

2008 No. 3093

EDUCATION, ENGLAND

The School Information (England) Regulations 2008

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CONTENTS

PART 1

General

1. Citation, commencement and application
2. Interpretation
3. Qualification of duties
4. Regulations revoked

PART 2

Publication of Composite Prospectus

5. Local authority to publish composite prospectus
6. Manner of publication
7. Provision of information to the local authority by governing bodies

PART 3

Publication of other information by local authority

8. Local authority to publish other information
9. Manner of publication

PART 4

Information to be published by governing bodies

10. Publication of school prospectuses

PART 5

Supplementary

11. Supplementary provisions relating to published documents

-
- SCHEDULE 1 — Regulations revoked
SCHEDULE 2 — Information to be published in composite prospectuses
SCHEDULE 3 — Information to be published by local authorities

The Secretary of State for Children, Schools and Families makes the following Regulations in exercise of the powers conferred by sections 29(5), 537 and 569(4) of the Education Act 1996(a), and section 92 of the School Standards and Framework Act 1998(b):

PART 1

General

Citation, commencement and application

1.—(1) These Regulations may be cited as the School Information (England) Regulations 2008 and come into force on 10th February 2009.

(2) They apply only in relation to England and only to information in relation to the academic year 2010 – 2011 and subsequent years.

Interpretation

2. In these Regulations—

“EA 1996” means the Education Act 1996;

“SSFA 1998” means the School Standards and Framework Act 1998;

“academic year” means a period commencing with 1st August and ending with the next 31st July;

“admission year” means an academic year at the beginning of which pupils are to be admitted to schools in consequence of admission arrangements determined for that year;

“composite prospectus” means a document published in accordance with regulation 5;

“determination year” means the academic year immediately preceding the offer year;(c)

“fair access protocol” means an arrangement made by the authority which aims to ensure that children who have no school place are offered a place at a suitable school as quickly as possible;

“local authority” means a local education authority;

“maintained school” means—

(a) for the purposes of Part 2, a community, foundation or voluntary school, and

(b) for the purposes of Parts 3 and 4, a community, foundation or voluntary school, or any community or foundation special school which is not established in a hospital;

“non-maintained special school” means a special school which is not maintained by a local authority and which is not established in a hospital;

(a) 1996 c.56; section 537 is amended by paragraph 37 of Schedule 7 to the Education Act 1997 (c.44), paragraphs 57 and 152 of Schedule 30 to the School Standards and Framework Act 1998 (c.31), paragraph 60 of Schedule 9 to the Learning and Skills Act 2000 (c.21), and paragraph 6(5) of Schedule 7 to the Education Act 2002 (c.32). See section 579(1) of the Education Act 1996 for the definitions of “regulations” and “prescribed”.

(b) 1998 c.31; section 92 is substituted by paragraph 7 of Schedule 4 to the Education Act 2002. See section 142(1) of the SSFA1998 for the definitions of “regulations” and “prescribed”.

(c) This is the academic year in which admission arrangements are determined in relation to the admission year.

“offer year” means the academic year immediately preceding the admission year;(a)

“public examinations” means public examinations which are for the time being prescribed by regulations made under section 402 of EA 1996;(b)

“primary education” does not include such education provided at a middle school;

“selection arrangements” means those arrangements (if any) in the admission arrangements determined for a school for a particular academic year which make provision for the selection of pupils by ability or aptitude within the meaning of section 99(5) of SSFA 1998;

“school prospectus” means the document described in regulation 10;

“school travel scheme” means a scheme made by a local authority under section 508E of, and paragraph 1 of Schedule 35C to, EA 1996;(c)

“special educational needs” and “special educational provision” have the meanings given in section 312 of EA 1996;

“special school” has the meaning given in section 337(1) of EA 1996;

“sustainable modes of travel strategy” means a sustainable modes of travel strategy prepared by a local authority pursuant to section 508A(1)(a) of EA 1996;(d)

“travel arrangements” means travel arrangements made under sections 508B or 508C of EA 1996(e); and

“waiting list” in relation to a school means any list of unsuccessful applicants for the school maintained by the admission authority after the date on which offers of school places are communicated to parents.

Qualification of duties

3. The duties imposed on a governing body and a local authority by virtue of these Regulations in respect of provision, publication or making available information apply only to the extent that that information is available to the governing body or the local authority in time for it to be reasonably practicable to provide, publish or make available the information before the latest occasion on which the information is required to be provided, published or made available, as the case may be.

Regulations revoked

4. The Regulations set out in Schedule 1 are revoked.

PART 2

Publication of Composite Prospectus

Local authority to publish composite prospectus

5.—(1) No later than 12th September in the offer year a local authority must publish the information specified in Schedule 2 in relation to all maintained schools, Academies, city technology colleges and city colleges for the technology of the arts in the composite prospectus area, in accordance with regulation 6.

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- (a) This is the academic year in which offers of school places for the admission year are communicated to parents.
 - (b) Section 402 is amended by paragraphs 57 and 101 of Schedule 30 to the School Standards and Framework Act 1998, and paragraph 45 of Schedule 21 to the Education Act 2002. And see the Education (Prescribed Public Examinations) Regulations 1989 (S.I. 1989/377).
 - (c) Section 508E and Schedule 35C are inserted by section 76 of, and Schedule 9 to, the Education and Inspections Act 2006 (c. 40).
 - (d) Section 508A is inserted by section 76 of the Education and Inspections Act 2006.
 - (e) Sections 508B and 508C are inserted by section 77(1) of the Education and Inspections Act 2006.

(2) The information in Part 2 of Schedule 2 (*information in respect of individual schools*) may be published in one composite prospectus, or in two or more composite prospectuses covering respectively—

- (a) primary schools, and secondary schools;
- (b) schools in different parts of the composite prospectus area

provided that every prospectus published under this regulation must include the information specified in Part 1 of Schedule 2 (*General information*).

(3) For the purposes of this regulation—

- (a) “the composite prospectus area” means—
 - (i) the local authority’s area; and
 - (ii) any part of the relevant area or relevant areas which fall outside the local authority’s area, and
- (b) the “relevant area” has the meaning given in section 88F(4) of SSFA 1998(a) and The Education (Relevant Areas for Consultation on Admission Arrangements) Regulations 1999(b).

Manner of publication

6.—(1) A local authority must publish a composite prospectus—

- (a) by displaying a copy on their website; and
- (b) by copies being made available for distribution without charge to parents on request—
 - (i) at the offices of the local authority, and
 - (ii) at every school maintained by the local authority, and at every Academy, city technology college, and city college for the technology of the arts in composite prospectus area.

(2) A composite prospectus published under paragraph (1)(a) in respect of an academic year must be displayed on the website until it is replaced by a composite prospectus for the following academic year.

(3) In the case of a supplementary information form required to be published in the composite prospectus by virtue of paragraph 14 of Schedule 2, it is sufficient compliance with this regulation if such form is published in accordance with paragraph (1)(a) and (1)(b)(i).

Provision of information to the local authority by governing bodies

7.—(1) Subject to paragraph (2), for the purpose of enabling a local authority to comply with their obligations under regulations 5 and 6 the governing body of every maintained school to be included in a composite prospectus must provide the local authority with the information specified in Part 2 of Schedule 2 no later than 8th August in the offer year.

(2) In relation to a school where the local authority is the admission authority, the governing body need only provide the information specified in paragraph 15 of Schedule 2 and any other information specified in Part 2 of that Schedule as is requested by the local authority.

(a) Section 88F is inserted by section 151 of the Education and Skills Act 2008 (c.25).
(b) S.I. 1999/124.

PART 3

Publication of other information by local authority

Local authority to publish other information

8.—(1) A local authority must publish the information in Schedule 3 in accordance with paragraph (2) and regulation 9.

(2) Such information must be published during the offer year and, except in so far as it relates exclusively to primary education, or special educational provision, or provision to which section 19 of EA 1996(a) applies (*exceptional provision of education in pupil referral units or elsewhere*), must be published no later than six weeks before the date up to which parents may express a preference for a school in respect of the admission year.

(3) Where changes in respect of any of the matters required to be published under this regulation have been decided upon by the local authority but not yet implemented, the local authority must also publish information about those changes.

Manner of publication

9.—(1) A local authority must publish the information in Part 1 of Schedule 3 (*Miscellaneous Matters*)—

- (a) by placing it on their website;
- (b) by copies being made available for distribution without charge to parents on request, and for reference by parents and other persons—
 - (i) at the office of the local authority, and
 - (ii) at every school maintained by the local authority, other than a nursery school, a special school or a pupil referral unit, and at every Academy, city technology college, and city college for the technology of the arts in composite prospectus area;
- (c) by copies being distributed without charge to parents of pupils at schools maintained by the local authority, other than nursery schools, special schools or pupil referral units, who, in the offer year, are in the final year at such schools and who might transfer to other schools so maintained; and
- (d) by copies being made available for reference by parents and other persons at the public libraries in the area of the local authority.

(2) In the case of the information in paragraph 9 of Schedule 3 (*the local authority's sustainable modes of travel strategy*) the local authority need not comply with sub-paragraphs (1)(b) - (d).

(3) It shall be sufficient compliance with paragraph (1)(b)(ii) if so much of the information and particulars as relates to schools classified as—

- (a) primary schools;
- (b) middle schools;
- (c) secondary schools,

is available only in schools of the classification in question.

(4) It shall be sufficient compliance with paragraph (1)(c) if there is published so much of the information and particulars as is relevant having regard to the schools to which pupils in the final year at that school might transfer.

(5) A local authority must publish the information in Part 2 of Schedule 3 (*Special Educational Provision*)—

- (a) by placing it on their website;

(a) Section 19 is amended by section 47 of, and Schedule 8 to, the Education Act 1997, the Education Act 1996 (Amendment of Section 19) (England) Regulations 2007 (S.I. 2007/1507), and section 101 of the Education and Inspections Act 2006.

- (b) by copies being made available for distribution without charge to parents on request and, for reference by parents and other persons, at the offices of the relevant authority; and
- (c) by copies being available for reference by parents and other persons—
 - (i) at every school maintained by the local authority, and at every Academy, city technology college, and city college for the technology of the arts in composite prospectus area, and
 - (ii) at the public libraries in the area of the authority.

(6) A local authority must publish the information in Part 3 of Schedule 3 (*Exceptional Provision of Education in Pupil Referral Units or Elsewhere*) in the manner set out in paragraph (1)(b) – (d).

PART 4

Information to be published by governing bodies

Publication of school prospectuses

10.—(1) The governing body of a maintained school must publish—

- (a) the report containing special needs information referred to in section 317(5) of EA 1996; and
- (b) any other general information relating to that school which they may decide to publish,

as a single document identified as the school prospectus.

(2) Copies of the school prospectus must be made available at the school for distribution without charge to parents on request and for reference by parents and other persons.

(3) The school prospectus must be published during the offer year and, except in the case of a special school, not later than six weeks before the date up to which parents may express a preference for a school in respect of the admission year.

(4) In the case of a special school such information must also be published by copies being made available at the offices of the relevant authority for distribution without charge to parents on request and reference by parents and other persons.

(5) In the case of any maintained secondary school, a copy of the school prospectus shall be provided without charge to the offices in the area served by the school of persons providing career services in accordance with arrangements made, or directions given, under section 10 of the Employment and Training Act 1973(a).

PART 5

Supplementary

Supplementary provisions relating to published documents

11.—(1) This regulation applies in relation to any document which contains such information or particulars as are mentioned in the preceding provisions of these Regulations and which is published in accordance with them.

(2) Such a document must state the admission year to which the information or particulars in it relate and contain a warning that, although they were correct in relation to that year at a date specified in the document (not being earlier than six months before that of its publication), it should not be assumed that there will be no change affecting the relevant arrangements or some matters particularised—

(a) Section 10 is substituted by section 45 of the Trade Union Reform and Employment Rights Act 1993 (c.19).

- (a) before the start of, or during, the academic year in question; or
- (b) in relation to subsequent academic years.

(3) If it appears appropriate to the local authority or, as the case may be, the governing body in respect of such a document to be published by them that a translation of such a document in a language other than English should be available, or that a Braille or audio tape version of such a document should be available, it shall be translated into that language or produced in a Braille or audio tape version, as the case may be, and the document so translated or so produced must be published in such manner as appears to the governing body or authority to be appropriate.

(4) Parents must not be charged for a copy of such a translated document or such a document produced in a Braille or audio type version if they are entitled without charge to a copy of the original document.

3rd December 2008

Sarah McCarthy-Ward
Parliamentary Under Secretary of State
Department for Children, Schools and Families

SCHEDULE 1

Regulation 4

Regulations revoked

<i>Regulations revoked</i>	<i>References</i>	<i>Extent of revocation</i>
The Education (School Information) (England) Regulations 2002	S.I. 2002/2897	The whole Regulations
The Education (School Information) (England) (Amendment) Regulations 2005	S.I. 2005/2152	The whole Regulations
The Education (School Information) (England) (Amendment) Regulations 2007	S.I. 2007/1365	The whole Regulations
The Education (Pupil Referral Units) (Application of Enactments) (England) Regulations 2007	S.I. 2007/2979	Paragraph 1 of Schedule 3

SCHEDULE 2

Regulation 5

Information to be published in Composite Prospectuses

PART 1

General

1. The postal and website addresses and telephone numbers of the offices of the local authority to which enquiries in respect of primary and secondary education in their area should be addressed.

2. An explanation of the stages in the process of applying for a school place including:

- (a) how to apply, including how to apply on-line, and by what date;
- (b) when offers of places will be communicated to parents;

- (c) when appeals will be heard; and
 - (d) how applications made otherwise than in the course of a normal admission round will be dealt with.
3. A copy of the common application form, and details of how to complete and submit this.
 4. A summary of the local authority's sustainable modes of travel strategy.
 5. In relation to travel arrangements—
 - (a) the local authority's general arrangements and policies in respect of the making of travel arrangements in accordance with the discharge of their functions under sections 508B and 508C of EA 1996, or
 - (b) where a school travel scheme made by the local authority has effect in relation to an admission year, the arrangements made under the scheme.
 6. The information in paragraph 5 must include, in particular—
 - (a) the provision of free transport;
 - (b) the carriage on school buses of pupils for whom free transport is not provided;
 - (c) the payment in whole or in part of reasonable travelling expenses;
 - (d) the provision of other travel arrangements including escorts;
 - (e) the arrangements for children with special educational needs; and
 - (f) the arrangements in respect of transport for pupils to schools for which a pupil's parent has expressed a preference on the grounds of the parent's religion or belief.
 7. A summary of the local authority's co-ordinated admission scheme made or adopted under section 88M of SSFA.(a)
 8. An explanation of the local authority's fair access protocol.

PART 2

Information in respect of each school mentioned in the composite prospectus

9. The name, postal address, website addresses (if they have one), and telephone number of the school.
10. The name of a person to whom enquiries should be addressed.
11. The classification of the school as—
 - (a) a community, foundation, voluntary controlled or voluntary aided school, Academy, city technology college or city college for the technology of the arts;
 - (b) a primary, middle or secondary school;
 - (c) a co-educational or single-sex school;
 - (d) a day or boarding school, or a school taking both day and boarding pupils;
 - (e) in the case of a school with selection arrangements, a partially selective school or a grammar school;
 - (f) in the case of a school designated as having a religious character by an order under section 69(3) SSFA, the religious denomination, or denominations, of the school(b);
 - (g) in the case of a school with specialist status, its specialism.

(a) Section 88M is inserted by section 151 of the Education and Skills Act 2008.

(b) Section 69(3) applies to Academies, city technology colleges and city colleges for the technology of the arts, which are independent schools, by virtue of section 124B of the School Standards and Framework Act 1998.

12. The expected number of pupils at the school and their age range.

13. The determined admission number, or numbers, for the school(a); and the number of preferences expressed for places at the school for the previous admission year(b).

14. The determined admission arrangements for the school in relation to each relevant age group at the school (including ages above and below compulsory school age) and, where the admission arrangements include a supplementary information form, a copy of that form.

15. In any case where the determined admission arrangements—

(a) are the subject of an objection referred to the adjudicator under section 88H of SSFA 1998,

(b) are being considered by the adjudicator under section 88I(4)(a) or (5)(a) of SSFA 1998, or

(c) in the case of an Academy, a city technology college or city college for the technology of the arts, are the subject of a reference to the Secretary of State,

and where the adjudicator's determination or, as the case may be, the adjudicator's or Secretary of State's decision is pending, a statement of that fact.(c)

16. The date until which any waiting list for the school will be maintained following the communication of offers of places to parents.

17. Information as to where and by what means parents may access sources of general information relating to the school, including such information as annual school achievement and attainment tables, published reports of recent school inspections, school open days and the school's uniform policy.

SCHEDULE 3

Regulation 8

Information to be Published by Local Authorities

PART 1

Miscellaneous Matters

1. The postal and website addresses and telephone numbers of the offices of the local authority to which enquiries in respect of primary and secondary education in their area should be addressed.

2. The arrangements for parents to obtain the information specified in Schedule 2 in the case of individual schools other than special schools.

3. The local authority's general arrangements and policies in respect of the provision of milk, meals and other refreshment including, in particular, the remission in whole or in part of charges.

4. The local authority's general arrangements and policies in respect of the provision of school clothing (including uniform and physical training clothes) and the making of grants to defray expenses in respect of such clothing and, in particular, the address from which parents may obtain detailed information about the assistance which is available and eligibility for it.

(a) In the case of maintained schools the admission number is determined in accordance with section 88D of the SSFA, inserted by section 151 of the Education and Skills Act 2008.

(b) In the case of maintained schools this is a reference to preferences expressed in accordance with section 86(1) or 86A(1)(c) and (d) of SSFA 1998. Section 86 is amended by paragraph 54 of Schedule 1 to the Education and Skills Act 2008, and section 86A is inserted by section 150 of that Act.

(c) Sections 88H and 88I are inserted by section 151 of the Education and Skills Act 2008.

5. The local authority's general arrangements and policies, in the case of pupils attending schools maintained by any authority in respect of—

(a) the making of grants to defray expenses (other than those mentioned in paragraphs 6 and 8); and

(b) the granting of allowances in the case of pupils over compulsory school age,

and, in particular, the address from which parents may obtain detailed information about the assistance which is available and eligibility for it.

6. The local authority's general policy in respect of the entering of pupils for public examinations.

7. The local authority's general arrangements and policies in respect of special educational provision for pupils with special educational needs including, in particular, the arrangements for parents to obtain information about the matters mentioned in Part 2 of this Schedule.

8. The arrangements for parents and others to obtain copies of and to refer to particulars of the charging and remissions policies determined by the authority under section 457 of EA 1996.

9. The local authority's sustainable modes of travel strategy.

10. In relation to travel arrangements—

(a) the local authority's general arrangements and policies in respect of the making of travel arrangements in accordance with the discharge of their functions under sections 508B and 508C of EA 1996; or

(b) where a school travel scheme made by the authority has effect in relation to an admission year, the arrangements made under the scheme.

11. The information in paragraph 10 must include, in particular—

(a) the provision of free transport;

(b) the carriage on school buses of pupils for whom free transport is not provided;

(c) the payment in whole or in part of reasonable travelling expenses;

(d) the provision of other travel arrangements including escorts;

(e) the arrangements for children with special educational needs; and

(f) the arrangements in respect of transport for pupils to schools for which a pupil's parent has expressed a preference on the grounds of the parent's religion or belief.

PART 2

Special Educational Provision

12. The local authority's detailed arrangements and policies in respect of—

(a) the identification and assessment of children with special educational needs and the involvement of parents in that process;

(b) the provision made in community, voluntary and special schools maintained by them for pupils with special educational needs and the use made by them of such special schools maintained by other authorities; and

(c) special educational provision provided otherwise than at school.

13. The local authority's arrangements and policies in respect of the use of non-maintained special and independent schools.

14. The arrangements for parents who consider that their child may have special educational needs to obtain advice and further information.

15. The local authority's arrangements and policies in respect of transport for pupils of compulsory school age and below to and from maintained and non-maintained special schools and independent schools.

16. The arrangements for parents to obtain the information particularised in Schedule 2 in the case of the special schools used by the authority which are maintained by them or other authorities.

PART 3

Exceptional Provision of Education in Pupil Referral Units or Elsewhere

17. The local authority's general arrangements and policies in respect of the provision of education to which section 19 of EA 1996 applies (exceptional provision of education in pupil referral units or elsewhere).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under sections 29(5), 537 and 569 of the Education Act 1996, and section 92 of the School Standards and Framework Act 1998, and come into force on 10th February 2009. They prescribe school information that must be published by local authorities (LAs) and schools in relation to the academic year 2010 – 2011 and subsequent years.

They are primarily consolidating Regulations which revoke and re-enact, the Education (School Information) (England) Regulations 2002 and two sets of amending Regulations, with some changes.

Part 2 requires each LA to publish a composite prospectus annually containing information relating to all maintained schools, academies, city technology colleges and city colleges for the technology of the arts in the prospectus area (**regulation 5**). The requirement to include information in relation to academies, city technology colleges and city colleges for the technology of the arts is new. The information comprises: general information (detailed in Part 1 of Schedule 2) relating to the LA, the process of applying for a school place, the authority's co-ordinated admissions scheme and the authority's policies in respect of school travel; and admissions information in respect of each school mentioned in the prospectus (detailed in Part 2 of Schedule 2).

The composite prospectus must be published no later than 12th September each year (i) on the local authority's website, and (ii) by making copies available to parents on request (**regulation 6**).

Part 3 requires each LA to publish other information each year: information relating to the LA's policies on matters such as the provision of school meals, the provision of school clothing, entering pupils for public examinations and school travel (detailed in Part 1 of Schedule 3); the LA's policies in relation to special educational provision (detailed in Part 2 of Schedule 3); and the LA's policies in respect of the exceptional provision of education in pupil referral units or elsewhere (Part 3 of Schedule 3).

Part 4 requires the governing bodies of maintained schools to publish a school prospectus.

Part 5 contains supplementary provisions relating to published documents including the requirement that, where appropriate, information must be provided in translation, or by Braille or audio tape, without charge.

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