
STATUTORY INSTRUMENTS

2002 No. 3112

EDUCATION, ENGLAND

**Education (Information About Individual Pupils)
(England) (Amendment) Regulations 2002**

<i>Made</i>	- - - -	<i>10th December 2002</i>
<i>Laid before Parliament</i>		<i>18th December 2002</i>
<i>Coming into force</i>	- -	<i>16th January 2003</i>

In exercise of the powers conferred on the Secretary of State by sections 537A(1) and (2) and 569(4) of the Education Act 1996⁽¹⁾, the Secretary of State for Education and Skills hereby makes the following Regulations:

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Education (Information About Individual Pupils) (England) (Amendment) Regulations 2002 and shall come into force on 16th January 2003.

(2) These Regulations apply only in relation to schools in England.

Amendment

2. The Education (Information About Individual Pupils) (England) Regulations 2001⁽²⁾ shall be amended in accordance with the following provisions of these Regulations.

3. In regulation 2 (Interpretation), after the definition of “the 1996 Act” there shall be inserted the following—

““child looked after by a local authority” has the meaning assigned to it by section 22(1) of the Children Act 1989;”.

4. In regulation 4 and in the heading to that regulation, for the words “a city academy” and “city academies”, there shall be substituted “an Academy” and “Academies” respectively.

5. For the Schedule, there shall be substituted the Schedule set out in the Schedule to these Regulations.

(1) 1996 c. 56. Section 537A was inserted by the Education Act 1997 (1997 c. 44), section 20 and substituted by the School Standards and Framework Act 1998 (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 Secretary of State in relation to England.

(2) S.I. 2001/4020.

Status: This is the original version (as it was originally made).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

10th December 2002

David Miliband
Minister of State,
Department for Education and Skills

THE SCHEDULE

Regulation 5

“THE SCHEDULE

Regulations 3 and 4

PROVISION OF INFORMATION ABOUT INDIVIDUAL PUPILS

PART 1

All Pupils

1. In respect of each pupil on the school’s Register on the date specified in the request for information the following information.

2. The pupil's—

- (a) gender,
- (b) date of birth;
- (c) current unique pupil number, and, where the school has held a previous unique pupil number for that pupil, the previous number;
- (d) surname, and where the pupil has a former surname which is known to the governing body or, where appropriate, the proprietor, that former surname;
- (e) preferred surname;
- (f) first name, or if more than one, each first name;
- (g) ethnic group;
- (h) date of admission to the school;
- (i) first language; and
- (j) National Curriculum year group.

3. The postcode of the home where the pupil normally resides.

4. Whether the information as to the pupil’s ethnic group provided by virtue of this Part was provided by—

- (a) the pupil;
- (b) a parent;
- (c) the school;
- (d) a former school; or
- (e) any other source.

5. Whether the pupil is a day or boarding pupil at the school.

6. Whether, pursuant to section 512(3) and (3A) of the 1996 Act(3), the pupil has applied and been found eligible for free school meals.

7. Where the pupil has special educational needs, which SEN provision type forming part of the graduated approach adopted pursuant to “The Special Educational Needs Code of Practice”(4) issued on 3rd December 2001 under section 313 of the 1996 Act is being made for him.

(3) Sub-section (3) was amended by the School Standards and Framework Act 1998 (1998 c. 31), section 115(4), and was further amended and divided into subsections (3) and (3A) by the Immigration and Asylum Act 1999 (1999 c. 33), section 169(1) and Schedule 14, paragraph 117.

(4) ISBN 1 84185 5294.

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8. Where the pupil is, to the knowledge of the governing body or, where appropriate, the proprietor, a child looked after by the local authority, that fact and the name of the local authority.

9. Whether the pupil has been, to the knowledge of the governing body or, where appropriate, the proprietor, a child looked after by the local authority whilst on the school's Register, and, if so, the name, of the local authority by which the pupil was most recently looked after.

10. In the case of a school which provides primary education, whether the pupil is receiving nursery education in a nursery class at the school.

11. In the case of a school (other than a special school) which provides secondary education and where the pupil is in or above the school year after the fourth key stage—

- (a) the number, if any, of GCSE subjects the pupil is studying;
- (b) the number, if any, of GCE 'A' level examination subjects (excluding the subject entitled "general studies") the pupil is studying;
- (c) whether the pupil is studying a post advanced level course;
- (d) the level of any GNVQ or VCE for which the pupil is studying;
- (e) the level of any GNVQ precursor for which the pupil is studying;
- (f) the level of any NVQ for which the pupil is studying;
- (g) whether the pupil is studying for an International Baccalaureate Diploma; and
- (h) whether the pupil is studying for a course other than any of the kind referred to above.

12. In the case of a special school that is not a special school established in a hospital, whether the pupil boards at the school for seven or less nights per week.

13. Whether the pupil is a registered pupil at one school or more than one school, and, where the pupil is registered as a pupil at more than one school, the school that the pupil attends for the majority of his time.

14.—(1) In the case of a school that is not a primary school—

- (a) whether an instruction under section 117(2) of the Learning and Skills Act 2000⁽⁵⁾ has been received by the school; and
- (b) any other information relating to the provision of information about the pupil by the school under section 117(1)(c) of the Learning and Skills Act 2000, including information as to whether the pupil, or in the case of a pupil who has not attained the age of 16, the pupil's parent—
 - (i) has agreed to the school providing information under that sub-section;
 - (ii) has been contacted by the school in order to obtain his views on the school providing information under that sub-section;
 - (iii) has responded to any enquiries made by the school that relate to the provision of information under that sub-section.

15. Whether the pupil is part-time, and for the purposes of this paragraph, "part-time" means that the pupil is attending fewer than ten school sessions in any week during which the school meets.

(5) 2000 c. 21.

PART 2

Excluded Pupils

1. In respect of each pupil permanently excluded from the school and whose permanent exclusion date was in the year ending on 31st August preceding the date on which the request for information is made the following information.

2. The pupil's—

- (a) gender;
- (b) date of birth;
- (c) surname;
- (d) first name or, if more than one, each first name;
- (e) ethnic group; .
- (f) permanent exclusion date; and
- (g) unique pupil number.

3. Where the pupil has special educational needs—

- (a) which stage of the five stage scale referred to in “The Code of Practice on the Identification and Assessment of Special Educational Needs”(6) issued on 25th May 1994 under section 158 of the Education Act 1993(7) applies to him; or
- (b) which SEN provision type forming part of the graduated approach adopted pursuant to “The Special Educational Needs Code of Practice” issued on 3rd December 2001 under section 313 of the 1996 Act is being made for him.

4. Whether the information as to the pupil’s ethnic group provided by virtue of this Part was provided by—

- (a) the pupil;
- (b) a parent;
- (c) the school;
- (d) a former school; or
- (e) any other source.”

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Information About Individual Pupils) (England) Regulations 2001 by substituting a new Schedule. The effect of the amendment is to change some of the information schools have to provide on request.

(6) ISBN 0 85522 444 4.

(7) 1993 c. 35.

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In addition to some minor changes, the principal new requirements provide that, in relation to all pupils, the information which schools are required to provide includes: the pupil's preferred surname; the derivation of information about ethnicity; whether the pupil is or has been looked after by a local authority; and information relating to section 117 of the Learning and Skills Act 2000.

In relation to excluded pupils, the information which schools are now required to provide includes the derivation of information about the pupil's ethnicity.

The Regulations also contain minor consequential provisions.