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STATUTORY INSTRUMENTS

2007 No. 2260

EDUCATION, ENGLAND

The Education (Supply of Information about the School Workforce) (No.2) (England) Regulations 2007

<i>Made</i>	- - - -	<i>26th July 2007</i>
<i>Laid before Parliament</i>		<i>7th August 2007</i>
<i>Coming into force</i>	- -	<i>1st September 2007</i>

In exercise of the powers conferred upon the Secretary of State by sections 114(1), (2)(c), (3), (6) and (8) and 120(2) of the Education Act 2005⁽¹⁾, the Secretary of State for Children, Schools and Families makes the following Regulations:

Citation and Commencement

1.—(1) These Regulations may be cited as the Education (Supply of Information about the School Workforce) (No.2) (England) Regulations 2007 and come into force on 1st September 2007.

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

Revocation

2. The Education (Supply of Information about the School Workforce) (England) Regulations 2007⁽²⁾ are revoked.

Interpretation

3.—(1) In these Regulations—

“the 1996 Act” means the Education Act 1996⁽³⁾;

“the 2002 Act” means the Education Act 2002⁽⁴⁾;

“the 2005 Act” means the Education Act 2005;

(1) 2005 c. 18, for the meaning of “prescribed” and “regulations” see section 114(10).

(2) [S.I. 2007/1264](#).

(3) 1996 c. 56.

(4) 2002 c. 32.

“the 2003 Regulations” means the Education (Specified Work and Registration) (England) Regulations 2003(5);

“the 2007 Regulations” means the Education (Supply of Information about the School Workforce) (England) Regulations 2007;

“A level” means the General Certificate of Education advanced level examination;

“authority” means a children’s services authority in England;

“census date” means the date specified in a request for information made under these Regulations;

“census period” means the period specified in a request for information made under these Regulations;

“the Document” means a document by reference to which provision for the remuneration and other conditions of employment of school teachers is made in an order made by the Secretary of State under section 122 of the 2002 Act;

“qualified teacher” means a teacher who is qualified in accordance with section 132 of the 2002 Act; and

“teacher” means a person who provides primary or secondary education under a contract of employment or for service and where the contract requires him to carry out work of a kind which is specified by regulations under section 133(1) of the 2002 Act.

(2) In these Regulations, a “teaching assistant” means a person who carries out work under paragraph 10 of Schedule 2 to the 2003 Regulations.

Persons to whom a school proprietor or an authority may be required to supply information

4. For the purposes of section 114(2)(c) of the 2005 Act, an authority is a prescribed person.

Provision of information to authorities by schools maintained by them

5. On receiving a request from the authority by which a school is maintained, the proprietor of that school must provide to that authority such information referred to in Schedule 1 to these Regulations as is so requested concerning each qualifying worker or qualifying trainee employed at or otherwise engaged to work at that school.

Provision of information by authorities to the Secretary of State

6. Within twenty-seven days of receiving a request from the Secretary of State, an authority must provide him such information referred to in Schedule 1 as has been supplied to that authority under regulation 5 or concerning each qualifying worker or qualifying trainee employed or otherwise engaged by that authority, as is so requested.

Provision of information by Academies, city technology colleges and city colleges for the technology of the arts to the Secretary of State

7. Within twenty-seven days of receiving a request from the Secretary of State, the proprietor of an Academy, a city technology college or a city college for the technology of the arts must provide him such of the information referred to in Schedule 1 to these Regulations as is so requested in respect of qualifying workers or qualifying trainees employed or otherwise engaged to work at that school.

Persons to whom the Secretary of State may supply information for qualifying purposes

8.—(1) For the purposes of section 114(3) of the 2005 Act, the persons referred to in paragraph (2) are prescribed persons.

(2) The persons referred to in paragraph (1) are—

- (a) the Local Government Association;
- (b) Her Majesty’s Chief Inspector of Education, Children’s Services and Skills;
- (c) the Qualifications and Curriculum Authority⁽⁶⁾;
- (d) the Learning and Skills Council for England⁽⁷⁾;
- (e) the Audit Commission for Local Authorities and the National Health Service in England and Wales⁽⁸⁾;
- (f) the National College for School Leadership⁽⁹⁾;
- (g) the Office of Manpower Economics⁽¹⁰⁾;
- (h) the Training and Development Agency for Schools⁽¹¹⁾;
- (i) the General Teaching Council for England⁽¹²⁾;
- (j) an authority;
- (k) Service Children’s Education⁽¹³⁾;
- (l) the proprietor of a school; and
- (m) persons conducting research relating to qualifying workers or qualifying trainees which may be expected to be of public benefit.

(3) The Secretary of State may provide information referred to in Schedule 1 to these Regulations in respect of persons who are or have been qualifying workers or qualifying trainees to any person prescribed in paragraph (2).

Supply by the Secretary of State of information to persons who lawfully held or could have required the supply of that information

9.—(1) For the purposes of section 114(6) of the 2005 Act, the persons referred to in paragraph (2) are prescribed persons.

(2) The persons referred to in paragraph (1) are—

- (a) an authority;
- (b) the proprietor of the school at which—
 - (i) the qualifying worker works or is due to start working;
 - (ii) the qualifying trainee is training or is due to start training;
- (c) the General Teaching Council for England;
- (d) the Training and Development Agency for Schools; and

⁽⁶⁾ The Qualifications and Curriculum Authority was established by section 21 of the Education Act 1997 (c. 44).

⁽⁷⁾ The Learning and Skills Council for England was established by section 1 of the Learning and Skills Act 2000 (c. 21).

⁽⁸⁾ The Audit Commission was established by section 11 of the Local Government Act 1982 (c. 32) and continued by section 1 of the Audit Commission Act 1998 (c. 18).

⁽⁹⁾ The National College for School Leadership is a private company limited by guarantee registered in England and Wales, company number 04014904.

⁽¹⁰⁾ The Office of Manpower Economics is an Agency of the Department for Business, Enterprise and Regulatory Reform.

⁽¹¹⁾ The Training and Development Agency for Schools was established originally as The Teacher Training Agency by section 1 of the Education Act 1994 (c. 30) and was renamed by section 74 of the Education Act 2005 (c. 18).

⁽¹²⁾ The General Teaching Council for England was established by section 1 of the Teaching and Higher Education Act 1998 (c.30).

⁽¹³⁾ Service Children’s Education is part of the Ministry of Defence.

(e) Her Majesty's Chief Inspector of Education, Children's Services and Skills.

(3) The Secretary of State may provide information in respect of persons who are or have been qualifying workers or qualifying trainees to any person prescribed in paragraph (2).

Prohibition on further disclosure

10. No person to whom information is supplied by virtue of these Regulations may further disclose that information other than pursuant to an order of the court, an enactment or rule of law.

Effect of section 497 of the 1996 Act

11. Section 497 of the 1996 Act is, in relation to the duties imposed by these Regulations to have effect as if the reference in subsection (2)(a) of that section to a local education authority were a reference to an authority.

Saving provision

12. Despite the revocation in regulation 2, a request made pursuant to regulation 4, 5 or 6 of the 2007 Regulations is treated for the purposes of these Regulations as a request made pursuant to 5, 6 or 7 of these Regulations respectively, and information received by any person pursuant to the 2007 Regulations may be processed as if it had been received pursuant to these Regulations.

26th July 2007

Jim Knight
Minister of State
Department for Children, Schools and Families

SCHEDULE 1

Regulations 5, 6 and 7

Provision of Information by Schools and Authorities

PART 1

All Qualifying Workers and Qualifying Trainees

1. In respect of each person who, during all or part of the census period or on the census date, is or has been employed or otherwise engaged to work at the school for a period of at least one month or will have completed such a period by the end of his contract, the following information.

2. The person's—

- (a) gender;
- (b) date of birth;
- (c) national insurance number;
- (d) given name, family name and any former family name;
- (e) ethnic group; and
- (f) unique reference number assigned by or on behalf of the Department for Children, Schools and Families, where such a number is held.

3. The post held by the person and the role or roles the person carries out.

4. Whether the person has met the standards required for higher level teaching assistants published by the Secretary of State under paragraph 10 of Schedule 2 to the 2003 Regulations.

5. If known, where the person has a disability within the meaning of section 1(1) of the Disability Discrimination Act 1995(14).

6. In respect of the contract of employment or contract for services —

- (a) the type of contract;
- (b) the date when that contract started; and
- (c) where applicable, the date on which that contract ended or is due to end.

7. Where the person is absent on the census date the fact of that absence.

PART 2

All school teachers and teaching assistants

8. In respect of each teacher or teaching assistant who, at any time during the census period or on the census date, was or is employed or otherwise was or is engaged to work for one month or more at the school or for the authority or will have completed such a period by the end of his contract, the following information.

9. Where that person has started on a contract of employment or contract for services since the previous census date or the end of the previous census period, details of his employment or otherwise immediately prior to that start.

10. In respect of the contract of employment or contract for services the hours and weeks stipulated in the contract.

(14) 1995 c. 50.

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11. Where that person was or is employed or engaged to work in a period of continuous employment, the date that period started.

12. Whether or not that person is a qualified teacher.

13. The remuneration including where applicable details of annual salary, the position of that salary on any relevant pay scale and whether any part of such is safeguarded, whether a daily rate of pay is payable and any additional payments as provided for by virtue of the Document or a code which conveys that information.

14. In respect of each subject taught by that person, the subject taught, the National Curriculum year group who are taught that subject by him and the amount of tuition he has provided or will have provided in that subject to that year group during the period of seven days starting on the Monday immediately prior to the census date.

15. Where that person holds a qualification which is of a higher level than A level, the type, subject or subjects of that qualification and whether it has been verified by his employer or the person to whom he is engaged to provide services.

16. In respect of a qualifying trainee who is undertaking a course of initial teacher training, the type of course or programme.

17. In respect of each occasion on which that person was absent at any time during the census period or on the census date—

- (a) the reason for the absence; and
- (b) for that period of absence, the first and, where applicable, the last day on which the person was absent and the number of working days lost.

18. Where that person's contract of employment or contract for services terminated during the census period, the reason for that termination and where he has secured further employment, its location and type.

EXPLANATORY NOTE

(This note is not part of these Regulations)

These Regulations, which apply to England, impose requirements on schools and children's services authorities in England to supply information relating to qualifying workers or qualifying trainees (as defined). They replace the Education (Supply of Information about the School Workforce) (England) (Regulations) 2007 which are revoked by this instrument.

Regulation 5 requires the governing body of any maintained school, on receiving a written request from the authority by which the school is maintained, to supply such of the information referred to in Schedule 1 as may be requested to a children's services authority (an "authority"), which is prescribed for this purpose (regulation 4). There is a similar duty in regulation 6 which requires authorities to supply to the Secretary of State information requested by him.

Regulation 7 imposes duties on the proprietor of any Academy, city technology college or city college for the technology of the arts, on receiving a written request from the Secretary of State, to supply such of the information referred to in Schedule 1 as may be requested.

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Regulation 8 prescribes the persons to whom the Secretary of State, for the purposes of section 114(3) of the Act, is authorised to supply information. Such persons include schools, children's services authorities and the General Teaching Council for England. The information may only be used for a qualifying purpose as specified in section 114(5) of the Education Act 2005.

Regulation 9 prescribes the persons to whom the Secretary of State, for the purposes of section 114(6) of the Act, is authorised to supply information.

Regulation 10 forbids the further disclosing of information by any person to whom information has been supplied under these Regulations, subject to the exceptions of where the information is supplied pursuant to a court order, or under a provision of an Act or statutory instrument, or a rule of law.

Regulation 11 allows the Secretary of State to make an order for enforcing the performance of a duty imposed upon an authority or person where it has failed in respect of that duty.

An impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is available from the Department for Children, Schools and Families, Great Smith Street, London SW1P 3BT and is annexed to the Explanatory Memorandum which is available alongside on the website of the Office of Public Sector Information, www.opsi.gov.uk.