STATUTORY INSTRUMENTS

2016 No. 555

EDUCATION, ENGLAND

The Information as to Provision of Education (England) Regulations 2016

Made - - - -	*3rd May 2016*
Laid before Parliament	*6th May 2016*
Coming into force - -	*31st May 2016*

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 29(3) and 569(4) of the Education Act 1996(**1**).

Citation, commencement and application

1.—(1) These Regulations may be cited as the Information as to Provision of Education (England) Regulations 2016 and come into force on 31st May 2016.

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

Interpretation

2. In these Regulations, "school year" means the period of 12 months commencing on 1st September unless the school has a term beginning in August, in which case it means the period of 12 months beginning on 1st August.

Information to be provided to the Secretary of State by local authorities

3. A local authority must provide the Secretary of State each year with the information specified in Schedule 1 in the period beginning on 1st June and ending on 10th August.

Reports to be provided to the Secretary of State by local authorities

4.—(1) A local authority must provide the Secretary of State each year with a report containing the information specified in Schedule 2 in relation to the admission to—

(a) primary schools; and

(**1**) 1996 c.56. Section 29(3) was amended by paragraph 67 of Schedule 30, and Schedule 31, to the School Standards and Framework Act 1998 (c.31) and S.I.2010/1158. Section 569(4) was amended by section 8(5) of the Education (Wales) Measure 2009 (c.05). See section 579(1) for the meanings of "prescribed" and "regulations".

(b) secondary schools,

of pupils living in the area of the local authority.

(2) The information in each report provided under paragraph (1) must be correct as at the national offer date for primary schools and secondary schools as the case may be.

(3) Each report provided under paragraph (1) must be provided no later than five working days after the relevant national offer date.

(4) A local authority may provide the Secretary of State each year with a report containing the information specified in Schedule 2 in relation to the admission to secondary schools of pupils living in the area of the local authority.

(5) The information in any report provided under paragraph (4) must be correct as at 1st September (or, in any year in which 1st September is not a working day, the next working day) in relation to the school year commencing in the August or September of that calendar year.

(6) Each report provided under paragraph (4) must be provided by no later than 8th September (or, in any year in which 8th September is not a working day, by no later than the next working day).

(7) In this regulation—

"national offer date" means the date prescribed for the purposes of section 88M(4)(b) of the School Standards and Framework Act 1998 (**2**);

"working day" means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971 (**3**).

(8) For the purposes of this regulation and Schedule 2, "school" means a community, foundation or voluntary school, or an Academy.

Determination of capacity of a school

5. The capacity of a school is to be determined in accordance with the method of assessment provided in the guidance, "Assessing the Net Capacity of Schools", issued by the Department for Education and Skills in August 2002 (**4**).

Revocations

6. The Regulations set out in Schedule 3 are revoked.

John Nash
Parliamentary Under Secretary of State
Department for Education

3rd May 2016

(**2**) Section 88M was inserted by section 151(4) of the Education and Skills Act 2008 (c.25) and amended by S.I.2010/1158. The date is prescribed in the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 (S.I.2012/8).

(**3**) 1971 c.80.

(**4**) Assessing the Net Capacity of Schools, DfES/0739/2001 REV, is available from http://webarchive.nationalarchives.gov.uk/20130903115029/http:/media.education.gov.uk/assets/files/pdf/s/assessing%20the%20net%20capacity%20of%20schools.pdf. Hard copies may be obtained from the Department for Education, Sanctuary Buildings, Great Smith Street, London SW1P 3BT.

SCHEDULE 1

Regulation 3

INFORMATION TO BE PROVIDED TO THE SECRETARY OF STATE EACH YEAR BY LOCAL AUTHORITIES

1.—(1) The total number of registered pupils on the third Thursday in May in the collection year in all schools located in the area of the local authority—

(a) which are primary schools;

(b) which are secondary schools; and

(c) within each pupil planning area (if any),

to which sub-paragraph (3) applies.

(2) The number of registered pupils on the third Thursday in May in the collection year in each—

(a) Academy located in the area of the local authority; and

(b) community, foundation and voluntary school maintained by the local authority,

to which sub-paragraph (3) applies.

(3) This sub-paragraph applies to an Academy or a school which first opened after the third Thursday in January before the beginning of the collection year.

2.—(1) Forecasts of the number of registered pupils in respect of each school year for whom primary education will be provided for the period of five years beginning at the start of the school year which begins in the collection year.

(2) Forecasts of the number of registered pupils in respect of each school year for whom secondary education will be provided for the period of seven years beginning at the start of the school year which begins in the collection year.

(3) Forecasts of the number of registered pupils in respect of each school year in each—

(a) Academy located in the area of the local authority;

(b) community, foundation and voluntary school maintained by the local authority in each school year,

for the relevant period specified in sub-paragraph (1) or, as the case may be, (2).

(4) The information in sub-paragraphs (1) to (3) must be provided in relation to—

(a) the area of the local authority; and

(b) each pupil planning area (if any).

3. A statement accompanying the forecasts referred to in paragraph 2—

(a) explaining the basis upon which the forecasts are made; and

(b) identifying any areas within the area of the local authority where the rate of growth or decline, as the case may be, in the number of such pupils is expected to be significantly different from the general rate of growth or, as the case may be decline, in the area as a whole.

4.—(1) The total capacity at the beginning of the collection year of all schools located in the area of the local authority—

(a) which are primary schools;

(b) which are secondary schools; and

(c) within each pupil planning area (if any).