



Education Act 1996

1996 CHAPTER 56

PART V

THE CURRICULUM

CHAPTER IV

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

Information

408 Provision of information.

- (1) Regulations may require, in relation to every maintained school, the [^{F1}local authority], the governing body or the head teacher to make available either generally or to prescribed persons, in such form and manner and at such times as may be prescribed—
- (a) such information (including information as to the matters mentioned in subsection (2)) relevant for the purposes of any of the relevant provisions of this Part [^{F2}or Part V of the Education Act 1997][^{F3}or section 96 of the Learning and Skills Act 2000][^{F4}or the relevant provisions of the Education Act 2002][^{F5}or the provisions of [^{F6}Part 7] of the Apprenticeships, Skills, Children and Learning Act 2009][^{F7}or the provisions of the Qualifications Wales Act 2015][^{F8}or the provisions of the Curriculum and Assessment (Wales) Act 2021], and
 - ^{F9}(b)
as may be prescribed.
- (2) The matters referred to in subsection (1)(a) are—
- (a) the curriculum for maintained schools,
 - (b) the educational provision made by the school for pupils at the school and any syllabuses to be followed by those pupils,

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- (c) the educational achievements of pupils at the school (including the results of any assessments of those pupils, whether under this Part or otherwise, for the purpose of ascertaining those achievements), and
 - (d) the educational achievements of [^{F10}such classes or descriptions of pupils] as may be prescribed (including results of the kind mentioned in paragraph (c)). [^{F11}, and
 - (e) arrangements relating to [^{F12}relevant] qualifications (within the meaning given by section 96(5) of the Learning and Skills Act 2000) [^{F13}which are approved under section 98 ^{F14}... of that Act] and to courses leading to such qualifications.]
 - [^{F15}(f) arrangements relating to qualifications within the meaning given in section 56 of the Qualifications Wales Act 2015 which are approved under Part 4 of that Act and to courses of education or training leading to such qualifications.]
- ^{F16}(3)
- (4) For the purposes of subsection (1) the relevant provisions of this Part are—
 - ^{F17}(a)
 - ^{F18}(b)
 - ^{F18}(c)
 - (d) sections [^{F19}390] to 392;
 - (e) sections 394 to [^{F20}396][^{F20}396A];
 - (f) sections 398 ^{F21}... and 405; ^{F22}...
 - (g) [^{F23}section 409][^{F24}; [^{F25}and]]
 - [^{F26}(h) [^{F25}in so far as subsection (1) applies in relation to Wales, sections 403 and 404.]]
 - [^{F27}(4A) For the purposes of subsection (1) the relevant provisions of the Education Act 2002 are—
 - (a) Part 6 (the curriculum in England), [^{F28}and]
 - (b) [^{F28}sections 97 to 117 (the curriculum in Wales).]]
 - (5) Before making any regulations under this section, the Secretary of State shall consult any persons with whom consultation appears to him to be desirable.
 - (6) Regulations under this section shall not require information as to the results of an individual pupil's assessment (whether under [^{F29}Part 6 [^{F30}or 7] of the Education Act 2002][^{F31}or Part 4 of the Curriculum and Assessment (Wales) Act 2021] or otherwise) to be made available to any persons other than—
 - (a) the parents of the pupil concerned,
 - (b) the pupil concerned,
 - (c) in the case of a pupil who has transferred to a different school, the head teacher of that school,
 - (d) the governing body of the school, or
 - (e) the [^{F1}local authority];
- ^{F32}...
- [^{F33}(6A) Regulations under this section shall not require information as is mentioned in subsection (6) to be made available—
 - (a) to a governing body except where relevant for the purposes of the performance of any of their functions;

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- (b) to a head teacher except where relevant for the purposes of the performance of any of the head teacher's functions;
 - (c) to a local authority except where relevant for the purposes of the performance of any of their education functions.]
- (7) Regulations under this section may authorise [^{F34}local authorities], governing bodies and head teachers to make a charge (not exceeding the cost of supply) for any documents supplied by them in pursuance of the regulations.
- (8) In relation to any maintained school, the [^{F1}local authority] and the governing body shall exercise their functions with a view to securing that the head teacher complies with any regulations made under this section.
- [^{F35}(8A) In exercising their functions under subsection (1), the Welsh Ministers must have regard to the desirability of information being available to parents and others about whether, and if so how, any parts of the curriculum and any educational provision at maintained schools (other than maintained nursery schools) promote the purpose of the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (see section 1 of that Act).]
- [^{F36}(9) In this section “maintained school” includes a maintained nursery school.]

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), **Sch. 2 para. 7(2)** (with Sch. 2 para. 7(4)(5))
- F2** Words in s. 408(1)(a) inserted (1.10.1997) by 1997 c. 44, s. 57(1), **Sch. 7 para. 30(a)**; S.I. 1997/1468, art. 2, **Sch. 1 Pt. III**
- F3** Words in s. 408(1)(a) inserted (28.7.2000 for certain purposes otherwise 1.9.2001) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 57(2)** (with s.150); S.I. 2001/654, art. 2(3), **Sch. Pt. III** (with art. 3); S.I. 2001/1274, art. 2(2), **Sch. Pt. II**
- F4** Words in s. 408(1)(a) inserted (1.10.2002 for E., 19.12.2002 for W.) by [Education Act 2002 \(c. 32\)](#), ss. 215(1), 216(4), **Sch. 21 para. 46(2)** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**; S.I. 2002/3185, **art. 4**; Sch. Pt. I
- F5** Words in s. 408(1)(a) inserted (1.4.2010 for E., 1.11.2010 for W.) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), s. 269(4), **Sch. 12 para. 11(2)**; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2(a) (with arts. 3-5)
- F6** Words in s. 408(1)(a) substituted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), **Sch. 8 para. 7**; S.I. 2012/924, art. 2
- F7** Words in s. 408(1)(a) inserted (21.9.2015) by [Qualifications Wales Act 2015 \(anaw 5\)](#), s. 60(2), **Sch. 4 para. 1(2)(a)**; S.I. 2015/1687, art. 2 (with arts. 3-12)
- F8** Words in s. 408(1)(a) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\)](#), reg. 1(3), **Sch. 2 para. 2(6)(a)**
- F9** S. 408(1)(b) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 106(a), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F10** Words in s. 408(2)(d) substituted (1.10.1998) by 1998 c. 31, s. 140(1), **Sch. 30 para. 106(b)** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt. I**
- F11** S. 408(2)(e) and preceding ", and" inserted (28.7.2000 for certain purposes, otherwise 1.9.2001) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 57(3)** (with 150); S.I. 2001/654, art. 2(3), **Sch. Pt. III** (with art. 3); S.I. 2001/1274, art. 2(2), **Sch. Pt. II**

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- F12** Word in s. 408(2)(e) substituted (1.4.2010 for E., 1.11.2010 for W.) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 12 para. 11(3)(a)**; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2(a) (with arts. 3-5)
- F13** Words in s. 408(2)(e) inserted (1.4.2010 for E., 1.11.2010 for W.) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 12 para. 11(3)(b)**; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2(a) (with arts. 3-5)
- F14** Words in s. 408(2)(e) omitted (21.9.2015) by virtue of Qualifications Wales Act 2015 (anaw 5), s. 60(2), **Sch. 4 para. 1(2)(b)**; S.I. 2015/1687, art. 2 (with arts. 3-12)
- F15** S. 408(2)(f) inserted (21.9.2015) by Qualifications Wales Act 2015 (anaw 5), s. 60(2), **Sch. 4 para. 1(2)(c)**; S.I. 2015/1687, art. 2 (with arts. 3-12)
- F16** S. 408(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 106(c), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F17** S. 408(4)(a) repealed (1.10.2002 for E., 19.12.2002 for W.) by Education Act 2002 (c. 32), ss. 215, 216(4), **Sch. 21 para. 46(3)**, **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**; S.I. 2002/3185, **art. 4**, Sch. Pt. 1
- F18** S. 408(4)(b)(c) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 106(d)(i), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F19** Word in s. 408(4)(d) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 106(d)(ii)** (with ss. 138(9), 144(6))
- F20** Word in s. 408(4)(e) substituted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 2(6)(b)(i)**
- F21** Words in s. 408(4)(f) repealed (1.9.2001) by 1997 c. 44, ss. 57(1)(4), Sch. 7 para. 30(b), **Sch. 8**; S.I. 2001/1215, **art. 2**
- F22** Word in s. 408(4)(f) omitted (5.10.2015) by virtue of Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (anaw 3), **ss. 9(3)(a)**, 25(3); S.I. 2015/1680, art. 2(d)
- F23** S. 408(4)(g) repealed (19.4.2010 for specified purposes, 1.9.2010 for specified purposes) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), ss. 223(1)(a), 269(4), **Sch. 16 Pt. 7**; S.I. 2010/303, art. 5, Sch. 4; S.I. 2010/1151, art. 4, Sch. 2
- F24** Word in s. 408(4)(g) inserted (5.10.2015) by Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (anaw 3), **ss. 9(3)(b)**, 25(3); S.I. 2015/1680, art. 2(d)
- F25** S. 408(4)(h) and word omitted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by virtue of The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 2(6)(b)(ii)**
- F26** S. 408(4)(h) inserted (5.10.2015) by Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (anaw 3), **ss. 9(3)(c)**, 25(3); S.I. 2015/1680, art. 2(d)
- F27** S. 408(4A) inserted (1.10.2002 for E. for certain purposes, 19.12.2002 for W. and otherwise prosp.) by Education Act 2002 (c. 32), ss. 215, 216(4), **Sch. 21 para. 46(4)** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**; S.I. 2002/3185, **art. 4**, Sch. Pt. 1
- F28** S. 408(4A)(b) and word omitted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by virtue of The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 2(6)(c)**
- F29** Words in s. 408(6) substituted (1.10.2002 for E. for certain purposes, 19.12.2002 for W. and otherwise prosp.) by Education Act 2002 (c. 32), ss. 215, 216(4), **Sch. 21 para. 46(5)** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**; S.I. 2002/3185, **art. 4**, Sch. Pt. 1
- F30** Words in s. 408(6) omitted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by virtue of The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 2(6)(d)(i)**
- F31** Words in s. 408(6) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by The Curriculum and Assessment (Wales) Act 2021 (Consequential Amendments) (Primary Legislation) Regulations 2022 (S.I. 2022/744), reg. 1(3), **Sch. 2 para. 2(6)(d)(ii)**

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- F32** Words in s. 408(6)(e) repealed (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, Sch. 2 para. 7(7)(a), **Sch. 3 Pt. 1**
- F33** S. 408(6A) inserted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), art. 1, **Sch. 2 para. 7(7)(b)**
- F34** Words in Act substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), **Sch. 2 para. 7(3)** (with Sch. 2 para. 7(4)(5))
- F35** S. 408(8A) inserted (5.10.2015) by Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 (anaw 3), **ss. 9(3)(d)**, 25(3); S.I. 2015/1680, art. 2(d)
- F36** S. 408(9) inserted (1.9.2003 for E., 1.8.2008 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 46(6)** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2008/1728, art. 3, Sch. Pt. 2

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 13(2)(ba) substituted for s. 13(2)(aa)(b) by [2022 asc 1 Sch. 4 para. 8\(2\)](#)
- s. 15A(3A) inserted by [2022 asc 1 Sch. 4 para. 8\(3\)](#)
- s. 15B(3)(c) inserted by [2022 asc 1 Sch. 4 para. 8\(4\)](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/1012 art. 12\(1\)Sch. 2 para. 3](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/863 Sch. 2 para. 4](#)
- s. 17A functions made exercisable concurrently by [S.I. 2014/865 Sch. 2 para. 3](#)
- s. 17A functions made exercisable concurrently by [S.I. 2016/653 Sch. 3 para. 3](#)
- s. 17A-17D inserted by [2009 c. 22 s. 45](#)
- s. 17B-17D applied by [2009 c. 22 s. 86\(8\)](#)
- s. 457(4)(i)-(iia) repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 457(4)(iii) words repealed by [2012 c. 5 Sch. 14 Pt. 1](#)
- s. 508(4) inserted by [2022 asc 1 Sch. 4 para. 8\(7\)](#)
- s. 537AA inserted by [2008 c. 25 Sch. 1 para. 8](#)
- s. 548(7A)(7B) inserted by [2008 c. 25 Sch. 1 para. 9\(5\)](#)
- s. 578(1) words repealed by [2005 c. 18 Sch. 19 Pt. 1](#)