

EXPLANATORY MEMORANDUM TO
THE EDUCATION (INDIVIDUAL PUPIL INFORMATION) (PRESCRIBED
PERSONS) (ENGLAND) (AMENDMENT) REGULATIONS 2010

2010 No. 1940

1. This explanatory memorandum has been prepared by the Department for Education and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
 - 2.1 These Regulations amend the Education (Individual Pupil Information) (Prescribed Persons) (England) Regulations 2009 (S.I. 2009/1563) so as to enable information about individual pupils to be disclosed to the proprietor of an Academy where the pupil to whom the information relates was registered at a school in respect of which an Academy order under section 4(1) of the Academies Act 2010 has effect.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None.
4. **Legislative Context**
 - 4.1 The Academies Act 2010, which received Royal Assent on 27 July 2010, makes provision for the Secretary of State to make an Academy Order, which is an order for the purpose of enabling a maintained school to be converted into an Academy. These Regulations are made in consequence of that Act so as to enable schools converting to Academy status to legally access data for pupils who left the school in the term prior to conversion.
5. **Territorial Extent and Application**
 - 5.1 This instrument applies to England only.
6. **European Convention on Human Rights**
 - 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.
7. **Policy background**
 - 7.1 The Education (Individual Pupil Information) (Prescribed Persons) (England) Regulations 2009 enable information about individual pupils to be given to the governing body of the school at which the pupil is or was a pupil. Where the pupil to whom the information relates was registered at a school in respect of which an Academy order has effect, it is important that the

information is able to be disclosed to the proprietor of the Academy even if the pupil is not (and has never been) registered at that Academy.

7.2 Access to pupil data is important to schools for analysis, accountability and improvement. Analysis is based on end of academic year results published in Schools Tables. Schools use their analysis on the previous year data to inform and develop strategies to aid improvement. Accountability is difficult if a school has not been allowed to check and amend its data prior to publication in the Schools Tables. Access to data is also important to enable schools to utilise RAISEonline, a common online tool for schools, LAs and other partners to securely access and analyse school and pupil level data for the purpose of aiding the process of evaluating school performance against national comparator data. RAISEonline supports school improvement and effective target setting.

- **Consolidation**

7.3 These regulations do not consolidate other regulations.

8. Consultation outcome

8.1 There has been no consultation as this change enables schools converting to Academies to legally access data for pupils who left the school in the term prior to conversion and enables a converted Academy to fulfil its role in developing strategies based on analysis of pupil data to support improvement and raise standards.

9. Guidance

9.1 There is no SI guidance. As part of the Key Stage 2, 4 and 5 Achievement and Attainment Tables annual September Examinations and Results Checking Exercise, guidance on checking and amending pupil data and frequently asked questions are provided on a secure website which schools/Academies access by password to check and correct pupil data.

10. Impact

10.1 An Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

11. Regulating small business

11.1 The legislation does not apply to small business.

12. Monitoring & review

12.1 The implementation of this instrument will be monitored through the Key Stage 2, 4 and 5 Achievement and Attainment Tables Teams within the Department for Education through their school/Academies data checking exercises and usual Tables business.

13. Contact

Helen Butler at the Department of Education Tel: 0207 340 7076 or email: Helen.Butler@education.gsi.gov.uk can answer any queries regarding the instrument.