
STATUTORY INSTRUMENTS

1999 No. 903

EDUCATION, ENGLAND AND WALES

**The Education (Individual Pupil Information)
(Prescribed Persons) Regulations 1999**

<i>Made</i>	- - - -	<i>18th March 1999</i>
<i>Laid before Parliament</i>		<i>19th March 1999</i>
<i>Coming into force</i>	- -	<i>9th April 1999</i>

In exercise of the powers conferred on the Secretary of State by sections 537A(4) and (5) and 569(4) and (5) of the Education Act 1996⁽¹⁾ and of all the other powers enabling him in that behalf, the Secretary of State for Education and Employment hereby makes the following Regulations:

Citation, commencement, application and revocation

1.—(1) These Regulations may be cited as the Education (Individual Pupil Information) (Prescribed Persons) Regulations 1999 and shall come into force on 9th April 1999.

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

(3) The Education (Individual Performance Information)(Prescribed Bodies and Persons) Regulations 1997⁽²⁾ and the Education (Individual Performance Information)(Identification of Individual Pupils) Regulations 1998⁽³⁾ are hereby revoked.

Interpretation

2. In these Regulations:

“the Act” means the Education Act 1996;

“GCE ‘A’ level examinations” and “GCE ‘AS’ examinations” mean General Certificate of Education advanced level examinations and General Certificate of Education Advanced Supplementary examinations respectively;

“GCSE” means General Certificate of Secondary Education;

(1) 1996 c. 56; section 537A was substituted by paragraph 153 of Schedule 30 to the School Standards and Framework Act 1998 (c. 31) as from 20th November 1998 by virtue of S.I.1998/2791 and is modified so as to apply to grant-maintained schools by virtue of S.I. 1998/2916. For the meaning of “prescribed” and “regulations” see section 579(1).

(2) S.I. 1997/2440.

(3) S.I. 1998/1834.

“GNVQ” means General National Vocational Qualification;

“individual pupil information” means information within the meaning of section 537A(9) of the Act, namely, information relating to and identifying individual pupils or former pupils (at schools, other than nursery schools, in England), whether obtained under section 537A(1) of the Act or otherwise;

“information collator” means an information collator within section 537A(9) of the Act, namely, any body 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;

“key stage” means any of the periods set out in paragraphs (a) to (d) respectively of section 355(1) of the Act 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 the said section 355(1); and

“the relevant local education authority”, in relation to the provision of any individual pupil information, means the local education authority which maintains the school⁽⁴⁾ at which the pupil, the subject of that information, is or was registered or, in the case of a school which is not so maintained, the local education authority for the area in which the school is situated, at which the pupil, the subject of that information, is or was registered.

Prescribed persons

3.—(1) For the purposes of section 537A(4) of the Act, the Secretary of State hereby prescribes as a person to whom he may provide individual pupil information—

- (a) any person referred to in paragraph (4) below; and
- (b) any person falling within the category referred to in paragraph (5) below.

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

- (a) any person referred to in paragraph (4) below; and
- (b) any person falling within the category referred to in paragraph (5) below.

(3) The individual pupil information which an information collator may so provide, at such times as the Secretary of State may determine, in accordance with section 537A(5)(b) of the Act, is any such information relating to the educational achievements of pupils in—

- (i) any National Curriculum assessment of pupils at or near the end of the final year of the first, second or third key stage;
- (ii) any GCSE subjects;
- (iii) any GCE ‘A’ level examinations;
- (iv) any GCE ‘AS’ examinations;
- (v) any GNVQ subjects; and
- (vi) any course of study provided to pupils of compulsory school age in any school maintained by a local education authority which leads to a qualification which is approved by the Secretary of State under section 400 of the Act (other than a qualification of the kind referred to in subparagraph (ii) or (v) above).

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

- (a) The States of Jersey Education Department;

⁽⁴⁾ Grant-maintained and grant-maintained special schools are, as from 1st April 1999, maintained by local education authorities by virtue of regulation 2 of S.I. 1998/2670.

- (b) the Funding Agency for Schools(5);
- (c) the Joint Council for General Qualifications(6);
- (d) the Office for Standards in Education(7);
- (e) the Qualifications and Curriculum Authority(8);
- (f) the relevant local education authority;
- (g) the Teacher Training Agency(9); and
- (h) the Welsh Joint Education Committee(10).

(5) The category referred to in paragraphs (1)(b) and (2)(b) above is that of persons conducting research into the educational achievements of pupils and who require individual pupil information for that purpose.

18th March 1999

Charles Clarke
Parliamentary Under Secretary of State,
Department for Education and Employment

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- (5) The Funding Agency for Schools was established under section 3 of the Education Act 1993, which Act was repealed by part 1 of Schedule 38 to the Education Act 1996. Schedule 20 to this Act provides for the continued existence of the Funding Agency for Schools.
 - (6) The Joint Council for General Qualifications is a charitable body which acts as a representative of bodies awarding the General Certificate of Education in respect of “A” level examinations and “AS” examinations, the General Certificate of Secondary Education and the General National Vocational Qualification.
 - (7) The Office for Standards in Education is the non-ministerial government department which serves Her Majesty’s Chief Inspector of Schools in England.
 - (8) The Qualifications and Curriculum Authority was established under section 21(1) of the Education Act 1997 (c. 44).
 - (9) The Teacher Training Agency was established under section 1(1) of the Education Act 1994 (c. 30).
 - (10) The Welsh Joint Education Committee is a limited company which awards qualifications which are approved by the Secretary of State under section 400 of the Education Act 1996.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace the Education (Individual Performance Information) (Prescribed Bodies and Persons) Regulations 1997. They also revoke the Education (Individual Performance Information)(Identification of Individual Pupils) Regulations 1998.

They prescribe which persons may be provided with “individual pupil information” under section 537A(4) and (5) of the Education Act 1996 (*regulation 3*).

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 these Regulations, relates to the educational achievements of pupils in any National Curriculum assessment of pupils at or near the end of the final year of the first, second or third key stage, any GCSE subjects, any GCE ‘A’ level examinations, any GCE ‘AS’ examinations, any GNVQ subjects and any course of study provided to pupils of compulsory school age in a school maintained by a local education authority leading to a qualification which is approved by the Secretary of State under section 400 of the Education Act 1996 (*regulation 3(3)*).