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STATUTORY INSTRUMENTS

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**2006 No. 2601**

**The Education (Information About Individual Pupils) (England) Regulations 2006**

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Education (Information About Individual Pupils) (England) Regulations 2006 and come into force on 31st October 2006.

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

**Interpretation**

2. In these Regulations—

“the 1996 Act” means the Education Act 1996;

“the 2006 Regulations” mean the Education (Pupil Registration) (England) Regulations 2006(1);

“child looked after by a local authority” has the meaning given by section 22(1) of the Children Act 1989(2);

“exclusion start date” means the date set by the head teacher for the exclusion to take effect;

“learning aim” means a course of study leading to a qualification accredited by the Qualifications and Curriculum Authority under section 24 of the Education Act 1997(3) and which has been allocated a qualification accreditation number;

“level 3” means level 3 as set out in the National Qualifications Framework of 1st September 2004(4) and determined by the Qualifications and Curriculum Authority;

“non-maintained special school” means a special school which is not maintained by a local education authority and which is approved for the time being by the Secretary of State under section 342 of the 1996 Act;

“part-time” means that the pupil is attending fewer than ten school sessions in any week during which the school meets;

“permanently excluded” in relation to a pupil means permanently excluded on disciplinary grounds from the school to which a request is made under regulation 3 or 5;

“qualification accreditation number” means the number assigned to a pupil’s learning aim by the Qualifications and Curriculum Authority;

“register” means the register of pupils kept under section 434 of the 1996 Act, and refers to the admission register or attendance register kept in accordance with the 2006 Regulations as the case may require;

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(1) S.I. 2006/1751.

(2) 1989 c. 41.

(3) 1997 c. 44; section 24 was last amended by S.I. 2005/3239.

(4) “The Statutory Regulation of external qualifications in England, Wales and Northern Ireland (2004)”; the National Qualifications Framework is accessible on the Authority’s website at [www.qca.org.uk](http://www.qca.org.uk).

“special educational needs provision type” means the special educational needs provision type forming part of the graduated approach adopted pursuant to “The Special Educational Needs Code of Practice”(5) issued on 3<sup>rd</sup> December 2001 under section 313 of the 1996 Act;

“special school” has the meaning given by section 337 of the 1996 Act(6);

“unauthorised absence” means an occasion on which a pupil is recorded as absent without authority pursuant to the 2006 Regulations, and “authorised absence” shall be construed accordingly; and

“unique pupil number” means a combination of numbers which together with a letter or letters are allocated to a pupil and are particular to him, by use of a formula determined by the Department for Education and Skills.

### **Provision of information by schools maintained by local education authorities to their local education authorities**

3. Within fourteen days of receiving a request from the local education authority by which a school is maintained, the governing body of that school shall provide to the authority such of the information referred to in Schedule 1 to these Regulations, and (where the request stipulates) in respect of such categories of pupils, or former pupils, as is so requested.

### **Provision of information by schools with sixth forms and maintained by local education authorities to the Secretary of State**

4. Within fourteen days of receiving a request from the Secretary of State, the governing body of a school (not being a special school) maintained by a local education authority, which—

- (a) provides full-time education suitable to the requirements of pupils over compulsory school age, and
- (b) provides full-time education suitable to the requirements of pupils of compulsory school age,

shall provide to the Secretary of State such of the information referred to in Schedule 2 to these Regulations, as is so requested.

### **Provision of information by non-maintained special schools, city technology colleges, city colleges for the technology of the arts and Academies to the Secretary of State**

5. Within fourteen days of receiving a request from the Secretary of State, the proprietor of a non-maintained special school, a city technology college, a city college for the technology of the arts or an Academy shall provide to the Secretary of State such of the information referred to in Schedules 1 and 2 to these Regulations, and (where the request stipulates) in respect of such categories of pupils, or former pupils, as is so requested.

### **Requests for information received by primary and special schools prior to 1 March 2007 in relation to excluded pupils**

6.—(1) This regulation applies where a pupil was permanently excluded from a primary school, or special school, and his name was deleted from the admission register(7) during the year ending on 31st August 2006.

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(5) ISBN 1 84185 5294.

(6) Section 337 was substituted by the School Standards and Framework Act 1998 (1998 c. 31), section 140(1) and Schedule 30, paragraphs 57 and 80.

(7) Pursuant to regulation 8(4)(d) or (e) of the 2006 Regulations, an excluded pupil’s name is not deleted from the register until the appeal process is completed, the time for appealing has expired or the relevant person has indicated that they will not appeal.

(2) In respect of a request for information to which regulations 3 or 5 apply and received on or before 1st March 2007 by the school from which the pupil was permanently excluded, any reference in these Regulations and in the request to the “exclusion start date” is to be construed as a reference to the “permanent exclusion date”, and any reference in these Regulations and in the request to information relating to exclusions which are not permanent exclusions should be disregarded.

(3) Information requested under regulations 3 and 5 shall include the information referred to in paragraphs 2(g) and 3 of Part 1 of Schedule 1 to these Regulations.

(4) In this regulation, “permanent exclusion date” means the date on which the name of a permanently excluded pupil is deleted from the register.

### **Revocations**

7. The Regulations specified in Schedule 3 to these Regulations are revoked.

21st September 2006

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