
STATUTORY INSTRUMENTS

2013 No. 2094

The Education (Information About Individual Pupils) (England) Regulations 2013

1.—(1) These Regulations may be cited as the Education (Information About Individual Pupils) (England) Regulations 2013 and come into force on 1st January 2014.

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

Interpretation

2. In these Regulations—

“the 1989 Act” means the Children Act 1989(1);

“the 1996 Act” means the Education Act 1996;

“the 2006 Regulations” means the Education (Pupil Registration) (England) Regulations 2006(2)

“adoption order” has the meaning given by section 46(1) of the Adoption and Children Act 2002(3);

“alternative provision Academy” has the meaning given by section 1C of the Academies Act 2010(4)

“budget share” means a budget share allocated in accordance with section 45(1) of the School Standards and Framework Act 1998(5)

“commissioning local authority” means the local authority with responsibility for arranging the education provision being commissioned for the pupil;

“exclusion start date” means the date set by the head teacher for the exclusion to take effect;

“learning aim” means a course of study leading to a qualification to which Part 7 of the Apprenticeships, Skills, Children and Learning Act 2009(6) applies which is awarded or authenticated by a body which is recognised by the Office of Qualifications and Examinations Regulation under section 132 of that Act in respect of the qualification and which has been allocated a qualification number;

“level 3” means level 3 as determined by the Office of Qualifications and Examinations Regulation;

“looked-after child” means a person who, for the purposes of section 22(1) of the 1989 Act(7), is a child looked after by a local authority, and references to the local authority looking after the child are to be read accordingly;

(1) 1989 c. 41.

(2) S.I. 2006/1751, amended by S.I. 2010/1725, SI 2011/1625 and SI 2013/756.

(3) 2002 c. 38.

(4) 2010 c. 32. Section 1C was inserted by the Education Act 2011 (c. 21), section 53(7).

(5) 1998 c. 31. Section 45(1) was amended by S.I. 2010/1158, Schedule 2, paragraph 10(3) and the Education Act 2005 (c. 18), Schedule 16, paragraph 2.

(6) 2009 c. 22.

(7) Section 22(1) was amended by the Local Government Act 2000 (c. 22), Schedule 5, paragraph 19, the Children (Leaving Care) Act 2000 (c. 35), section 2(2) and the Adoption and Children Act 2002 (c. 38), section 116(2).

“non-maintained special school” means a special school which is not maintained by a local authority and which is approved for the time being by the Secretary of State under section 342 of the 1996 Act(8);

“part-time” in relation to the attendance of a pupil means that the pupil attends fewer than ten school sessions in any week during which the school meets;

“permanently excluded” in relation to a pupil means permanently excluded on disciplinary grounds from the school to which a request is made under regulation 3 or 5;

“qualification number” means the number assigned to a pupil’s learning aim by the Office of Qualifications and Examinations Regulation;

“register” means the register of pupils kept under section 434 of the 1996 Act(9) and refers to the admission register or attendance register kept in accordance with the 2006 Regulations as the case may require;

“residence order” has the meaning given by section 8(1) of the 1989 Act;

“special educational needs provision type” means the type of special educational needs provision forming part of the graduated approach adopted pursuant to “The Special Educational Needs Code of Practice”(10) issued on 3rd December 2001 under section 313 of the 1996 Act(11);

“special school” has the meaning given by section 337 of the 1996 Act(12);

“special guardianship order” has the meaning given by section 14A(1) of the 1989 Act(13);

“top up funding” means funding paid to—

- (i) a maintained school by the commissioning local authority, in addition to the school’s budget share;
- (ii) a pupil referral unit by the commissioning local authority, or by the governing body of the school that commissions the education provision, in addition to the unit’s budget share;
- (iii) an Academy by the commissioning local authority, in addition to the general annual grant paid to the Academy by the Secretary of State;
- (iv) an alternative provision Academy by the commissioning local authority, or by the governing body or proprietor of the school that commissions the education provision, in addition to the general annual grant paid to the Academy by the Secretary of State;
- (v) a non-maintained special school by the commissioning local authority, in addition to the amount allocated to the school by the Secretary of State,

in order to meet the educational needs of a pupil.

“unauthorised absence” means an occasion on which a pupil is recorded as absent without authority pursuant to the 2006 Regulations, and “authorised absence” shall be construed accordingly;

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- (8) Section 342 was inserted by the School Standards and Framework Act 1998 (c. 31), section 140(1), Schedule 30, paragraph 82 and section 342(1) was amended by the Education and Skills Act 2008 (c. 25), section 142(2), (3)(a). There are other amendments to that provision but none are relevant to these Regulations.
 - (9) Section 434 was amended by the School Standards and Framework Act 1998 (c. 31), Schedule 30, paragraph 111(a), Schedule 31, paragraph 1 and S.I.2010/1158, Schedule 2, paragraph 7(3).
 - (10) ISBN 1 84185 5294.
 - (11) Section 313(1) was amended by S.I.2010/1158, Schedule 2, paragraph 7(3), the School Standards and Framework Act 1998 (c. 31), Schedule 30, paragraph 72 and the Education Act 2002 (c. 32), Schedule 21, paragraph 36. There are other amendments to that provision but none are relevant to these Regulations.
 - (12) Section 337 was substituted by the Education and Skills Act 2008 (2008 c.25) section 142(1) and amended by S.I.2010/1158, Schedule 2, paragraph 7(2), the Academies Act 2010 (c. 32), Schedule 2, paragraph 2 and the Education Act 2011 (c. 21), Schedule 13, paragraph 9(6).
 - (13) Section 14A was inserted by the Adoption and Children Act 2002 (c. 38), section 115(1).

“unique learner number”, in relation to a registered pupil at a school, means the specific combination of numbers allocated to the pupil by the Chief Executive of Skills Funding for England(14) as that pupil’s unique learner number; and

“unique pupil number” means a combination of numbers which together with a letter or letters are allocated to a pupil and are particular to that pupil, by use of a formula determined by the Department for Education.

Provision of information by schools maintained by local authorities to their local authorities or to the Secretary of State

3.—(1) For the purposes of section 537A(2)(b) of the 1996 Act, the local authority by which a school is maintained is prescribed as a relevant person.

(2) Within fourteen days of receiving a request from the local authority by which a school is maintained, or from the Secretary of State, the governing body of that school shall provide to the authority or, where so requested, to the Secretary of State, such of the information referred to in Schedule 1, and (where the request stipulates) in respect of such categories of pupils, or former pupils, as is so requested.

Provision of information relating to pupil referral units by local authorities to the Secretary of State

4. Within fourteen days of receiving a request from the Secretary of State, a local authority shall provide to the Secretary of State such of the information referred to in Schedule 1 relating to each pupil referral unit maintained by the authority and (where the request stipulates) in respect of such categories of pupils, or former pupils, as is so requested.

Provision of information by non-maintained special schools and Academies to the Secretary of State

5. Within fourteen days of receiving a request from the Secretary of State, the proprietor of a non-maintained special school or an Academy(15) shall provide to the Secretary of State such of the information referred to in Schedule 1 and (where the request stipulates) in respect of such categories of pupils, or former pupils, as is so requested.

Revocations

6. The Regulations specified in Schedule 2 are revoked.

22nd August 2013

Elizabeth Truss
Parliamentary Under Secretary of State
Department for Education

(14) The role of the Chief Executive of Skills Funding was created by section 81 of the Apprenticeships, Skills, Children and Learning Act 2009 (c. 22).

(15) By virtue of the Academies Act 2010 (c. 32), section 15(4), references to an Academy are to be read as including references to a city technology college and a city college for the technology of the arts.