STATUTORY INSTRUMENTS

2015 No. 1567

EDUCATION, ENGLAND

The Education (Student Information) (England) Regulations 2015

Made - - - -	*22nd July 2015*
Laid before Parliament	*23rd July 2015*
Coming into force - -	*1st September 2015*

The Secretary of State makes these Regulations in exercise of the powers conferred by sections 253A(1) and 262(3) of the Apprenticeships, Skills, Children and Learning Act 2009(**1**).

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education (Student Information) (England) Regulations 2015 and come into force on 1st September 2015.

(2) These Regulations apply in relation to student information which may be provided by a person in England only.

Interpretation

2.—(1) In these Regulations—

"the 1996 Act" means the Education Act 1996(**2**);

"the 2000 Act" means the Learning and Skills Act 2000(**3**);

"the 2009 Act" means the Apprenticeships, Skills, Children and Learning Act 2009;

"the 2014 Act" means the Children and Families Act 2014(**4**);

"the information year" means the period for an educational institution or learning provider which starts with the first term to begin after July and ends before the first such term to begin after the following July, except in the case of a work-based learning provider where it means the period from 1st September to the next 31st August;

(**1**) 2009 c. 22. Section 253A was inserted by section 79 of the Small Business, Enterprise and Employment Act 2015 (c. 26). For the definitions of 'prescribed' and 'regulations' see section 264(1) of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22).
(**2**) 1996 c. 56.
(**3**) 2000 c. 21.
(**4**) 2014 c. 6.

"learning provider" means a provider registered with the UK Register of Learning Providers(**5**);

"prescribed person" means a person prescribed in Regulation 5;

"prescribed category of person" means a category of person prescribed in Regulation 5;

"the relevant school" means the school at which the student or former student to whom student information relates is or was registered and, where the school at which such a student or former student was registered is converted into an Academy (as provided for by section 4(3) of the Academies Act 2010(**6**)), includes that Academy;

"the reporting information year" means the information year immediately preceding the information year in which information provided to the Secretary of State is to be published by the Secretary of State or, as the case may be, by the relevant local authority;

"16 to 19 Study Programme" means a programme of study developed and funded by the Secretary of State to meet the needs of an individual student, which may include activity leading to a qualification and other activity including work experience; and

"work-based learning provider" means any employer who provides learning in the workplace to students as part of a course at an educational institution.

(2) For the purposes of these Regulations, each of the following is a relevant local authority in relation to the provision of any student information—

(a) the local authority which maintains the school at which the student is or was enrolled or registered;

(b) the local authority in which the educational institution, other than a school, at which the student is or was enrolled or registered, is situated;

(c) the local authority in which the learning provider or work-based learning provider, at which the student is or was undertaking work, is situated;

(d) the local authority which is responsible for the student (within the meaning of section 24 of the 2014 Act);

(e) where the student is a child looked after by a local authority (within the meaning of section 22(1) of the Children Act 1989), that local authority;

(f) where the information relates to a student or former student of a school which is not maintained by a local authority, the local authority for the area in which the school is situated.

Prescribed circumstances

3.—(1) The following circumstances are prescribed for the purposes of section 253A(1) of the 2009 Act—

(a) the student is or was—

(i) in the fourth key stage(**7**); or

(ii) undertaking a 16 to 19 Study Programme; and

(b) where the person ("P") provides student information to a person or category of person prescribed in Regulation 5, the student to whom such information relates is or was—

(**5**) "The UK Register of Learning Providers" is a registry of learning providers that enables registered users of it to access the details of a range of providers in the UK. It is owned by the Skills Funding Agency (an executive agency, sponsored by the Department for Business, Innovation and Skills) and can be accessed at the following weblink: https://www.ukrlp.co.uk/.

(**6**) 2010 c. 32. Section 4(3) was amended by section 57(1) and (3) of, and paragraphs 1 and 2 of Schedule 13 to, the Education Act 2011 (c. 21).

(**7**) "the fourth key stage" is defined in section 82(1)(d) of the Education Act 2002 (c. 32).

(i) enrolled or registered with P; or

(ii) undertaking work with P; or

(c) where P provides student information to the Secretary of State or to an information collator(**8**), such provision follows a request by the Secretary of State or an information collator to P for the information.

(2) The following persons are not subject to the restriction in paragraph (1)(b)—

(a) the Secretary of State;

(b) an information collator;

(c) the Joint Council for Qualifications;

(d) the Office for Standards in Education, Children's Services and Skills(**9**);

(e) a relevant local authority;

(f) any body which is recognised by the Office of Qualifications and Examinations Regulation(**10**) under section 132 of the 2009 Act in respect of the award or authentication of a specified qualification or description of qualification to which Part 7 of that Act applies;

(g) the Office of Qualifications and Examinations Regulation;

(h) the Further Education Commissioner; and

(i) the Sixth-Form Commissioner.

Prescribed student information

4. The following description of student information is prescribed for the purposes of section 253A(1) of the 2009 Act—

(a) in the case of a student who is or was in the fourth key stage, the information listed in Part 1 of Schedule 1;

(b) in the case of a student who is or was undertaking a 16 to 19 Study Programme, the information listed in Part 2 of Schedule 1; and

(c) in the case of any student, the information listed in Part 3 of Schedule 1.

Prescribed Persons and prescribed categories of person

5. The following persons and categories of person are prescribed for the purposes of section 253A(1) of the 2009 Act—

(a) if P is the Secretary of State or an information collator, then student information may be provided to the persons and categories of person listed in Part 1 of Schedule 2; and

(b) if P is any person other than the Secretary of State or an information collator, then student information may be provided to the persons and categories of person listed in Part 2 of Schedule 2.

(**8**) See section 253A(6) of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22) for the meaning of "information collator".

(**9**) The Office for Standards in Education, Children's Services and Skills is a Non-Ministerial Department established under section 112 of the Education and Inspections Act 2006 (c. 40).

(**10**) The Office of Qualifications and Examinations Regulation is a Non-Ministerial Department established under section 127 of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22).

Nick Gibb
Minister of State
22nd July 2015 Department for Education

SCHEDULE 1 Regulation 4

Student information: Fourth key stage, 16 to 19 Study Programmes and general information

PART 1

Student information: Fourth key stage

1.—(1) In the case of each student, the following information—

(a) the student's gender, date of birth, and surname followed by first name or, if there are more than one, each forename;

(b) the date of the student's admission to the institution;

(c) the student's ethnic group;

(d) the student's first language;

(e) the postcode of the home where the student normally resides;

(f) whether the student has as a pupil applied for and been found eligible for free school meals, pursuant to sections 512(3) and 512ZB of the 1996 Act;

(g) whether the student has special educational needs and, where applicable—

(i) the type of special educational needs that student has;

(ii) the primary and secondary need of those types if there is more than one type;

(iii) if the student has a statement of special educational needs(**11**) or an Education, Health and Care plan(**12**); and

(iv) if special educational provision is being made through SEN support(**13**).

(h) whether the student is or has been at any time whilst registered at the educational institution, to the knowledge of the governing body or, where appropriate, the proprietor, a child looked after by a local authority.

(2) Whether the student was entered for a relevant qualification(**14**) approved for use by pupils of compulsory school age under section 98 of the 2000 Act for the purposes of section 96 of that Act and, where applicable, the following—

(a) the relevant qualification taken;

(b) the name of the awarding body for the relevant qualification;

(c) the information year in which the student was entered for the relevant qualification; and

(d) the grade or level achieved.

(**11**) Section 324(1) of the Education Act 1996 (c. 56) provides for the making and maintaining by a local authority of a statement of special educational needs in respect of a child. Section 324(1) was repealed in relation to England but remains in force by virtue of Article 11 Children and Families Act 2014 (Transitional and Saving Provisions) (No.2) Order 2014 (S.I. 2014/2270).

(**12**) See section 37(2) of the Children and Families Act 2014 (c. 6) for the meaning of "Education, Health and Care plan". Sub-section (2) was amended by the Care Act 2014 (c. 23) and Children and Families Act 2014 (Consequential Amendments) Order 2015 (S.I. 2015/914).

(**13**) As described in the 'Special educational needs and disability code of practice: 0 to 25 years', issued by the Secretary of State under section 77 of the Children and Families Act 2014 (c. 6).

(**14**) "a relevant qualification" is defined in section 96(5) of the Learning and Skills Act 2000 (c. 21). Sub-section (5) was substituted, for sub-sections (5)–(7) as originally enacted, by sections 174 and 192 of, and paragraphs 26 and 27(1) and (4) of Schedule 12 to, the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22).