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STATUTORY INSTRUMENTS

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**2013 No. 2094**

**EDUCATION, ENGLAND**

**The Education (Information About Individual Pupils) (England) Regulations 2013**

<i>Made</i>	- - - -	<i>22nd August 2013</i>
<i>Laid before Parliament</i>		<i>29th August 2013</i>
<i>Coming into force</i>	- -	<i>1st January 2014</i>

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 537A(1) and (2) and 569(4) of the Education Act 1996<sup>(1)</sup>:

1.—(1) These Regulations may be cited as the Education (Information About Individual Pupils) (England) Regulations 2013 and come into force on 1st January 2014.

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

**Interpretation**

2. In these Regulations—

“the 1989 Act” means the Children Act 1989<sup>(2)</sup>;

“the 1996 Act” means the Education Act 1996;

“the 2006 Regulations” means the Education (Pupil Registration) (England) Regulations 2006<sup>(3)</sup>

“adoption order” has the meaning given by section 46(1) of the Adoption and Children Act 2002<sup>(4)</sup>;

“alternative provision Academy” has the meaning given by section 1C of the Academies Act 2010<sup>(5)</sup>

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(1) 1996 c.56. Section 537A was inserted by the Education Act 1997 (c.44), section 20, substituted by the School Standards and Framework Act 1998 (c. 31), Schedule 30, paragraphs 57 and 153 and amended by S.I. 2010/1158, Schedule 2, paragraph 7(1), (2) and S.I. 2012/976, Schedule 1, paragraph 7. By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I 1999/672) the powers conferred by this section are exercisable by the Secretary of State only in relation to England. Section 569(4) was amended by the Education (Wales) Measure 2009 (c. 5), section 8(1), (5).

(2) 1989 c. 41.

(3) S.I. 2006/1751, amended by S.I. 2010/1725, SI 2011/1625 and SI 2013/756.

(4) 2002 c. 38.

(5) 2010 c. 32. Section 1C was inserted by the Education Act 2011 (c. 21), section 53(7).

“budget share” means a budget share allocated in accordance with section 45(1) of the School Standards and Framework Act 1998(6)

“commissioning local authority” means the local authority with responsibility for arranging the education provision being commissioned for the pupil;

“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 to which Part 7 of the Apprenticeships, Skills, Children and Learning Act 2009(7) applies which is awarded or authenticated by a body which is recognised by the Office of Qualifications and Examinations Regulation under section 132 of that Act in respect of the qualification and which has been allocated a qualification number;

“level 3” means level 3 as determined by the Office of Qualifications and Examinations Regulation;

“looked-after child” means a person who, for the purposes of section 22(1) of the 1989 Act(8), is a child looked after by a local authority, and references to the local authority looking after the child are to be read accordingly;

“non-maintained special school” means a special school which is not maintained by a local authority and which is approved for the time being by the Secretary of State under section 342 of the 1996 Act(9);

“part-time” in relation to the attendance of a pupil means that the pupil attends 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 number” means the number assigned to a pupil’s learning aim by the Office of Qualifications and Examinations Regulation;

“register” means the register of pupils kept under section 434 of the 1996 Act(10) and refers to the admission register or attendance register kept in accordance with the 2006 Regulations as the case may require;

“residence order” has the meaning given by section 8(1) of the 1989 Act;

“special educational needs provision type” means the type of special educational needs provision forming part of the graduated approach adopted pursuant to “The Special Educational Needs Code of Practice”(11) issued on 3rd December 2001 under section 313 of the 1996 Act(12);

“special school” has the meaning given by section 337 of the 1996 Act(13);

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(6) 1998 c. 31. Section 45(1) was amended by S.I. 2010/1158, Schedule 2, paragraph 10(3) and the Education Act 2005 (c. 18), Schedule 16, paragraph 2.

(7) 2009 c. 22.

(8) Section 22(1) was amended by the Local Government Act 2000 (c. 22), Schedule 5, paragraph 19, the Children (Leaving Care) Act 2000 (c. 35), section 2(2) and the Adoption and Children Act 2002 (c. 38), section 116(2).

(9) Section 342 was inserted by the School Standards and Framework Act 1998 (c. 31), section 140(1), Schedule 30, paragraph 82 and section 342(1) was amended by the Education and Skills Act 2008 (c. 25), section 142(2), (3)(a). There are other amendments to that provision but none are relevant to these Regulations.

(10) Section 434 was amended by the School Standards and Framework Act 1998 (c. 31), Schedule 30, paragraph 111(a), Schedule 31, paragraph 1 and S.I. 2010/1158, Schedule 2, paragraph 7(3).

(11) ISBN 1 84185 5294.

(12) Section 313(1) was amended by S.I. 2010/1158, Schedule 2, paragraph 7(3), the School Standards and Framework Act 1998 (c. 31), Schedule 30, paragraph 72 and the Education Act 2002 (c. 32), Schedule 21, paragraph 36. There are other amendments to that provision but none are relevant to these Regulations.

(13) Section 337 was substituted by the Education and Skills Act 2008 (2008 c.25) section 142(1) and amended by S.I. 2010/1158, Schedule 2, paragraph 7(2), the Academies Act 2010 (c. 32), Schedule 2, paragraph 2 and the Education Act 2011 (c. 21), Schedule 13, paragraph 9(6).

“special guardianship order” has the meaning given by section 14A(1) of the 1989 Act<sup>(14)</sup>;

“top up funding” means funding paid to—

- (i) a maintained school by the commissioning local authority, in addition to the school’s budget share;
- (ii) a pupil referral unit by the commissioning local authority, or by the governing body of the school that commissions the education provision, in addition to the unit’s budget share;
- (iii) an Academy by the commissioning local authority, in addition to the general annual grant paid to the Academy by the Secretary of State;
- (iv) an alternative provision Academy by the commissioning local authority, or by the governing body or proprietor of the school that commissions the education provision, in addition to the general annual grant paid to the Academy by the Secretary of State;
- (v) a non-maintained special school by the commissioning local authority, in addition to the amount allocated to the school by the Secretary of State,

in order to meet the educational needs of a pupil.

“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;

“unique learner number”, in relation to a registered pupil at a school, means the specific combination of numbers allocated to the pupil by the Chief Executive of Skills Funding for England<sup>(15)</sup> as that pupil’s unique learner number; 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 that pupil, by use of a formula determined by the Department for Education.

### **Provision of information by schools maintained by local authorities to their local authorities or to the Secretary of State**

**3.**—(1) For the purposes of section 537A(2)(b) of the 1996 Act, the local authority by which a school is maintained is prescribed as a relevant person.

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

### **Provision of information relating to pupil referral units by local authorities to the Secretary of State**

**4.** Within fourteen days of receiving a request from the Secretary of State, a local authority shall provide to the Secretary of State such of the information referred to in Schedule 1 relating to each pupil referral unit maintained by the authority and (where the request stipulates) in respect of such categories of pupils, or former pupils, as is so requested.

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<sup>(14)</sup> Section 14A was inserted by the Adoption and Children Act 2002 (c. 38), section 115(1).

<sup>(15)</sup> The role of the Chief Executive of Skills Funding was created by section 81 of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22).

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**Provision of information by non-maintained special schools 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 or an Academy<sup>(16)</sup> shall provide to the Secretary of State such of the information referred to in Schedule 1 and (where the request stipulates) in respect of such categories of pupils, or former pupils, as is so requested.

**Revocations**

6. The Regulations specified in Schedule 2 are revoked.

22nd August 2013

*Elizabeth Truss*  
Parliamentary Under Secretary of State  
Department for Education

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<sup>(16)</sup> By virtue of the Academies Act 2010 (c. 32), section 15(4), references to an Academy are to be read as including references to a city technology college and a city college for the technology of the arts.

## SCHEDULE 1

Regulations 3 to 5

### Provision of information about individual pupils

#### PART 1

##### All pupils on the register

1. In respect of each pupil on the 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;
  - (j) National Curriculum year group;
  - (k) unique learner number, where known.
3. The address and postcode of the home where the pupil normally resides.
4. 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.
5. Whether the pupil is part-time.
6. Whether the pupil is a day or boarding pupil at the school.
7. In the case of a special school that is not a special school established in a hospital, if the pupil is a boarding pupil at the school, whether the pupil boards at the school for seven or less nights per week.
8. Where the pupil has special educational needs, the type of special educational needs that pupil has, the primary and secondary ranking of those types if there is more than one type, and which special educational needs provision type is being made for him.
9. Where the pupil has special educational needs, whether the pupil is taught (wholly or partly)—
  - (a) in a special educational needs unit in a school which is not a special school; or
  - (b) at a place reserved in a school which is not a special school where that school receives additional funding from a local authority in order to cater for the pupil's special educational needs.
10. Whether the school has received any top-up funding in respect of the pupil during such period as is specified in the request for information.

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

12. Whether the pupil has been, to the knowledge of the governing body or, where appropriate the proprietor, a looked-after child whilst on the register.

13. Where a pupil has previously been a looked-after child, whether to the knowledge of the governing body or, where appropriate, the proprietor, that pupil is no longer looked-after as a result of the making of one of the following orders—

- (a) an adoption order;
- (b) a special guardianship order or
- (c) a residence order,

and if so which of the above orders was made.

14. Whether pursuant to section 512(3) and 512ZB of the 1996 Act(17), the pupil has applied and been found eligible for free school meals.

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

16. For each pupil who is not a boarder, the total number of morning and afternoon sessions which the pupil could have attended during such periods as are specified in the request for information, and—

- (a) the number of authorised absences from such sessions; and
- (b) the number of unauthorised absences from such sessions.

17. Where the pupil's school has registered the pupil's absences (if any) referred to in paragraph 16 in the school's electronic management information system, or in a system compatible with the school's electronic management information system, the reason for the absences.

18.—(1) Whether the pupil normally resides with a person specified in sub-paragraph (2) who is—

- (a) a person subject to service law by virtue of section 367(1) of the Armed Forces Act 2006(18), or
- (b) a person subject to service law by virtue of section 4(3)(a) of the Visiting Forces (British Commonwealth) Act 1933(19),

and who has been assigned Personal Status Category 1 or 2 (within the meaning of the “Personal Status Category Definitions” document published by the Ministry of Defence on 18th October 2007(20)) by the Secretary of State for Defence.

(2) The person referred to in sub-paragraph (1) is—

- (a) a parent of the pupil;

(17) Sections 512 and 512ZB were substituted by the Education Act 2002 (c. 32), section 201(1) and amended by S.I. 2010/1158, Schedule 2, paragraph 7(2). Section 512ZB was amended by the Child Poverty Act 2010 (c. 9), section 26(1), the Welfare Reform Act 2007 (c. 5), section 28(1), Schedule 3, paragraph 16(1), (3), and the Welfare Reform Act 2012 (c. 5), section 31, Schedule 2, paragraphs 37, 39.

(18) 2006 c. 52. Section 382 of the Armed Forces Act 2006 provides that the Act expires at the end of one year beginning with the day on which the Armed Forces Act 2011 is passed (3rd November 2011) unless continued by an Order in Council (but not beyond the year 2016). The Armed Forces Act (Continuation) Order 2012 (S.I. 2012/1750), article 2 continues the Armed Forces Act 2006 in force until 3rd November 2013.

(19) 1933 c. 6. Section 4(3) was amended by the Armed Forces Act 2006, c 52, Schedule 16 paragraph 14(1), (3)(a) and (b).

(20) A copy of this document can be found at: <https://www.gov.uk/government/publications/personal-status-category-definitions>

- (b) a person who is not the pupil's parent and who is married to, or a civil partner of, a parent of the pupil; or
  - (c) a person not falling within paragraphs (a) or (b) who has parental responsibility for the pupil within the meaning of section 3 of the 1989 Act.
- (3) Section 576 of the 1996 Act(21) (meaning of "parent") does not apply to this paragraph.

## PART 2

### Excluded pupils

**19.**—(1) Subject to sub-paragraph (2), in respect of each pupil who has been excluded from the school (whether permanently or otherwise) and whose exclusion start date was during such period as is specified in the request for information, where that specified period falls within in the twelve months preceding that request, the exclusion start date, and the information in the following paragraphs as it existed on the exclusion start date.

(2) This Part does not apply to a pupil referred to in sub-paragraph (1) where the pupil is subsequently reinstated by the governing body or, where appropriate, the proprietor of the school.

**20.** The pupil's—

- (a) gender;
- (b) date of birth;
- (c) 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) first name or, if more than one, each first name;
- (f) date of admission to the school, and
- (g) (where applicable) date of leaving the school.

**21.** Whether the pupil was part-time.

**22.** Where the pupil had special educational needs, which special educational needs provision type was being made for him.

**23.** Whether the pupil was, to the knowledge of the governing body or, where appropriate, the proprietor, a looked-after child.

**24.** Whether the exclusion is or was—

- (a) for a fixed period (otherwise than as specified in sub-paragraph (b));
- (b) for a fixed period or periods between the morning and the afternoon school sessions(22); or
- (c) permanent.

**25.** Where the exclusions is or was for a fixed period, the number of sessions to which the exclusion applies or applied.

**26.** The reason for the exclusion.

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(21) Section 576 was amended by the School Standards and Frameworks Act 1998 c. 31, Schedule 30, paragraph 180(a) and Schedule 31, paragraph 1.

(22) The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012 (S.I. 2012/1033) provide that any exclusion for a fixed period between the morning and afternoon sessions shall for the purposes of those Regulations be taken as equivalent to half a school day.

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## PART 3

### Attendance information for pupils no longer on the register

**27.** In respect of each pupil not on the register who—

- (a) was not a boarder, and
- (b) was on the register on any day in the school term which preceded the date specified in the request for information,

the following information.

**28.** The pupil's—

- (a) gender;
- (b) date of birth;
- (c) 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) first name or, if more than one, each first name;
- (f) date of admission to the school, and
- (g) date of leaving the school.

**29.** Whether the pupil was part-time.

**30.** The total number of morning and afternoon sessions which the pupil could have attended during such periods as are specified in the request for information, and—

- (a) the number of authorised absences from such sessions; and
- (b) the number of unauthorised absences from such sessions.

**31.** Where the pupil's school has registered the pupil's absences (if any) referred to in paragraph 30 in the school's electronic management information system, the reason for the absences.

## PART 4

### Provision of information by schools with sixth forms about the learning aims of individual pupils

**32.** The information referred to in this part is required only from those schools (not including special schools) which provide full time education suitable to the requirements of pupils of and over compulsory school age.

**33.** In respect of each pupil who is or was—

- (a) on the register during such period as is specified in the request for information, and
- (b) in or above the school year after the fourth key stage and undertaking a learning aim, or
- (c) in the fourth key stage and undertaking a level 3 learning aim,

the following information.

**34.** For each of the pupil's learning aims—

- (a) the qualification number;
- (b) the date on which the pupil started the learning aim;

- (c) the date by which the pupil and the pupil's school together plan or planned that the pupil will complete, or was to have completed, the learning aim;
- (d) the date (if applicable) on which the pupil completed the learning aim and the result obtained;
- (e) information as to the pupil's progress or status in respect of the learning aim;
- (f) information identifying the syllabus, the subject and the awarding body for the qualification.

35. Where applicable, the date the pupil left the school.

## PART 5

### Provision of information by schools with sixth forms about pupils awarded bursaries

36. The information referred to in this part is required only from those schools (including special schools) which provide full-time education suitable to the requirements of pupils of and over compulsory school age.

37. In respect of each pupil who is or was—

- (a) on the register during such period as is specified in the request for information, where that specified period falls within the twelve months preceding that request; and
- (b) aged 16 or over and under 20 on the 31st August prior to the request from the Secretary of State,

whether the pupil has been awarded a bursary.

## SCHEDULE 2

Regulation 6

### Revocations

<i>Regulations revoked</i>	<i>References</i>
1. Education (Information About Individual Pupils) (England) Regulations 2006	<a href="#">S.I. 2006/2601</a>
2. Education (Information About Individual Pupils) (England) (Amendment) Regulations 2007	<a href="#">S.I. 2007/3373</a>
3. Education (Information About Individual Pupils) (England) (Amendment) Regulations 2008	<a href="#">S.I. 2008/3072</a>
4. Education (Information About Individual Pupils) (England) (Amendment) Regulations 2011	<a href="#">S.I. 2011/2123</a>
5. Education (Information About Individual Pupils) (England) (Amendment) Regulations 2012	<a href="#">S.I. 2012/1919</a>

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations revoke and re-enact with modifications and additions the Education (Information About Individual Pupils) (England) Regulations 2006.

The Regulations enable the collection of information in relation to individual pupils by requiring schools to provide such of the information specified in Schedule 1 to either the local authority or the Secretary of State as is so requested.

The principal modifications are two additions to Schedule 1 which allow for the collection of the following information —

- (a) whether a school has received top-up funding in respect of a pupil (Schedule 1, paragraph 10). Top-up funding is defined in Regulation 2 and will be paid directly from the commissioning local authority (also defined in Regulation 2) to the governing body or proprietor of a school. In the case of a pupil referral unit or alternative provision Academy top up funding may instead be paid by the school that commissions the education provision (for example in cases of fixed term exclusions from a mainstream school or Academy). The funding will be paid on a per-pupil basis, based on the pupil's assessed needs,
- (b) whether (to the knowledge of the school) a pupil who has been looked after by a local authority, is no longer looked after as the result of the making of an adoption order, a special guardianship order or a residence order, and which of these orders was made with respect to that pupil (Schedule 1, paragraph 13).

Further modifications include—

- (a) a restructuring of the regulations and Schedules, with Schedule 1 now separated into five parts. Parts 1 to 3 are applicable to all schools covered by the Regulations. Part 4 is applicable only to schools with sixth forms, not including special schools. Part 5 is applicable to all schools with sixth forms, including special schools;
- (b) some minor drafting amendments;
- (c) the removal of the requirement to provide the following information—
  - (i) the pupil's usual mode of travel to school,
  - (ii) whether information as to the pupil's ethnic group was provided by the pupil, a parent or the school; and
  - (iii) whether the pupil has been registered or identified by the school as belonging to its Gifted and Talented cohort.