



# Education Act 1996

## 1996 CHAPTER 56

### PART IX

#### ANCILLARY FUNCTIONS

#### CHAPTER IV

##### PROVISION OF INFORMATION BY GOVERNING BODIES ETC.

#### **537 Power of Secretary of State to require information from governing bodies etc.**

- <sup>F1</sup>[(1) The Secretary of State may by regulations make provision requiring—
- (a) the governing body of every school which is—
    - (i) maintained by a [<sup>F2</sup>local authority], or
    - (ii) a special school which is not maintained by such an authority, and
  - (b) the proprietor of every independent school,
- to provide such information about the school as may be prescribed.]
- (2) For the purposes of this section information about the continuing education of pupils leaving a school, or the employment or training taken up by such pupils on leaving, is to be treated as information about the school.
- (3) Where the Secretary of State exercises his power to make regulations under this section he shall do so with a view to making available information which is likely to—
- (a) assist parents in choosing schools for their children;
  - (b) increase public awareness of the quality of the education provided by the schools concerned and of the educational standards achieved in those schools;
- or
- (c) assist in assessing the degree of efficiency with which the financial resources of those schools are managed.
- (4) Information which is required by virtue of regulations under this section shall be provided—

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- (a) in such form and manner,
- (b) on such occasions, and
- (c) to such person or persons, in addition to or in place of the Secretary of State, as may be prescribed [<sup>F3</sup>]; and regulations under this section may provide that, in such circumstances as may be prescribed, the provision of information to a person other than the Secretary of State is to be treated, for the purposes of any provision of such regulations or this section, as compliance with any requirement of such regulations relating to the provision of information to the Secretary of State.]
- (5) No information provided in accordance with regulations under this section shall name any pupil to whom it relates.
- (6) The Secretary of State may—
- (a) publish information provided in accordance with regulations under this section in such form and manner as he considers appropriate;
- (b) make arrangements for such information to be published in such form and manner, and by such persons, as he may specify for the purposes of this section;
- (c) make regulations requiring [<sup>F4</sup>local authorities] to publish prescribed categories of such information, together with such supplementary information as may be prescribed, in such form and manner as may be prescribed.
- (7) The Secretary of State may make regulations requiring—
- (a) the governing body of any school which is maintained by a [<sup>F2</sup>local authority]<sup>F5</sup>. . . ,
- (b) the proprietor of any city technology college [<sup>F6</sup>, city college for the technology of the arts or [<sup>F7</sup>Academy]], or
- (c) any [<sup>F2</sup>local authority],
- to provide prescribed persons with prescribed categories of information published under subsection (6).
- (8) Information provided under subsection (7) shall be provided in such form and manner as may be prescribed.
- <sup>F8</sup>(9) . . . . .
- <sup>F8</sup>(10) . . . . .
- (11) Without prejudice to the generality of section 569(4), regulations under this section may make provision for the designation by the Secretary of State, in accordance with the regulations, of particular schools or classes of schools for the purposes of the application of particular provisions of the regulations in relation to such schools.
- (12) This section is not to be taken as restricting, or otherwise affecting, any other powers that the Secretary of State may have to make regulations with respect to, or otherwise to require, the provision of information by any person.
- (13) This section does not apply to nursery schools.

#### Textual Amendments

**F1** S. 537(1) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 152(a)** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

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- F2** 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))
- F3** Words in s. 537(4) added (14.6.1997) by 1997 c. 44, s. 57(1), **Sch. 7 para. 37**; S.I. 1997/1468, art. 2(1), **Sch. 1 Pt. I**
- F4** 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))
- F5** Words in s. 537(7)(a) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 152(b), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F6** Words in s. 537(7)(b) substituted (28.7.2000 for certain purposes, otherwise prosp.) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 60** (with s. 150)
- F7** Words in s. 537(7)(b) substituted (26.7.2002) by Education Act 2002 (c. 32), ss. 65(3), 216(2), **Sch. 7 para. 6(5)** (with ss. 210(8), 214(4)); S.I. 2002/2002, **art. 2**
- F8** S. 537(9)(10) repealed (1.9.2003 for E., 1.1.2004 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2003/2961, art. 6, Sch. Pt. III

#### [<sup>F9</sup>537A Provision of information about individual pupils.

- (1) Regulations may make provision requiring—
  - (a) the governing body of every school which is—
    - (i) maintained by a [<sup>F2</sup>local authority], or
    - (ii) a special school which is not maintained by such an authority, and
  - (b) the proprietor of every independent school,to provide to the relevant person such individual pupil information as may be prescribed.
- (2) In subsection (1) “the relevant person” means one or more of the following—
  - (a) the Secretary of State, and
  - (b) any prescribed person.
- (3) Where any person within paragraph (b) of subsection (2) receives information by virtue of subsection (1), the Secretary of State may require that person to provide any such information—
  - (a) to him, or
  - (b) to any prescribed person.
- (4) The Secretary of State may provide any individual pupil information—
  - (a) to any information collator,
  - (b) to any prescribed person, or
  - (c) to any person falling within a prescribed category.
- (5) Any information collator—
  - (a) may provide any individual pupil information—
    - (i) to the Secretary of State,
    - (ii) to any other information collator, or
    - (iii) to the governing body or proprietor of the school attended by the pupil or pupils to whom the information relates; and
  - (b) may, at such times as the Secretary of State may determine, provide such individual pupil information as may be prescribed—

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- (i) to any prescribed person, or
  - (ii) to any person falling within a prescribed category.
- (6) Any person holding any individual pupil information (other than the Secretary of State or an information collator) may provide that information to—
- (a) the Secretary of State,
  - (b) any information collator, or
  - (c) any prescribed person.
- (7) No information received under or by virtue of this section shall be published in any form which includes the name of the pupil or pupils to whom it relates.
- (8) Regulations under this section may provide that, in such circumstances as may be prescribed, the provision of information to a person other than the Secretary of State is to be treated, for the purposes of any provision of such regulations or this section, as compliance with any requirement imposed by or by virtue of any such provision and relating to the provision of information to the Secretary of State.
- (9) In this section—
- “individual pupil information” means information relating to and identifying individual pupils or former pupils at any school within subsection (1), whether obtained under subsection (1) or otherwise;
  - “information collator” means any body which, for the purposes of or in connection with the functions of the Secretary of State relating to education, is responsible for collating or checking information relating to pupils.]

#### Textual Amendments

- F2** 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\(4\)\(5\)](#))
- F9** S. 537A substituted (20.11.1998 with savings as mentioned in art. 5 of the [S.I. 1998/2791](#)) by [1998 c. 31, s. 140\(1\)](#), **Sch. 30 para.153** (with [ss. 138\(9\), 144\(6\)](#)); [S.I. 1998/2791](#), **arts.3, 5**

#### [<sup>F10</sup>537B] **Provision of information about children receiving funded education outside school**

- (1) Regulations may make provision requiring a person who provides funded education to provide to the relevant person such individual child information as may be prescribed.
- (2) In subsection (1), “the relevant person” means one or more of the following—
- (a) the Secretary of State, and
  - (b) any prescribed person.
- (3) Where any person within paragraph (b) of subsection (2) receives information by virtue of subsection (1), the Secretary of State may require that person to provide any such information—
- (a) to him, or
  - (b) to any prescribed person.
- (4) The Secretary of State may provide any individual child information—
- (a) to any information collator,

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- (b) to any prescribed person, or
  - (c) to any person falling within a prescribed category.
- (5) Any information collator—
- (a) may provide any individual child information—
    - (i) to the Secretary of State,
    - (ii) to any other information collator, or
    - (iii) to the person who provides the funded education for the child or children to whom the information relates, and
  - (b) may, at such times as the Secretary of State may determine, provide such individual child information as may be prescribed—
    - (i) to any prescribed person, or
    - (ii) to any person falling within a prescribed category.
- (6) Any person holding any individual child information (other than the Secretary of State or an information collator) may provide that information to—
- (a) the Secretary of State,
  - (b) any information collator, or
  - (c) any prescribed person.
- (7) No information received under or by virtue of this section shall be published in any form which includes the name of the child or children to whom it relates.
- (8) Regulations under this section may provide that, in such circumstances as may be prescribed, the provision of information to a person other than the Secretary of State is to be treated, for the purposes of any provision of such regulations or this section, as compliance with any requirement imposed by or by virtue of any such provision and relating to the provision of information to the Secretary of State.
- (9) In this section—
- “child” means a person under the age of 19;
  - “funded education” means education provided under arrangements made by a [F2]local authority] in pursuance of the duties imposed by section 19(1) and (4) (duty to make special arrangements for provision of education for children of compulsory school age and young persons who may otherwise not receive suitable education), other than such education provided at a school;
  - “individual child information” means information relating to and identifying individual children for whom funded education is being or has been provided, whether obtained under subsection (1) or otherwise;
  - “information collator” means any body which, for the purposes of or in connection with the functions of the Secretary of State relating to funded education, is responsible for collating or checking information relating to children for whom such education is provided.]

#### Textual Amendments

- F2** 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))
- F10** S. 537B inserted (28.3.2007 for E., 1.9.2009 for W.) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 164, 188(3)**; S.I. 2007/935, art. 2; S.I. 2009/1027, art. 3(b)

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**[<sup>F11</sup>537C] Disclosure of information by or to principal regulators of exempt charities**

- (1) Nothing in any provision made by or under section 537, 537A or 537B requires or authorises the provision of information—
  - (a) by the principal regulator of an exempt charity (within the meaning of section 13 of the Charities Act 2006), if the information was received by that principal regulator in its capacity as such; or
  - (b) to the principal regulator of an exempt charity in its capacity as such.
- (2) Nothing in subsection (1) prevents the disclosure of information under section 10A of the Charities Act 1993.]

**Textual Amendments**

**F11** S. 537C substituted (1.8.2011) by [The Charities Act 2006 \(Principal Regulators of Exempt Charities\) Regulations 2011 \(S.I. 2011/1726\)](#), regs. 1(2), **8**

**538 Provision of information to Secretary of State by governing bodies of maintained schools.**

The governing body or temporary governing body of [<sup>F12</sup>a community, foundation or voluntary school or a community or foundation special school] shall make such reports and returns, and give such information, to the Secretary of State as he may require for the purpose of the exercise of his functions in relation to education.

**Textual Amendments**

**F12** Words in s. 538 substituted (1.9.1999) by [1998 c. 31, s. 140\(1\)](#), [Sch. 30 para.154](#) (with ss. 138(9), 144(6)); [S.I. 1999/2323](#), art. 2(1), [Sch. 1](#).

**Modifications etc. (not altering text)**

**C1** S. 538 applied (with modifications) (E.) (1.2.2008) by [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(England\) Regulations 2007 \(S.I. 2007/2979\)](#), reg. 1(1), [Sch. 1 para. 7](#)

**[<sup>F13</sup>539] .....**

**Textual Amendments**

**F13** S. 539 repealed (1.11.1999) by [1998 c. 31, s. 140\(1\)\(3\)](#), [Sch. 30 para. 155](#), [Sch.31](#) (with ss. 138(9), 144(6) and subject to savings by [S.I. 1999/2323](#), [art. 21](#)); [S.I. 1999/2323](#), art. 2(2), [Sch. 2](#).

**540 Distribution of information about schools providing secondary education.**

- (1) Where the governing body of any school providing primary education receive a request which—
  - (a) is made by the governing body of any school providing secondary education, and

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- (b) relates to the distribution of information about the school providing secondary education to parents of pupils at the school providing primary education without charge to those parents,

the governing body of that school shall secure that the request is treated no less favourably (whether as to services provided or as to the terms on which they are provided) than any such request made by the governing body of any other school providing secondary education.

<sup>F14</sup>[(2) In this section “school” means—

- (a) any community, foundation or voluntary school, or  
(b) any community or foundation special school (which is not established in a hospital).]

#### Textual Amendments

**F14** S. 540(2) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para.156** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**

#### 541 Distribution of information about further education institutions.

(1) The Secretary of State may by regulations require—

- (a) the governing body of any school providing secondary education, and  
(b) the proprietor of any city technology college [<sup>F15</sup>, city college for the technology of the arts or [<sup>F16</sup>Academy]],

to provide such persons as may be prescribed with such categories of information falling within subsection (2) as may be prescribed.

(2) Information falls within this subsection if it is—

- (a) published under section 50 of the <sup>M1</sup>Further and Higher Education Act 1992 (information with respect to institutions within the further education sector), and  
(b) made available to governing bodies and proprietors for distribution.

(3) Information provided under subsection (1) shall be provided in such form and manner as may be prescribed.

<sup>F17</sup>[(4) In this section “school” means—

- (a) any community, foundation or voluntary school, or  
(b) any community or foundation special school (which is not established in a hospital).]

#### Textual Amendments

**F15** Words in s. 541(1)(b) substituted (28.7.2000 for certain purposes, otherwise prosp.) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 61** (with s. 150)

**F16** Words in s. 541(1)(b) substituted (26.7.2002) by Education Act 2002 (c. 32), ss. 65(3), 216(2), **Sch. 7 para. 6(6)** (with ss. 210(8), 214(4)); S.I. 2002/2002, **art. 2**

**F17** S. 541(4) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 157** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**.

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