

**EXPLANATORY MEMORANDUM TO**  
**THE EDUCATION (INFORMATION ABOUT INDIVIDUAL PUPILS) (ENGLAND)**  
**(AMENDMENT) REGULATIONS 2008**

**2008 No. 3072**

1. This explanatory memorandum has been prepared by the Department for Children, Schools and Families (DCSF) and is laid before Parliament by Command of Her Majesty.

**2. Purpose of the instrument**

This instrument prescribes an additional item of individual pupil information to be collected from schools in the School Census from 2009.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None

**4. Legislative Context**

4.1 This instrument amends the Education (Information about Individual Pupils) (England) Regulations 2006 (S.I. 2006/2601, “the 2006 Regulations”) as amended by the Education (Information about Individual Pupils) (England) (Amendment) Regulations 2007 (S.I. 2007/3373, “the 2007 Regulations”) and prescribes an additional item of pupil information that schools must provide in the School Census for pupils from 2009.

4.2 In addition to the items specified in the 2006 and 2007 Regulations, the purpose of this instrument is to require schools, where they hold it, to provide in the School Census the Unique Learner Number (ULN). The ULN is a unique number allocated by the Learner Registration Service (LRS) to all pupils aged 13 to allow them to undertake diploma courses when they are 14 or over. The Learning and Skills Council for England is responsible for the development and operation of the LRS.

4.3 The provision by schools of individual pupil information is a statutory requirement under the 2006 and 2007 Regulations, which are made under section 537A of the Education Act 1996. Information collected under section 537A is generally passed by schools to local authorities and then to the Secretary of State, and in some cases directly to the Secretary of State.

**5. Territorial Extent and Application**

This instrument applies to England.

**6. European Convention on Human Rights**

As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

- 7.1 The reason for the introduction of ULNs is that a unique identifier is required for each learner for the administration of new 14-19 diploma qualifications. Existing identification numbers used for pupils are either not unique to every pupil or they are constrained by their enabling legislation to use for a particular purpose.
- 7.2 The intention is that ULNs will be made available in due course for all learners and will remain with learners throughout their lives.
- 7.3 By collecting the ULN as part of the School Census it allows the DCSF to check there are no errors or duplications in the use of ULNs and to analyse the take up of diploma courses,
- 7.4 The School Census is the DCSF's largest and most complex data collection exercise. Nursery, Primary, Primary Deemed Middle, Middle, Middle Deemed Secondary, Secondary including City Technology Colleges (CTCs); Academies; and Special; and Non Maintained Special Schools (NMSS) schools are required to submit an electronic return, including a named pupil record. Service Children's Education (Secondary) schools will provide returns on a voluntary basis.
- 7.5 Depending on the number of changes made, the DCSF generally consolidates statutory instruments every three to four years. This instrument amends the 2006 Regulations, which were amended in 2007. The DCSF anticipates no significant additions to the School Census next year so a decision about consolidating the 2006 Regulations will be made as appropriate.

## **8. Consultation outcome**

No formal consultation process has taken place in relation to the collection of ULNs as part of the School Census. Informal consultation has taken place through the DCSF's 'Star Chamber'. The Star Chamber was set up around 2000 to review existing and proposed data collection exercises originating from what is now DCSF. The Star Chamber is made up of representatives of schools and local authorities, alongside senior managers from DCSF. The Star Chamber concluded that it was appropriate for ULNs to be collected via the School Census and that the collection of the ULN via the School Census placed only a minimal burden on those required to collect it.

## **9. Guidance**

In order to ensure that both schools and local authorities are aware of the amendments being made to the data collected in the School Census, the DCSF uses a number of different approaches.

- a. preparation and guidance notes are issued (running to around 80 pages) tailored to the phase of school (e.g. nursery, primary etc.) with background about what is being collected, why it is being collected and information about any particular points they should be aware of.
- b. Frequently Asked Questions are provided in the weeks leading up to and during each School Census.

- c. In the Autumn prior to the start of the census year, workshops are run throughout the country for the Local Authorities, and the schools (such as Academies) that issue returns direct to the DCSF.
- d. all documentation is made available on the DCSF's TeacherNet website

## **10. Impact**

- 10.1 This instrument has no impact on business, charities or voluntary bodies.
- 10.2 This instrument has a minimal impact on the public sector.
- 10.3 A Regulatory Impact Assessment has not been prepared for this instrument.

## **11. Regulating small business**

The legislation does not apply to small businesses.

## **12. Monitoring and review**

The outcome of this instrument will be subject to an internal review after 12 months and the legislation may be amended accordingly.

## **13. Contact**

Julia High at the Department for Children, Schools and Families, Tel.: 020 7925 5156 or e-mail: [Julia.high@dcsgsi.gov.uk](mailto:Julia.high@dcsgsi.gov.uk) can answer any queries regarding the instrument.