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STATUTORY INSTRUMENTS

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**2001 No. 4020**

**EDUCATION, ENGLAND**

**Education (Information About Individual Pupils) (England) Regulations 2001**

*Made* - - - - *17th December 2001*  
*Laid before Parliament* *18th December 2001*  
*Coming into force* - - *16th January 2002*

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

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Education (Information About Individual Pupils) (England) Regulations 2001 and shall come into force on 16th January 2002.

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

**Interpretation**

2. In these Regulations—

“the 1996 Act” means the Education Act 1996;

“GCE ‘A’ level examination” means the General Certificate of Education advanced level examination or the General Certificate of Education advanced subsidiary examination;

“GCSE” means General Certificate of Secondary Education;

“GNVQ” means General National Vocational Qualification;

“GNVQ precursor” means any of—

(a) the National Certificate or National Diploma of the EDEXCEL Foundation;

(b) the Diploma of Vocational Education of the City and Guilds of London Institute at national level;

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(1) 1996 c. 56. Section 537A was inserted by the Education Act 1997 (1997 c. 44), section 20, and substituted by the School Standards and Framework Act 1998 (1998 c. 31), section 140(1) and Schedule 30, paragraphs 57 and 153. By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672) the powers conferred by these sections are exercisable by the Secretary of State in relation to England.

- (c) the First Certificate or First Diploma of the EDEXCEL Foundation; or
- (d) the Diploma of Vocational Education of the City and Guilds of London Institute at intermediate level;

“non-maintained special school” means a special school which is not maintained by a local education authority;

“NVQ” means National Vocational Qualification;

“permanently excluded” in relation to a pupil means a pupil who has been permanently excluded from a school on disciplinary grounds;

“permanent exclusion date” means the date on which the name of a permanently excluded pupil is deleted from the Register;

“post advanced level course” means a course of study being undertaken by a pupil who has completed a course leading to any of—

- (i) a GCE ‘A’ level examination,
- (ii) a General Certificate of Education advanced supplementary examination,
- (iii) a GNVQ at level 3,
- (iv) a GNVQ precursor at level 3,
- (v) a NVQ at level 3,
- (vi) a VCE, or
- (vii) an International Baccalaureate Diploma,

and is no longer studying any of those courses;

“Register” means the register of pupils kept under section 434 of the 1996 Act and in accordance with the Education (Pupil Registration) Regulations 1995(2);

“special school” has the meaning given by section 337 of the 1996 Act(3);

“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; and

“VCE” means the Vocational Certificate of Education.

### **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 the Schedule 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 city academies to the Secretary of State**

4. Within fourteen days of receiving a request from the Secretary of State—
- (a) in respect of a non-maintained special school, the governing body; or
  - (b) in respect of a city technology college, a city college for the technology of the arts or a city academy, the proprietor,

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(2) S.I. 1995/2089.

(3) 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.

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

**Revocation**

5. The Education (Information About Individual Pupils) (England) Regulations 2000(4) are hereby revoked.

17th December 2001

*Catherine Ashton*  
Parliamentary Under Secretary of State,  
Department for Education and Skills

THE SCHEDULE

Regulations 3 and 4

PROVISION OF INFORMATION ABOUT INDIVIDUAL PUPILS

PART I

All Pupils

1. In respect of each pupil on the school's Register on the date specified in the request for information the following information.

2.—(1) 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, that former surname;
- (e) first name, or if more than one, each first name;
- (f) ethnic group;
- (g) date of admission to the school;
- (h) first language; and
- (i) National Curriculum year group.

(2) The postcode of the home where the pupil normally resides.

3. Whether the pupil is a day or boarding pupil at the school.

4. Whether, pursuant to section 512(3) and (3A)(5) of the 1996 Act, the pupil has applied and been found eligible for free school meals.

5. Where the pupil has special educational needs—

- (a) which stage of the five stage scale referred to in “The Code of Practice on the Identification and Assessment of Special Educational Needs”(6) issued on 25th May 1994 under section 158 of the Education Act 1993(7) applies to him; or
- (b) which SEN provision type forming part of the graduated approach adopted pursuant to “The Special Educational Needs Code of Practice”(8) issued on 3rd December 2001 under section 313 of the 1996 Act is being made for him.

6. In the case of a school (other than a special school) which provides primary education—

- (a) whether the pupil is receiving nursery education in a nursery class at the school; and
- (b) where the pupil is under compulsory school age, whether he is part-time, and, for the purposes of this paragraph, “part-time” means that the pupil is attending fewer than ten school sessions in any week during which the school meets.

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(5) Sub-section (3) was amended by the School Standards and Framework Act 1998 (1998 c. 31), section 115(4), and was further amended and divided into subsections (3) and (3A) by the Immigration and Asylum Act 1999 (1999 c. 33), section 169(1) and Schedule 14, paragraph 117.

(6) ISBN 0 85522 444 4.

(7) 1993 c. 35.

(8) ISBN 1 84185 5294.

7. In the case of a school (other than a special school) which provides secondary education and where the pupil is aged 16 or over on 31st August preceding the date on which the request for information is made—

- (a) the number, if any, of GCSE subjects the pupil is studying;
- (b) the number, if any, of GCE ‘A’ level examination subjects (excluding the subject entitled “general studies”) the pupil is studying;
- (c) whether the pupil is studying a post advanced level course;
- (d) the level of any GNVQ or VCE for which the pupil is studying;
- (e) the level of any GNVQ precursor for which the pupil is studying;
- (f) the level of any NVQ for which the pupil is studying;
- (g) whether the pupil is studying any General Certificate of Education advanced supplementary examination subjects;
- (h) whether the pupil is studying for an International Baccalaureate Diploma; and
- (i) whether the pupil is studying a course other than any of the kind referred to above.

8. In the case of a special school that is not a special school established in a hospital whether the pupil boards at the school for seven or less nights per week.

9. In the case of a special school, including a special school established in a hospital—

- (a) whether the pupil is a registered pupil at one school or more than one school;
- (b) 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; and
- (c) where the pupil is under compulsory school age, whether he is part-time, and, for the purposes of this paragraph, “part-time” means that the pupil is attending fewer than ten school sessions in any week during which the school meets.

## PART II

### Excluded Pupils

1. In respect of each pupil permanently excluded from the school and whose permanent exclusion date was in the year ending on 31st August preceding the date on which the request for information is made the following information.

2. The pupil's—

- (a) gender;
- (b) date of birth;
- (c) surname;
- (d) first name or, if more than one, each first name;
- (e) ethnic group;
- (f) permanent exclusion date; and
- (g) unique pupil number.

3. Where the pupil has special educational needs at the time of his permanent exclusion from the school, the stage of the five stage scale referred to in “The Code of Practice on the Identification

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

and Assessment of Special Educational Needs” issued on 25th May 1994 under section 158 of the Education Act 1993<sup>(9)</sup> which applied to him at the time of his exclusion.

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## EXPLANATORY NOTE

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

These Regulations revoke and re-enact with modifications the Education (Information About Individual Pupils) (England) Regulations 2000.

Regulation 4 requires the governing body of any maintained school on receiving a written request from the local education authority by which the school is maintained to supply within fourteen days such of the information referred to in the Schedule as may be requested.

Regulation 5 additionally imposes requirements on certain non-maintained schools. The regulation requires the governing body of any non-maintained special school and the proprietor of any city technology college, city college for the technology of the arts or city academy on receiving a written request from the Secretary of State to supply such of the information referred to in the Schedule as may be requested.

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<sup>(9)</sup> 1993 c. 35.