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STATUTORY INSTRUMENTS

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**2005 No. 1437**

**The Education (Pupil Information) (England) Regulations 2005**

**Transfer of information when a pupil changes school**

9.—<sup>[F1]</sup>(1) In this regulation—

- (a) “common transfer file” means a record of the information set out in Schedule 2, and
- (b) “governing body” means, in relation to a pupil referral unit, the management committee.]

(2) Where this regulation requires information to be transferred in machine readable form, that requirement may be met by transferring the information—

- (a) subject to paragraph (11), by an e-mail attachment;
- (b) through an intranet provided for that purpose by or on behalf of a local authority, and for the purposes of this regulation an intranet means a closed network that can only be accessed—
  - (i) by the local education authority,
  - (ii) by or on behalf of a governing body of a school within the area of that authority; or
  - (iii) by a teacher at a school within the area of that authority; or
- (c) through an internet website or other facility provided for that purpose by or on behalf of <sup>[F2]</sup>the <sup>[F3]</sup>Department for Education]].

(3) Subject to paragraphs (6), (7) and (8), when a pupil ceases to be registered at a <sup>[F4]</sup>school maintained by a local education authority] (the “old school”) and becomes a registered pupil at another school (the “new school”), the governing body of the old school or, where this has been agreed between that governing body and the local education authority, that authority shall transfer the pupil's common transfer file and educational record to the responsible person of the new school no later than fifteen school days after the day on which the pupil ceases to be registered at the old school.

<sup>[F5]</sup>(3A) Paragraph (3B) applies where a pupil becomes registered at a school maintained by a local education authority (“the second school”) and remains registered at another such school (“the first school”).

(3B) Subject to paragraph (8), the governing body of the first school or, where this has been agreed between that governing body and the local education authority which maintains the first school, that authority shall send a copy of the pupil's common transfer file and educational record to the responsible person of the second school no later than fifteen school days after the date on which the head teacher of the first school learned of the second registration.]

(4) The common transfer file shall be transferred in machine readable form, except where either the old school or the new school <sup>[F6]</sup>or, as the case may be, the first school or the second school] does not have the necessary facilities to send or receive such information in that form.

(5) The educational record may be transferred in machine readable form or in paper form or in a combination of both forms.

(6) Paragraph (3) shall not apply where it is not reasonably practicable for the governing body of the old school to ascertain the pupil's new school.

(7) The reference to “new school” in paragraph (3) shall include any school in Wales, Scotland or Northern Ireland with effect from 3 October 2005.

(8) Where a pupil has been registered at a [F7 school maintained by a local education authority] for less than four weeks, it shall be sufficient compliance for the purposes of [F8 paragraph (3) or (3B)] if the governing body of that school or, where applicable, the local education authority transfers such information and record as they have received under this regulation from the school at which the pupil was previously registered in the form in which it was received by them.

(9) For the purposes of paragraph (8), the reference in paragraph (3) to “fifteen school days” shall be a reference to the number of days after the day on which the pupil ceases to be registered at the school in question or to the number of days after the information and record have been received by the governing body of that school, whichever is the later.

(10) If the governing body of a pupil's old school [F9 or first school] receives a request from the responsible person of the school at which the pupil is currently a registered pupil, either for the pupil's common transfer file or for any educational record relating to that pupil in the old school's [F10 or first school's] possession, they shall provide it within fifteen school days of receiving the request.

(11) Notwithstanding paragraph (2)(a), information may only be sent by an e-mail attachment up to and including 30 September 2005.

#### Textual Amendments

- F1** Reg. 9(1) substituted (1.9.2008) by [The Education \(Pupil Information\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1747\)](#), regs. 1(1), **5(a)**
- F2** Words in reg. 9(2)(c) substituted (12.12.2007) by [The Secretaries of State for Children, Schools and Families, for Innovation, Universities and Skills and for Business, Enterprise and Regulatory Reform Order 2007 \(S.I. 2007/3224\)](#), art. 1(2), **Sch. para. 54(b)**
- F3** Words in reg. 9(2)(c) substituted (18.8.2010) by [The Secretary of State for Education Order 2010 \(S.I. 2010/1836\)](#), art. 1(2), **Sch. para. 11(g)(ii)**
- F4** Words in reg. 9(3) substituted (1.9.2008) by [The Education \(Pupil Information\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1747\)](#), regs. 1(1), **5(b)**
- F5** Reg. 9(3A)(3B) inserted (1.9.2008) by [The Education \(Pupil Information\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1747\)](#), regs. 1(1), **5(c)**
- F6** Words in reg. 9(4) inserted (1.9.2008) by [The Education \(Pupil Information\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1747\)](#), regs. 1(1), **5(d)**
- F7** Words in reg. 9(8) substituted (1.9.2008) by [The Education \(Pupil Information\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1747\)](#), regs. 1(1), **5(e)(i)**
- F8** Words in reg. 9(8) substituted (1.9.2008) by [The Education \(Pupil Information\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1747\)](#), regs. 1(1), **5(e)(ii)**
- F9** Words in reg. 9(10) inserted (1.9.2008) by [The Education \(Pupil Information\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1747\)](#), regs. 1(1), **5(f)(i)**
- F10** Words in reg. 9(10) inserted (1.9.2008) by [The Education \(Pupil Information\) \(England\) \(Amendment\) Regulations 2008 \(S.I. 2008/1747\)](#), regs. 1(1), **5(f)(ii)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Education (Pupil Information) (England) Regulations 2005, Section 9.