



Education Act 1996

1996 CHAPTER 56

PART V

THE CURRICULUM

CHAPTER IV

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

Information

408 Provision of information.

- (1) Regulations may require, in relation to every maintained school, the local education authority, the governing body or the head teacher to make available either generally or to prescribed persons, in such form and manner and at such times as may be prescribed—
- (a) such information (including information as to the matters mentioned in subsection (2)) relevant for the purposes of any of the relevant provisions of this Part [^{F1}or Part V of the Education Act 1997]^{F2} or section 96 of the Learning and Skills Act 2000^{F3} or the relevant provisions of the Education Act 2002^{F4} or the provisions of Parts 7 and 8 of the Apprenticeships, Skills, Children and Learning Act 2009], and
 - ^{F5}(b) such copies of the documents mentioned in subsection (3), as may be prescribed.]
- (2) The matters referred to in subsection (1)(a) are—
- (a) the curriculum for maintained schools,
 - (b) the educational provision made by the school for pupils at the school and any syllabuses to be followed by those pupils,

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- (c) the educational achievements of pupils at the school (including the results of any assessments of those pupils, whether under this Part or otherwise, for the purpose of ascertaining those achievements), and
 - (d) the educational achievements of [^{F6}such classes or descriptions of pupils] as may be prescribed (including results of the kind mentioned in paragraph (c)). [^{F7}, and
 - ^{F7}(e) arrangements relating to [^{F8}relevant] qualifications (within the meaning given by section 96(5) of the Learning and Skills Act 2000) [^{F9}which are approved under section 98 or 99 of that Act] and to courses leading to such qualifications.]
- ^{F10}[(3) The documents referred to in subsection (1)(b) are—
- (a) any written statement made by the local education authority under section 370,
 - (b) any written statement made by the governing body in pursuance of provision made under section 371,
 - (c) any written statement made by the governing body of their policy as to the curriculum for the school, and
 - (d) any report prepared by the governing body under section 161 or paragraph 7 of Schedule 23 (governors' annual reports).]
- (4) For the purposes of subsection (1) the relevant provisions of this Part are—
- (a) ^{F11}.....
 - ^{F12}[(b) sections 375(3) and 384;]
 - [(c) sections 385 and 388 and, so far as relating to county schools, sections 386 and 387;]
 - (d) sections [^{F13}390] to 392;
 - (e) sections 394 to 396;
 - (f) sections 398 ^{F14}. . . and 405; and
 - (g) [^{F15}section 409.]
- ^{F16}(4A) For the purposes of subsection (1) the relevant provisions of the Education Act 2002 are—
- (a) Part 6 (the curriculum in England), and
 - (b) sections 97 to 117 (the curriculum in Wales).]
- (5) Before making any regulations under this section, the Secretary of State shall consult any persons with whom consultation appears to him to be desirable.
- (6) Regulations under this section shall not require information as to the results of an individual pupil's assessment (whether under [^{F17}Part 6 or 7 of the Education Act 2002] or otherwise) to be made available to any persons other than—
- (a) the parents of the pupil concerned,
 - (b) the pupil concerned,
 - (c) in the case of a pupil who has transferred to a different school, the head teacher of that school,
 - (d) the governing body of the school, or
 - (e) the local education authority;
- and shall not require such information to be made available to the governing body, the head teacher or the local education authority except where relevant for the purposes of the performance of any of their functions.

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- (7) Regulations under this section may authorise local education authorities, governing bodies and head teachers to make a charge (not exceeding the cost of supply) for any documents supplied by them in pursuance of the regulations.
- (8) In relation to any maintained school, the local education authority and the governing body shall exercise their functions with a view to securing that the head teacher complies with any regulations made under this section.

[^{F18}(9) In this section “maintained school” includes a maintained nursery school.]

Textual Amendments

- F1** Words in s. 408(1)(a) inserted (1.10.1997) by 1997 c. 44, s. 57(1), **Sch. 7 para. 30(a)**; S.I. 1997/1468, art. 2, **Sch. 1 Pt. III**
- F2** Words in s. 408(1)(a) inserted (28.7.2000 for certain purposes otherwise 1.9.2001) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 57(2)** (with s.150); S.I. 2001/654, art. 2(3), **Sch. Pt. III** (with art. 3); S.I. 2001/1274, art. 2(2), **Sch. Pt. II**
- F3** Words in s. 408(1)(a) inserted (1.10.2002 for E., 19.12.2002 for W.) by Education Act 2002 (c. 32), ss. 215(1), 216(4), **Sch. 21 para. 46(2)** (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2002/3185, art. 4; Sch. Pt. I
- F4** Words in s. 408(1)(a) inserted (1.4.2010 for E., 1.11.2010 for W.) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 12 para. 11(2)**; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2(a) (with arts. 3-5)
- F5** S. 408(1)(b) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 106(a), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F6** Words in s. 408(2)(d) substituted (1.10.1998) by 1998 c. 31, s. 140(1), **Sch. 30 para. 106(b)** (with ss. 138(9), 144(6)); S.I. 1998/2212, art. 2, **Sch. 1 Pt. I**
- F7** S. 408(2)(e) and preceding “, and” inserted (28.7.2000 for certain purposes, otherwise 1.9.2001) by 2000 c. 21, ss. 149, 154, **Sch. 9 para. 57(3)** (with 150); S.I. 2001/654, art. 2(3), **Sch. Pt. III** (with art. 3); S.I. 2001/1274, art. 2(2), **Sch. Pt. II**
- F8** Word in s. 408(2)(e) substituted (1.4.2010 for E., 1.11.2010 for W.) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 12 para. 11(3)(a)**; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2(a) (with arts. 3-5)
- F9** Words in s. 408(2)(e) inserted (1.4.2010 for E., 1.11.2010 for W.) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), s. 269(4), **Sch. 12 para. 11(3)(b)**; S.I. 2010/1151, art. 2, Sch. 1; S.I. 2010/2413, art. 2(a) (with arts. 3-5)
- F10** S. 408(3) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 106(c), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F11** S. 408(4)(a) repealed (1.10.2002 for E., 19.12.2002 for W.) by Education Act 2002 (c. 32), ss. 215, 216(4), **Sch. 21 para. 46(3)**, **Sch. 22 Pt. 3** (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2002/3185, art. 4, Sch. Pt. I
- F12** S. 408(4)(b)(c) repealed (1.9.1999) by 1998 c. 31, s. 140(1)(3), Sch. 30 para. 106(d)(i), **Sch. 31** (with ss. 138(9), 144(6)); S.I. 1999/2323, art. 2(1), **Sch. 1**
- F13** Word in s. 408(4)(d) substituted (1.9.1999) by 1998 c. 31, s. 140(1), **Sch. 30 para. 106(d)(ii)** (with ss. 138(9), 144(6))
- F14** Words in s. 408(4)(f) repealed (1.9.2001) by 1997 c. 44, ss. 57(1)(4), Sch. 7 para. 30(b), **Sch. 8**; S.I. 2001/1215, art. 2
- F15** S. 408(4)(g) repealed (19.4.2010 for specified purposes, 1.9.2010 for specified purposes) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), ss. 223(1)(a), 269(4), **Sch. 16 Pt. 7**; S.I. 2010/303, art. 5, Sch. 4; S.I. 2010/1151, art. 4, Sch. 2
- F16** S. 408(4A) inserted (1.10.2002 for E. for certain purposes, 19.12.2002 for W. and otherwise prosp.) by Education Act 2002 (c. 32), ss. 215, 216(4), **Sch. 21 para. 46(4)** (with ss. 210(8), 214(4)); S.I. 2002/2439, art. 3; S.I. 2002/3185, art. 4, Sch. Pt. I

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- F17** Words in s. 408(6) substituted (1.10.2002 for E. for certain purposes, 19.12.2002 for W. and otherwise prosp.) by Education Act 2002 (c. 32), ss. 215, 216(4), **Sch. 21 para. 46(5)** (with ss. 210(8), 214(4)); S.I. 2002/2439, **art. 3**; S.I. 2002/3185, **art. 4**, Sch. Pt. I
- F18** S. 408(9) inserted (1.9.2003 for E., 1.8.2008 for W.) by Education Act 2002 (c. 32), s. 216(4), **Sch. 21 para. 46(6)** (with ss. 210(8), 214(4)); S.I. 2003/1667, art. 4; S.I. 2008/1728, art. 3, Sch. Pt. 2

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