclusions should be disregarded.

(3) Information requested under regulations 3 and 5 shall include the information referred to in paragraphs 2(g) and 3 of Part 1 of Schedule 1 to these Regulations.

(4) In this regulation, “permanent exclusion date” means the date on which the name of a permanently excluded pupil is deleted from the register.

Revocations

7. The Regulations specified in Schedule 3 to these Regulations are revoked.

21st September 2006

Jim Knight
Minister of State
Department for Education and Skills

SCHEDULE 1

Regulations 3 and 5

PROVISION OF INFORMATION ABOUT INDIVIDUAL PUPILS

PART 1

All Pupils On The School Register

1. In respect of each pupil on the school’s register on the date specified in the request for information, the following information.

2. The pupil’s—

- (a) gender;
- (b) date of birth;
- (c) current unique pupil number, and, where the school has held a previous unique pupil number for that pupil, the previous number;
- (d) surname, and where the pupil has a former surname which is known to the governing body or, where appropriate, the proprietor, that former surname;
- (e) preferred surname;
- (f) first name, or if more than one, each first name;

(a) Pursuant to regulation 8(4)(d) or (e) of the 2006 Regulations, an excluded pupil’s name is not deleted from the register until the appeal process is completed, the time for appealing has expired or the relevant person has indicated that they will not appeal.

- (g) ethnic group;
- (h) date of admission to the school;
- (i) first language;
- (j) National Curriculum year group, and
- (k) usual mode of travel to school.

3. Whether the information as to the pupil's ethnic group provided by virtue of this Part was provided by—

- (a) the pupil;
- (b) a parent;
- (c) the school;
- (d) a former school; or
- (e) any other source.

4. The address and postcode of the home where the pupil normally resides.

5. Whether the pupil is a registered pupil at one school or more than one school, and, where the pupil is registered as a pupil at more than one school, the school that the pupil attends for the majority of his time.

6. Whether the pupil is part-time.

7. Whether the pupil is a day or boarding pupil at the school.

8. In the case of a special school that is not a special school established in a hospital, whether the boarding pupil boards at the school for seven or less nights per week.

9. Where the pupil has special educational needs, the type of special educational needs that pupil has, the primary and secondary ranking of those types if there is more than one type, and which special educational needs provision type is being made for him.

10. 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.

11. Where the pupil is, to the knowledge of the governing body or, where appropriate, the proprietor, a child looked after by the local authority, that fact and the name of the local authority.

12. Whether the pupil has been, to the knowledge of the governing body or, where appropriate, the proprietor, a child looked after by the local authority whilst on the school's register.

13. Whether, pursuant to section 512(3) and 512ZB(a) of the 1996 Act, the pupil has applied and been found eligible for free school meals.

14. In the case of a school which provides primary education, whether the pupil is receiving nursery education in a nursery class at the school.

15. In the case of a school that is not a primary school—

- (a) whether an instruction under section 117(2) of the Learning and Skills Act 2000(b) has been received by the school; and

(a) Section 512ZB was substituted by the Education Act 2002 c. 32, section 201(1).
 (b) 2000 c. 21.

- (b) any other information relating to the provision of information about the pupil by the school under section 117(1)(c) of the Learning and Skills Act 2000, including information as to whether the pupil, or in the case of a pupil who has not attained the age of 16, the pupil's parent—
 - (i) has agreed to the school providing information under that subsection;
 - (ii) has been contacted by the school in order to obtain his views on the school providing information under that subsection;
 - (iii) has responded to any enquiries made by the school that relate to the provision of information under that subsection.

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 which the pupil could have attended during such periods as are specified in the request for information, and—

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

18. Where the pupil's school has registered the pupil's absences (if any) referred to in paragraph 17 in the school's electronic management information system, or in a system compatible with the school's electronic management information system, the reason for the absences.

PART 2

Excluded Pupils

1.—(1) Subject to sub-paragraph (2), in respect of each pupil who has been excluded from the school (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 exclusion start date, and the information in the following paragraphs as it existed on the exclusion start date.

(2) This Part shall not apply to a pupil referred to in sub-paragraph (1) where(a)—

- (a) the governing body of the school has decided that the pupil should be reinstated;
- (b) an appeal panel has directed that the pupil is to be reinstated; or
- (c) an appeal panel has decided that because of exceptional circumstances or for other reasons it is not practical to give a direction requiring the pupil's reinstatement, but that it would otherwise have been appropriate to give such a direction.

2. The pupil's—

- (a) gender;
- (b) date of birth;
- (c) unique pupil number, and, where the school has held a previous unique pupil number for that pupil, the previous number;
- (d) surname, and where the pupil has a former surname which is known to the governing body or, where appropriate, the proprietor, that former surname;
- (e) first name or, if more than one, each first name;
- (f) date of admission to the school, and
- (g) (where applicable) date of leaving the school.

(a) The Education (Pupil Exclusions and Appeals) (Maintained Schools) (England) Regulations 2002 (S.I. 2002/3178) make provision for reviews of, and appeals against, exclusions.

3. Whether the pupil was part-time.
4. Where the pupil had special educational needs, which special educational needs provision type was being made for him.
5. Whether the pupil was, to the knowledge of the governing body or, where appropriate, the proprietor, a child looked after by the local authority.
6. Whether the exclusion is or was—
 - (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. Where the exclusion is or was for a fixed period, the number of sessions to which the exclusion applies or applied.
8. The reason for the exclusion.

PART 3

Attendance Information For Pupils No Longer On The School Register

1. In respect of each pupil not on the school's register who—
 - (a) was not a boarder, and
 - (b) was on the school's register on any day in the school term which preceded the date specified in the request for information,
 the following information.
2. The pupil's—
 - (a) gender;
 - (b) date of birth;
 - (c) unique pupil number, and, where the school has held a previous unique pupil number for that pupil, the previous number;
 - (d) surname, and where the pupil has a former surname which is known to the governing body or, where appropriate, the proprietor, that former surname;
 - (e) first name or, if more than one, each first name;
 - (f) date of admission to the school, and
 - (g) date of leaving the school.
3. Whether the pupil was part-time.
4. The total number of morning and afternoon sessions which the pupil could have attended during such periods as are specified in the request for information, and—
 - (a) the number of authorised absences from such sessions; and
 - (b) the number of unauthorised absences from such sessions.
5. Where the pupil's school has registered the pupil's absences (if any) referred to in paragraph 2 in the school's electronic management information system, or in a system compatible with the school's electronic management information system, the reason for the absences.

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

SCHEDULE 2

Regulation 4

Provision of Information About The Learning Aims Of Individual Pupils

1. In respect of each pupil who is or was—
- (a) on the school’s register during such period as is specified in the request for information in the twelve months preceding that request; and
 - (b) in or above the school year after the fourth key stage and undertaking a learning aim, or
 - (c) in the fourth key stage and undertaking a level 3 learning aim,

the following information.

2. The pupil’s—
- (a) gender;
 - (b) date of birth;
 - (c) current unique pupil number, and, where the school has held a previous unique pupil number for that pupil, the previous number;
 - (d) surname, and where the pupil has a former surname which is known to the governing body or, where appropriate, the proprietor, that former surname;
 - (e) preferred surname;
 - (f) first name, or if more than one, each first name;
 - (g) date of admission to the school;
 - (h) National Curriculum year group, and
 - (i) (where applicable) date of leaving the school.

3. Whether the pupil is a registered pupil at one school or more than one school, and where the pupil is registered as a pupil at more than one school, the school that the pupil attends for the majority of his time.

4. For each of the pupil’s learning aims—
- (a) the qualification accreditation number;
 - (b) the date on which the pupil started the learning aim;
 - (c) the date by which the pupil and the pupil’s school together plan or planned that the pupil will complete, or was to have completed, the learning aim (“the planned end date”);
 - (d) the date (if applicable) on which the pupil completed the learning aim;
 - (e) information as to the pupil’s progress or status in respect of the learning aim;
 - (f) information identifying the syllabus, the subject and the awarding body for the qualification.

SCHEDULE 3

Regulation 7

Revocations

<i>Regulations revoked</i>	<i>References</i>	<i>Extent of revocation</i>
1. Education (Information About Individual Pupils) (England) Regulations 2001	S.I. 2001/4020	The whole Regulations
2. Education (Information About Individual Pupils) (England) (Amendment)	S.I. 2002/3112	The whole Regulations

Regulations 2002		
3. The Education Act 2002 (School Meals) (Consequential Amendments) (England)	S.I. 2003/689	Regulation 3
Regulations 2003		
4. Education (Information About Individual Pupils) (England) (Amendment)	S.I. 2003/3277	The whole Regulations
Regulations 2003		
5. The Education (Information About Individual Pupils) (England) (Amendment)	S.I. 2005/3101	The whole Regulations
Regulations 2005		

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and re-enact with modifications and additions the Education (Information About Individual Pupils) (England) Regulations 2001 and subsequent amending Regulations.

The principal modification relates to the courses undertaken by all pupils at maintained schools (which are not special schools) providing secondary education to pupils in or above the school year after Key Stage 4. The information on such courses will no longer be provided by reference to the number of GCSEs, GCE 'A' Level examinations, etc. for which the pupil is studying, and the relevant provisions and definitions have been removed from the Regulations. Instead, the information is to be provided by reference to the pupil's 'learning aims', which are courses of study leading to a qualification accredited, and allocated a qualification accreditation number, by the Qualifications and Curriculum Authority. The information which schools are required to provide are, in respect of each learning aim of each pupil (Regulation 4 and Schedule 2)—

- (a) the qualification accreditation number;
- (b) the start date;
- (c) the planned end date;
- (d) the actual end date (where appropriate),
- (e) information of the pupil's progress or status in respect of the learning aim, and
- (f) information identifying the syllabus, subject and the awarding body.

Further modifications include—

- (a) a re-ordering of the items of information listed in Schedules 1 and 2;
- (b) some drafting amendments to achieve greater clarity; and
- (c) a requirement to provide the full home address in all cases, as it will not be possible to provide (as previously) only the number and name relating to the sub-dwelling and dwelling (Schedule 1, Part 1, paragraph 4).

Additional information which must be provided in relation to all pupils on the school register under Part 1 of Schedule 1 to these Regulations includes the pupil's usual mode of travel to school (paragraph 2(k)).

Additional information which must be provided in relation to pupils (whether on the school register or no longer so) includes the reason (if known) for the pupil's authorised and unauthorised absences (Schedule 1, Part 1, paragraph 18 and Part 3, paragraph 5).

Further, information as to whether the pupil has been a child looked after by the local authority whilst he was on the school's register must be provided in relation to permanently excluded pupils (Schedule 1, Part 2, paragraph 5).

Regulation 6 provides for the collection of information on permanent exclusions in respect of primary, middle deemed primary, and special schools. These schools will be required to submit information by reference to the "permanent exclusion date", that is, the date on which the name of a permanently excluded pupil is deleted from the register during the academic year ending on 31 August 2006. After 1 March 2007 these schools will be required to submit information on all exclusions by reference to "the exclusion start date", that is, the date set by a head teacher for the exclusion to take effect.

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