

2007 No. 712

EDUCATION, ENGLAND

CHILDREN AND YOUNG PERSONS, ENGLAND

The Education (Provision of Information About Young Children) (England) Regulations 2007

<i>Made</i> - - - -	<i>6th March 2007</i>
<i>Laid before Parliament</i>	<i>9th March 2007</i>
<i>Coming into force</i> - -	<i>30th March 2007</i>

The Secretary of State for Education and Skills, in exercise of the powers conferred by sections 537A and 569(4) of the Education Act 1996(a) and sections 99 and 104(2) of the Childcare Act 2006(b), makes the following Regulations:

Citation, commencement and application

- 1.—(1) These Regulations may be cited as the Education (Provision of Information About Young Children) (England) Regulations 2007 and come into force on 30th March 2007.
(2) These Regulations apply only in relation to England.

Interpretation

- 2.—(1) In these Regulations—
“the 1996 Act” means the Education Act 1996;
“the 2006 Act” means the Childcare Act 2006;
“the Chief Inspector” means, subject to paragraph (2), Her Majesty’s Chief Inspector of Education, Children’s Services and Skills(c);
“local authority” has the same meaning as “English local authority” in section 106 of the 2006 Act;
“relevant school” means a school at which the child is a registered pupil(d).
(2) At any time before 1st April 2007 “the Chief Inspector” means Her Majesty’s Chief Inspector of Schools in England.

(a) 1996 c.56. See section 579(1) for the definitions of “prescribed” and “regulations”.
(b) 2006 c.21. Section 99 of the Childcare Act 2006 is modified by section 100(2) and (3) of that Act until section 7 of the Act comes into force. See section 99(9) for the definitions of “prescribed” and “regulations”.
(c) The office of Her Majesty’s Chief Inspector of Education, Children’s Services and Skills is established by section 113 of the Education and Inspections Act 2006 (c.40).
(d) See section 434(5) of the Education Act 1996 for the definition of “registered pupil”.

3. For the purposes of these Regulations, in so far as they are made under the 1996 Act, “relevant nursery education” means nursery education, within the meaning of Part 5 of the School Standards and Framework Act 1998(a), which is provided to a pupil in a maintained school or a maintained nursery school.

Prescribed person under section 537A(2)(b) of the 1996 Act

4. The local authority in whose area relevant nursery education is provided is a prescribed person for the purposes of section 537A(2)(b) of the 1996 Act.

Prescribed person under section 99(2)(b) of the 2006 Act

5. The local authority in whose area funded nursery education is provided is a prescribed person for the purposes of section 99(2)(b) of the 2006 Act.

Provision of information by relevant nursery education provider to a relevant person under section 537A(1) of the 1996 Act

6.—(1) The information set out in Part 1 of the Schedule is prescribed for the purposes of section 537A(1) of the 1996 Act.

(2) The governing body of a maintained school or a maintained nursery school providing relevant nursery education, when required to do so by the relevant person, must provide to that person the information set out in Part 1 of the Schedule.

Provision of information by funded nursery education provider to a relevant person under section 99(1) of the 2006 Act

7.—(1) The information set out in Parts 1 and 2 of the Schedule is prescribed information for the purposes of section 99(1) of the 2006 Act.

(2) A person who provides funded nursery education as defined in the 2006 Act, when required to do so by the relevant person, must provide to that person each item of information set out in Part 1 or 2 of the Schedule that is requested.

(3) When providing any item of information set out in the Schedule a person referred to in paragraph (2) must also provide—

- (a) the early years reference number allocated to the provider by the Department for Education and Skills;
- (b) the early years unique reference number or other identifier allocated to the provider by the Chief Inspector on registration; and
- (c) (if known) the local authority code allocated by the Department for Education and Skills to the local authority in whose area the funded nursery education is provided.

Prescribed persons under section 537A(3)(b) of the 1996 Act

8. The following are prescribed persons for the purposes of section 537A(3)(b) of the 1996 Act—

- (a) the Chief Inspector;
- (b) any local authority which makes a payment to the local authority prescribed in regulation 4 in respect of any pupil who is provided with relevant nursery education.

Prescribed persons under section 99(3)(b) of the 2006 Act

9. The following are prescribed persons for the purposes of section 99(3)(b) of the 2006 Act—

(a) 1998 c.31.

- (a) the Chief Inspector;
- (b) the local authority providing financial assistance in respect of the funded nursery education, if different from the local authority prescribed at regulation 5;
- (c) the proprietor of a relevant school.

Prescribed persons under section 537A(4)(b) of the 1996 Act and section 99(4)(b) of the 2006 Act

10. The following are prescribed persons for the purposes of section 537A(4)(b) of the 1996 Act and section 99(4)(b) of the 2006 Act—

- (a) the Chief Inspector;
- (b) the Qualifications and Curriculum Authority(a).

Prescribed persons under section 537A(6)(c) of the 1996 Act

11. Any local authority which makes a payment to the local authority prescribed in regulation 4 in respect of any pupil who is provided with relevant nursery education, is prescribed for the purposes of section 537A(6)(c) of the 1996 Act.

Prescribed persons under section 99(6)(c) of the 2006 Act

12. The following are prescribed persons under section 99(6)(c) of the 2006 Act—

- (a) the local authority providing financial assistance in respect of the funded nursery education, if different from the local authority prescribed in regulation 5;
- (b) the proprietor of a relevant school.

Prescribed categories of persons under section 537A(4)(c) of the 1996 Act and section 99(4)(c) of the 2006 Act

13. Persons conducting research into the educational achievements of pupils and who require individual pupil information for that purpose are prescribed for the purposes of section 537A(4)(c) of the 1996 Act.

14. Persons conducting research into the educational achievements of children and who require individual child information for that purpose are prescribed for the purposes of section 99(4)(c) of the 2006 Act.

6th March 2007

Beverley Hughes
Minister of State
Department for Education and Skills

SCHEDULE

Regulations 6 and 7

PART 1

1. For each child in the final year of the foundation stage, the total number of points achieved in each of the assessment scales of the foundation stage.

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

2. In this Part of the Schedule—

“assessment scales” has the same meaning as in the Foundation Stage Profile Handbook published by the Qualifications and Curriculum Authority in January 2003 with reference number QCA/03/1006; and

“the foundation stage” has the same meaning as in section 81 of the Education Act 2002(a).

PART 2

3. Surname.

4. First name, or if more than one, each first name.

5. Date of birth.

6. Address and postcode of the home where the child normally resides.

7. Ethnic group.

8. Gender.

9. Whether the child has special educational needs.

10. Number of hours per week of funded nursery education that the child receives.

11. Total number of hours of nursery education that the child receives per week.

12. Whether English is not the child’s first language.

13. In this Part of the Schedule “special educational needs” has the same meaning as in section 312 of the 1996 Act(b).

(a) 2002 c.32.

(b) Section 312 was amended by paragraph 23 of Schedule 7 to the Education Act 1997 (c.44); by paragraph 71 of Schedule 30 to the School Standards and Framework Act 1998; by paragraph 56 of Schedule 9 to the Learning and Skills Act 2000 (c.21) and by paragraph 3 of Schedule 1 to the Education and Inspections Act 2006.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations prescribe the persons and categories of person who can collect and exchange information pursuant to section 537A of the Education Act 1996 and section 99 of the Childcare Act 2006, about children receiving relevant nursery education or funded nursery education.

In so far as they are made under section 537A of the Education Act 1996, these Regulations provide for maintained schools or maintained nursery schools providing relevant nursery education to provide to the local authority in whose area the school is located details of the points achieved in each of the assessment scales of the foundation stage by each individual child in their care.

Regulations 8, 10, 11 and 13 prescribe certain people under section 537A of the Education Act 1996 with whom this information can be shared.

In so far as they are made under section 99 of the Childcare Act 2006, these Regulations provide for providers of funded nursery education to provide the information set out in Parts 1 and 2 of the Schedule and in regulation 7(3) to the local authority in whose area the education is provided.

Regulations 9, 10, 12 and 14 prescribe certain people under section 99 of the Childcare Act 2006 with whom this information can be shared.

Copies of the Foundation Stage Profile Handbook referred to in Part 1 of the Schedule can be downloaded from the Qualifications and Curriculum Authority website at www.qca.org.uk or obtained from the Qualifications and Curriculum Authority Orderline, P.O. Box 29, Norwich, NR3 1GN Ref: QCA/03/1006.

An initial assessment has been carried out to assess the costs and benefits of the accompanying regulations. At this stage, the assessment indicates that the impact on settings such as schools and childcare providers will be minimal, as they already collect this data. In the first year of operation, the information prescribed in Part 2 of the Schedule will be requested from a sample of 44 local authorities. This exercise will inform further development of the policy, including whether there is any need to carry out a fuller Regulatory Impact Assessment.

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£3.00

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E0378 3/2007 170378T 19585