

2016 No. 555

EDUCATION, ENGLAND

**The Information as to Provision of Education (England)
Regulations 2016**

<i>Made</i> - - - -	<i>3rd May 2016</i>
<i>Laid before Parliament</i>	<i>6th May 2016</i>
<i>Coming into force</i> - -	<i>31st May 2016</i>

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 29(3) and 569(4) of the Education Act 1996(a).

Citation, commencement and application

1.—(1) These Regulations may be cited as the Information as to Provision of Education (England) Regulations 2016 and come into force on 31st May 2016.

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

Interpretation

2. In these Regulations, “school year” means the period of 12 months commencing on 1st September unless the school has a term beginning in August, in which case it means the period of 12 months beginning on 1st August.

Information to be provided to the Secretary of State by local authorities

3. A local authority must provide the Secretary of State each year with the information specified in Schedule 1 in the period beginning on 1st June and ending on 10th August.

Reports to be provided to the Secretary of State by local authorities

4.—(1) A local authority must provide the Secretary of State each year with a report containing the information specified in Schedule 2 in relation to the admission to—

- (a) primary schools; and
- (b) secondary schools,

of pupils living in the area of the local authority.

(2) The information in each report provided under paragraph (1) must be correct as at the national offer date for primary schools and secondary schools as the case may be.

(a) 1996 c.56. Section 29(3) was amended by paragraph 67 of Schedule 30, and Schedule 31, to the School Standards and Framework Act 1998 (c.31) and S.I.2010/1158. Section 569(4) was amended by section 8(5) of the Education (Wales) Measure 2009 (c.05). See section 579(1) for the meanings of “prescribed” and “regulations”.

(3) Each report provided under paragraph (1) must be provided no later than five working days after the relevant national offer date.

(4) A local authority may provide the Secretary of State each year with a report containing the information specified in Schedule 2 in relation to the admission to secondary schools of pupils living in the area of the local authority.

(5) The information in any report provided under paragraph (4) must be correct as at 1st September (or, in any year in which 1st September is not a working day, the next working day) in relation to the school year commencing in the August or September of that calendar year.

(6) Each report provided under paragraph (4) must be provided by no later than 8th September (or, in any year in which 8th September is not a working day, by no later than the next working day).

(7) In this regulation—

“national offer date” means the date prescribed for the purposes of section 88M(4)(b) of the School Standards and Framework Act 1998 (a);

“working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971 (b).

(8) For the purposes of this regulation and Schedule 2, “school” means a community, foundation or voluntary school, or an Academy.

Determination of capacity of a school

5. The capacity of a school is to be determined in accordance with the method of assessment provided in the guidance, “Assessing the Net Capacity of Schools”, issued by the Department for Education and Skills in August 2002 (c).

Revocations

6. The Regulations set out in Schedule 3 are revoked.

3rd May 2016

John Nash
Parliamentary Under Secretary of State
Department for Education

(a) Section 88M was inserted by section 151(4) of the Education and Skills Act 2008 (c.25) and amended by S.I.2010/1158. The date is prescribed in the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 (S.I.2012/8).

(b) 1971 c.80.

(c) Assessing the Net Capacity of Schools, DFES/0739/2001 REV, is available from <http://webarchive.nationalarchives.gov.uk/20130903115029/http://media.education.gov.uk/assets/files/pdf/s/assessing%20the%20net%20capacity%20of%20schools.pdf>. Hard copies may be obtained from the Department for Education, Sanctuary Buildings, Great Smith Street, London SW1P 3BT.

SCHEDULE 1

Regulation 3

INFORMATION TO BE PROVIDED TO THE SECRETARY OF STATE EACH YEAR BY LOCAL AUTHORITIES

1.—(1) The total number of registered pupils on the third Thursday in May in the collection year in all schools located in the area of the local authority—

- (a) which are primary schools;
- (b) which are secondary schools; and
- (c) within each pupil planning area (if any),

to which sub-paragraph (3) applies.

(2) The number of registered pupils on the third Thursday in May in the collection year in each—

- (a) Academy located in the area of the local authority; and
- (b) community, foundation and voluntary school maintained by the local authority,

to which sub-paragraph (3) applies.

(3) This sub-paragraph applies to an Academy or a school which first opened after the third Thursday in January before the beginning of the collection year.

2.—(1) Forecasts of the number of registered pupils in respect of each school year for whom primary education will be provided for the period of five years beginning at the start of the school year which begins in the collection year.

(2) Forecasts of the number of registered pupils in respect of each school year for whom secondary education will be provided for the period of seven years beginning at the start of the school year which begins in the collection year.

(3) Forecasts of the number of registered pupils in respect of each school year in each—

- (a) Academy located in the area of the local authority;
- (b) community, foundation and voluntary school maintained by the local authority in each school year,

for the relevant period specified in sub-paragraph (1) or, as the case may be, (2).

(4) The information in sub-paragraphs (1) to (3) must be provided in relation to—

- (a) the area of the local authority; and
- (b) each pupil planning area (if any).

3. A statement accompanying the forecasts referred to in paragraph 2—

- (a) explaining the basis upon which the forecasts are made; and
- (b) identifying any areas within the area of the local authority where the rate of growth or decline, as the case may be, in the number of such pupils is expected to be significantly different from the general rate of growth or, as the case may be decline, in the area as a whole.

4.—(1) The total capacity at the beginning of the collection year of all schools located in the area of the local authority—

- (a) which are primary schools;
- (b) which are secondary schools; and
- (c) within each pupil planning area (if any).

(2) The capacity of each age group or groups to which pupils are normally admitted to each school referred to in sub-paragraph (1).

(3) The total capacity at the beginning of the collection year of all—

- (a) Academies located in the area of the local authority; and
- (b) community, foundation and voluntary schools maintained by the local authority.

(4) The capacity of each age group or groups to which pupils are normally admitted to each school referred to in sub-paragraph (3).

5. In respect of any primary or secondary school located in the area of the local authority which has, since 1st September prior to the beginning of the collection year—

- (a) first opened; or
- (b) increased the number of its places by at least 30 in each age group,

the number of places in use at the school as at the beginning of the collection year.

6. Any increase in the total capacity of each primary and secondary school located in the area of the local authority in each of the five years prior to the beginning of the collection year.

7. In respect of any increase in total capacity in the periods referred to in paragraph 6—

- (a) each age group to which places were added;
- (b) the number of places added to any age group to which places were added;
- (c) whether the additional places referred to in sub-paragraph (b) were—
 - (i) to be permanent additional places; or
 - (ii) added to each age group only in the year in respect of which the information was provided;
- (d) how the added places were accommodated;
- (e) the total cost of the accommodation provided;
- (f) the unit cost per place added;
- (g) the sources of funding used to pay for the accommodation provided; and
- (h) the amount of funding from each such source.

8. Where the information given in relation to paragraph 7(d) indicates that building works have been or will be undertaken in order to accommodate the added places—

- (a) the planning area code for the building works;
- (b) the date on which the building works began;
- (c) the internal floor area in square metres covered by the completed building works; and
- (d) the cost of each of the following—
 - (i) works necessary to render the site suitable for the building works to take place;
 - (ii) external works;
 - (iii) construction works;
 - (iv) site acquisition;
 - (v) works relating to the provision of additional and existing mainstream places; and
 - (vi) works relating to the provision of additional and existing special educational needs places.

9. Any planned increase in capacity of each primary and secondary school located in the area of the local authority in each of the three periods of 12 months following the end of the collection year.

10.—(1) A statement about the matters specified in sub-paragraph (2) in relation to—

- (a) all Academies located in the area of the local authority;

- (b) all community, foundation or voluntary schools maintained by the local authority; or
- (c) all schools—
 - (i) in any pupil planning area; or
 - (ii) where pupil planning areas are not used by the local authority, in any area within the area of the local authority.

(2) Those matters are—

- (a) the level of any expected future shortfall of places; and
- (b) any other expected changes in capacity.

11. When a local authority provides information in relation to pupil planning areas in accordance with this Schedule, it must inform the Secretary the State of any changes made to any pupil planning area within the local authority's area from the previous year.

12. In this Schedule—

“collection year” means the period of 12 months beginning on 1st May;

“pupil planning area” means an area within the area of a local authority which is used by that authority for the purposes of assessing current and future pupil demand for school provision.

SCHEDULE 2

Regulation 4

INFORMATION TO BE CONTAINED IN REPORTS PROVIDED BY LOCAL AUTHORITIES TO THE SECRETARY OF STATE

1. The local authority number for the local authority.

2. The name of the local authority.

3. The date of the report.

4. The sum of the admission numbers (which has the meaning given in section 88D(1) of the School Standards and Framework Act 1988 (a)) of all primary schools and secondary schools in the area of the local authority.

5. For each child living in the area of the local authority in respect of whom an application or an offer is made, the following information—

- (a) surname;
- (b) first name;
- (c) middle name (if any);
- (d) unique pupil number (if any);
- (e) date of birth;
- (f) gender;
- (g) home address; and
- (h) the entry year applied for.

6. In respect of any application made by a home applicant, whether such an application was received via the local authority's website.

7. In respect of every preference for a school expressed in the application of a home applicant, the following information—

- (a) its rank in relation to any other preference expressed in the application;

(a) Section 88D was inserted by section 151(4) of the Education and Skills Act 2008.

- (b) the local authority number for the local authority in whose area the school is located;
- (c) the departmental establishment number for that school.

8. In respect of any offer made in respect of a child living in the area of the local authority, the following information—

- (a) whether an application was made;
- (b) whether the offer corresponds with any preference expressed in the application of the home applicant;
- (c) the local authority number for the local authority in whose area the school is located;
- (d) the departmental establishment number for the school for which the offer is made.

9. In this Schedule—

“application” means a preference expressed by a parent in accordance with section 86(1) of the School Standards and Framework Act 1998 **(a)**, or by a parent or a child in accordance with section 86A(1)(c) or (d) of that Act **(b)**;

“departmental establishment number” means the identification number allocated to the school by the Department for Education;

“home applicant” means the parent of a child living in the area of the authority; and

“local authority number” means the identification number allocated to the authority by the Department for Education;

“offer” means an offer communicated by a local authority to admit a child in its area to a school **(c)**.

SCHEDULE 3 REVOCATIONS

Regulation 6

<i>Regulations revoked</i>	<i>References</i>
The Information as to Provision of Education (England) Regulations 2008	S.I.2008/4
The Information as to Provision of Education (England) (Amendment) Regulations 2011	S.I.2011/1438
The Information as to Provision of Education (England) (Amendment) Regulations 2012	S.I.2012/1554
The Information as to Provision of Education (England) (Amendment) Regulations 2013	S.I.2013/1255
The Information as to Provision of Education (England) (Amendment) (No.2) Regulations 2013	S.I.2013/2149

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which apply to local authorities in England, prescribe the information that local authorities must provide to the Secretary of State in each year relating to the provision of primary and secondary education in their area.

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- (a) Section 86(1) was amended by S.I.2010/1158.
 - (b) Section 86A was inserted by section 150 of the Education and Skills Act 2008.
 - (c) By virtue of the School Admissions (Co-ordination of Admission Arrangements) (England) Regulations 2007 (S.I.2007/194), every offer to admit a child in their area to a school in their area must be communicated to the child’s parents by the authority (such offer being communicated on behalf of the governing body of the school which is its own admission authority). Also by virtue of those Regulations, an offer to admit a child in their area to a secondary school in the area of another authority may be communicated by the authority.

Regulation 3 and Schedule 1 set out the information which local authorities must provide to the Secretary of State each year about the number of registered pupils and the capacity of schools in their area.

Regulation 4 and Schedule 2 set out the content of reports which local authorities, in a particular case must, and in another case may, send to the Secretary of State each year about the admission of pupils living in their areas to primary and secondary schools.

Regulation 6 and Schedule 3 revoke the Information as to Provision of Education (England) Regulations 2008 and amending regulations.

The main differences between these Regulations and the regulations being revoked are as follows—

-the previous requirement placed on local authorities which are county councils to provide a forecast of numbers of registered pupils for whom primary and secondary information will be provided over the next five or seven years is removed;

-the requirement placed on local authorities to submit information on the number of registered pupils in each school on the third Thursday in May in each year is to apply only where the school first opened after the third Thursday in January before the beginning of the collection year;

-a new requirement is placed on local authorities to give information about increases in capacity in schools in their area which are filling up by age group over a number of years;

-a new requirement is placed on local authorities to give more information about building works necessary to accommodate increases in capacity at schools in their area.

An Impact Assessment has not been produced for this instrument as it has no impact on business or civil society organisations.

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£6.00

UK201605041 05/2016 19585

<http://www.legislation.gov.uk/id/uksi/2016/555>

ISBN 978-0-11-114666-8



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