



Education Act 2005

2005 CHAPTER 18

PART 4

MISCELLANEOUS

Information

114 Supply of information about school workforce

- (1) Regulations may authorise or require—
 - (a) the proprietor of a school,
 - [^{F1}(b) a local authority,]
 - (c) any prescribed person,to supply to the relevant person (as defined by subsection (2)) prescribed information relating to persons who are or have been qualifying workers or qualifying trainees, for use by the relevant person for a qualifying purpose.
- (2) In subsection (1) “the relevant person” means one or more of the following—
 - (a) the Secretary of State,
 - (b) the Assembly, or
 - (c) any prescribed person.
- (3) Regulations may authorise the Secretary of State or the Assembly to supply to the other or to any prescribed person, for use for a qualifying purpose, prescribed information relating to persons who are or have been qualifying workers or qualifying trainees.
- (4) A person may not be prescribed for the purposes of subsection (1)(c), (2)(c) or (3) unless—
 - (a) in the case of subsection (1)(c) or (2)(c), he appears to the person making the regulations to be exercising functions of a public nature, or
 - (b) in the case of subsection (3), he appears to the person making the regulations to be exercising such functions or carrying out research which relates to education or training and may be expected to be of public benefit.

Status: Point in time view as at 20/02/2014.

Changes to legislation: There are currently no known outstanding effects for the Education Act 2005, Section 114. (See end of Document for details)

- (5) For the purposes of this section, information is supplied to a person for use for a qualifying purpose if it is supplied to him for use for—
- (a) evaluation, planning, research or statistical purposes, or
 - (b) any other prescribed purpose.
- (6) Regulations may authorise a person falling within subsection (7) to supply to any prescribed person (“the recipient”) any information relating to persons who are or have been qualifying workers or qualifying trainees which—
- (a) has been lawfully held by the recipient, or
 - (b) is information which another person was, or could have been, required (whether by virtue of regulations under this section or otherwise) to supply to the recipient.
- (7) The following persons fall within this subsection—
- (a) the Secretary of State,
 - (b) the Assembly, and
 - (c) any prescribed person.
- (8) Regulations may—
- (a) prohibit any person to whom information is supplied by virtue of this section from further disclosing the information otherwise than in prescribed circumstances, ^{F2}...
 - (b) [^{F3}in relation to England,] provide that section 497 of the Education Act 1996 (c. 56) (default powers of Secretary of State or Assembly) is, in relation to the duties imposed by virtue of this section, to have effect as if—
 - ^{F4}(i)
 - (ii) any reference to a body to which that section applies included a reference to a prescribed person; [^{F5}and
 - (c) in relation to Wales, provide that Chapter 2 of Part 2 of the School Standards and Organisation (Wales) Act 2013 (intervention in local authorities) is to have effect as if—
 - (i) references to a local authority included a reference to a prescribed person,
 - (ii) duties imposed by virtue of this section were education functions,
 - (iii) the only relevant ground for intervention were ground 1 in section 21, and
 - (iv) sections 24 to 27 did not apply.]
- (9) This section does not limit the circumstances in which information is authorised or required to be supplied apart from this section.
- (10) In this section—
- “prescribed” means prescribed by regulations;
- “regulations” means—
- (a) in relation to England, regulations made by the Secretary of State, and
 - (b) in relation to Wales, regulations made by the Assembly.

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Textual Amendments

- F1** S. 114(1)(b) substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010](#) (S.I. 2010/1158), art. 1, **Sch. 2 para. 13(6)(a)**
- F2** Word in s. 114(8)(a) omitted (20.2.2014) by virtue of [School Standards and Organisation \(Wales\) Act 2013](#) (anaw 1), s. 100(4), **Sch. 5 para. 8(3)(a)**; S.I. 2014/178, art. 2(f) (with art. 3)
- F3** Words in s. 114(8)(b) inserted (20.2.2014) by [School Standards and Organisation \(Wales\) Act 2013](#) (anaw 1), s. 100(4), **Sch. 5 para. 8(3)(b)**; S.I. 2014/178, art. 2(f) (with art. 3)
- F4** S. 114(8)(b)(i) repealed (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010](#) (S.I. 2010/1158), art. 1, Sch. 2 para. 13(6)(b), **3 Pt. 1**
- F5** S. 114(8)(c) and word inserted (20.2.2014) by [School Standards and Organisation \(Wales\) Act 2013](#) (anaw 1), s. 100(4), **Sch. 5 para. 8(3)(c)**; S.I. 2014/178, art. 2(f) (with art. 3)

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Changes to legislation:

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