
STATUTORY INSTRUMENTS

2009 No. 1563

EDUCATION, ENGLAND

**The Education (Individual Pupil Information)
(Prescribed Persons) (England) Regulations 2009**

<i>Made</i>	- - - -	<i>22nd June 2009</i>
<i>Laid before Parliament</i>		<i>30th June 2009</i>
<i>Coming into force</i>	- -	<i>1st September 2009</i>

The Secretary of State for Children, Schools and Families makes the following Regulations in exercise of the powers conferred by sections 537A(4), (5) and (6) and 569(4) of the Education Act 1996⁽¹⁾:

Citation, commencement, application and revocation

1.—(1) These Regulations may be cited as the Education (Individual Pupil Information) (Prescribed Persons) (England) Regulations 2009 and come into force on 1st September 2009.

(2) These Regulations apply to individual pupil information relating to pupils at schools in England only.

(3) The Regulations specified in the Schedule are revoked to the extent specified in that Schedule.

Interpretation

2.—(1) In these Regulations:

“the Act” means the Education Act 1996;

“key stage” means any of the periods set out in paragraphs (a) to (d) of subsection (1) of section 82 of the Education Act 2002⁽²⁾ and a reference to the first, second or third key stage is a reference to the periods set out respectively in paragraphs (a), (b) and (c) of that subsection;

“National Curriculum assessment” means any assessment of pupils carried out for the purposes of assessment arrangements made under or by virtue of an order under section 87(3)(c) of the Education Act 2002;

(1) 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), 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 only in relation to England.

(2) 2002 c. 32.

“the relevant pupil”, in relation to individual pupil information, means the pupil or former pupil to whom the information relates;

“the relevant school” means the school at which the relevant pupil is or was registered; and

“work-based learning provider” means any employer who provides learning in the workplace to pupils or students as part of a course at any school or further education institution.

(2) For the purposes of these Regulations, each of the following is a relevant local authority in relation to the provision of any individual pupil information—

- (a) the local education authority which maintains the school at which the relevant pupil is or was registered;
- (b) the local education authority which, for the purposes of Part IV of the Act (special educational needs), is responsible for the relevant pupil (within the meaning of section 321(3) of the Act);
- (c) where the relevant pupil is a child looked after by a local authority (within the meaning of section 22(1) of the Children Act 1989⁽³⁾), that local authority;
- (d) where the information relates to a pupil or former pupil of a school which is not maintained by a local education authority, the local education authority for the area in which the school is situated.

Prescribed persons

3.—(1) For the purposes of section 537A(4) of the Act, the following are prescribed as persons to whom the Secretary of State may provide individual pupil information—

- (a) any person referred to in paragraph (5) below;
- (b) any person falling within any of the categories referred to in paragraph (6) below;
- (c) any person having access to a database established and operated by the Secretary of State under section 12 of the Children Act 2004⁽⁴⁾; and
- (d) any local authority which has reasonable grounds to believe that it is a relevant local authority in respect of the pupil to whom the individual pupil information relates.

(2) For the purposes of section 537A(5)(b) of the Act, the Secretary of State prescribes as a person to whom an information collator may provide individual pupil information—

- (a) any person referred to in paragraph (5) below; and
- (b) any person falling within any of the categories referred to in paragraph (6) below.

(3) The individual pupil information which an information collator may so provide, in accordance with section 537A(5)(b) of the Act, is any such information—

- (a) specified in Schedule 1 to the Education (Information about Individual Pupils) (England) Regulations 2006⁽⁵⁾;
- (b) relating to the educational achievements of pupils in any National Curriculum assessment carried out for the purpose of assessing the achievements of pupils in the first, second or third key stage;
- (c) relating to the educational achievements of pupils in any external qualification approved under section 98 of the Learning and Skills Act 2000⁽⁶⁾, for the purposes of section 96 of that Act.

(3) 1989 c. 41.

(4) 2004 c. 31.

(5) S.I. 2006/2601, as amended by S.I. 2007/3373 and 2008/3072; there are other amendments not relevant to these Regulations.

(6) 2000 c. 21.

(4) For the purposes of section 537A(6) of the Act, the Secretary of State prescribes as a person to whom any person holding any individual pupil information may provide that information—

- (a) any person referred to in paragraph (5) below; and
- (b) any person falling within any of the categories referred to in paragraph (6) below.

(5) The persons referred to in paragraphs (1)(a), (2)(a) and (4)(a) are—

- (a) the Joint Council for Qualifications;
- (b) the Office for Standards in Education, Children’s Services and Skills⁽⁷⁾
- (c) the Higher Education Funding Council for England;
- (d) a relevant local authority;
- (e) the governing body of the relevant school;
- (f) the management committee of a pupil referral unit at which the relevant pupil is or was registered;
- (g) the Training and Development Agency;
- (h) the States of Guernsey Education Department;
- (i) the States of Jersey Education Department;
- (j) the Isle of Man Department of Education;
- (k) the Welsh Ministers;
- (l) WJEC CBAC Limited⁽⁸⁾;
- (m) the Student Loans Company Limited;
- (n) the University and Colleges Admissions Service⁽⁹⁾;
- (o) the Higher Education Statistics Agency⁽¹⁰⁾;
- (p) Ufi Limited⁽¹¹⁾;
- (q) the British Educational Communications and Technology Agency (Becta);
- (r) any person with whom a relevant local education authority has made arrangements under section 68 or section 70 of the Education and Skills Act 2008⁽¹²⁾;
- (s) any person who, either alone or jointly with others, awards or authenticates any qualification accredited by the Qualifications and Curriculum Authority;
- (t) the Learning and Skills Council for England⁽¹³⁾;
- (u) the Qualifications and Curriculum Authority⁽¹⁴⁾.

(6) The categories referred to in paragraphs (1)(b), (2)(b) and (4)(b) are—

- (a) institutions within the further education sector;
- (b) Primary Care Trusts⁽¹⁵⁾;
- (c) work-based learning providers;

(7) The Office for Standards in Education, Children’s Services and Skills (Ofsted) is established under section 112 of the Education and Inspections Act 2006 (c. 40).

(8) WJEC CBAC Limited was formerly known as the Welsh Joint Education Committee and is now a company limited by guarantee registered in Wales No. 3150875.

(9) The University and Colleges Admissions Service is a company limited by guarantee registered in England No. 2839815.

(10) The Higher Education Statistics Agency is a company limited by guarantee registered in England No. 2766993.

(11) Ufi Limited is a company limited by guarantee and registered in England No. 3980770.

(12) 2008 c. 25.

(13) The Learning and Skills Council is established under section 1 of the Learning and Skills Act 2000 (c. 21).

(14) The Qualifications and Curriculum Authority is established under section 21 of the Education Act 1997 (c. 44).

(15) Primary Care Trusts are established under section 18 of the National Health Service Act 2006 (c. 41).

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- (d) persons conducting research into the educational achievements of pupils and who require individual pupil information for that purpose;
- (e) learning providers registered with the UK Register of Learning Providers⁽¹⁶⁾;
- (f) institutions within the higher education sector.

22nd June 2009

Vernon Coaker
Minister of State
Department for Children, Schools and Families

⁽¹⁶⁾ The UK Register of Learning Providers is jointly subcontracted to Ufi Limited by the Department for Business, Innovation and Skills, and the Learning and Skills Council for the purposes of verifying the legal status of learning providers.

SCHEDULE

Regulation 1

Revocations

Regulations revoked	References	Extent of revocation
The Education (Individual Pupil Information) (Prescribed Persons) Regulations 1999	1999/903	The whole Regulations
The Education (Individual Pupil Information) (Prescribed Persons) (England) (Amendment) Regulations 2004	2004/1377	The whole Regulations
The Education (Individual Pupil Information) (Prescribed Persons) (Amendment) Regulations 2006	2006/1505	The whole Regulations
The Education (Individual Pupil Information) (Prescribed Persons) (Amendment) Regulations 2007	2007/2050	The whole Regulations
The Childcare (Provision of Information About Young Children) (England) Regulations 2008	2008/1722	Regulation 9
The Education (Individual Pupil Information) (Prescribed Persons) (Amendment) (England) Regulations 2009	2009/213	The whole Regulations

EXPLANATORY NOTE*(This note is not part of the Regulations)*

These Regulations revoke and replace the Education (Individual Pupil Information) (Prescribed Persons) Regulations 1999.

They prescribe which persons may be provided with “individual pupil information” under section 537A(4), (5) and (6) of the Education Act 1996 (regulation 3). The list of persons and categories of person is substantially the same as in the earlier version of the regulations (the Education (Individual Pupil Information) (Prescribed Persons) (England) Regulations 1999), although some references have been updated and Becta has been added as an additional person (regulation 3(5)(p)).

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These Regulations also prescribe which individual pupil information may be provided by “information collators”. An “information collator” is defined by section 537A(9) to mean “anybody which, for the purposes of or in connection with the functions of the Secretary of State relating to education, is responsible for collating or checking information relating to pupils”. The information which they may provide by virtue of these Regulations is information received as part of the “Schools Census”; the educational achievements of pupils in any National Curriculum assessments at or near the end of the final year of the first, second or third key stage; and the educational achievements of pupils in any external qualification approved under section 98 of the Learning and Skills Act 2000, for the purposes of section 96 of that Act (regulation 3(3)).