

*These notes refer to the Education Act 2005 (c.18)
which received Royal Assent on 7 April 2005*

EDUCATION ACT 2005

EXPLANATORY NOTES

COMMENTARY

Part 4: Miscellaneous

Information

Section 108: supply of information: education maintenance allowances

215. *Section 108* enables the lawful sharing of certain income-related and identity-based information relating to those applying for an education maintenance allowance and those who live in the same household as the applicant and support the education maintenance allowance applicant financially.
216. The purpose of sharing this information is to enable those administering education maintenance allowances to determine the applicant's eligibility for this means-tested allowance by verifying income-related information that has been supplied in support of the application. The intention is to prevent fraud and loss of public monies.
217. The type of information which might be shared is specified in *subsection (1)* as information held by the Inland Revenue for tax or tax credit purposes and information held by the Department for Work and Pensions and its Northern Irish equivalent, the Department for Social Development, for social security purposes. This information may be supplied directly to the persons specified within *subsection (3)* for purposes relating to eligibility for education maintenance allowances.
218. *Subsection (4)* allows persons specified in subsection (3) to supply information received under this section from the Inland Revenue, the Department for Work and Pensions or the Department for Social Development in Northern Ireland to any of the persons specified in *subsection (5)* for purposes relating to eligibility for education maintenance allowances. It also allows those who have received this information to pass it on to those who are actually administering education maintenance allowance schemes. The intention is for the section to facilitate a single information sharing scheme, enabling the Secretary of State, or any other person specified in subsection (3), to receive information on specific applicants directly from the Inland Revenue and the Department for Work and Pensions on behalf of the other administrations and to pass it on to them so that they in turn can pass it on to those administering their education maintenance allowance schemes. The inclusion of *subsection (5)(d), (e) and (f)* enables information to be passed to any person administering an education maintenance allowance scheme on behalf of the Secretary of State, the Assembly or a Northern Ireland department.
219. *Subsection (6)* lists the type of information that may be supplied by those specified in subsection (3) or (5) as part of a request for information. The intention is to allow the administrator of an education maintenance allowance scheme to pass sufficient information about an applicant to those holding the relevant income-related information in order to allow that applicant to be identified and the correct information returned.

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220. This section does not make provision for the Scottish Ministers or any person providing services to the Scottish Ministers to supply information specified under subsections (4) or (6) to any other person. The supply of information by the Scottish Ministers is a devolved matter and would need to be provided for in an Act of the Scottish Parliament.