STATUTORY INSTRUMENTS

2022 No. 599

EDUCATION, ENGLAND

The Education (Information About Individual Pupils) (England) (Amendment) Regulations 2022

Made - - - -	*30th May 2022*
Laid before Parliament	*1st June 2022*
Coming into force	*1st September 2022*

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 537A(1) and 569(4) of the Education Act 1996(**a**).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Education (Information About Individual Pupils) (England) (Amendment) Regulations 2022 and come into force on 1st September 2022.

(2) These Regulations extend to England and Wales.

Amendment of the Education (Information About Individual Pupils) (England) Regulations 2013

2.—(1) The Education (Information About Individual Pupils) (England) Regulations 2013(**b**) are amended as follows.

(2) In regulation 2, in the definition of "special educational needs provision type", for ""The Special Educational Needs and Disability Code of Practice: 0-25 years" published on 29th July 2014" substitute "the "Special educational needs and disability code of practice: 0 to 25 years" published on 29th January 2015".

(3) In Part 1 of Schedule 1—

(a) in paragraph 13—

(i) the existing text becomes sub-paragraph (1);

(ii) in that sub-paragraph—

(aa) after "looked-after child" insert "or has previously been in overseas state care";

(bb) after "no longer looked-after" insert "or in overseas state care";

(iii) after sub-paragraph (1) insert—

(**a**) 1996 c. 56; section 537A was substituted by paragraphs 57 and 153 of Schedule 30 to the School Standards and Framework Act 1998 (c. 31) and amended by S.I. 2010/1158 and 2012/967; there are amendments to section 569 that are not relevant to these Regulations. See the definition of "relevant person" in section 537A(2) and the definitions of "prescribed" and "regulations" in section 579.

(**b**) S.I. 2013/2094, amended by S.I. 2014/2103; there are other amending instruments but none is relevant.

"(2) In this paragraph and paragraph 13A, "in overseas state care" means in the care of, or accommodated by, a public authority, a religious organisation, or any other organisation the sole or main purpose of which is to benefit society, in a country or territory outside England and Wales.";

(b) after paragraph 13 insert—

"**13A.** Where a pupil has previously been a looked-after child or has previously been in overseas state care, whether to the knowledge of the governing body or, where appropriate, the proprietor, that pupil is no longer looked-after or in overseas state care as a result of an adoption effected under the law of a country or territory outside England and Wales.".

(c) after paragraph 14 insert—

"**14A.—**(1) Whether—

(a) the pupil is, to the knowledge of the governing body or, where appropriate, the proprietor, a young carer; and

(b) if so, the pupil has been identified as such by:

(i) a parent of the pupil; or

(ii) the school.

(2) In this paragraph, "young carer" has the meaning given by section 17ZA of the 1989 Act(**a**).".

(4) After paragraph 18 of Schedule 1 insert—

"Part 1A

Pupils on the Register Receiving Education Provision other than at the School

18A.—(1) In respect of each pupil on the register, and each pupil who has previously been on the register, who is receiving education provision in any of the circumstances specified in sub-paragraph (2) on the date specified in the request for information or during such period as is specified in the request for information, the information in paragraph 18B.

(2) The circumstances are where the pupil—

(a) is required by the governing body pursuant to section 29A of the Education Act 2002(**b**) or, in the case of an Academy, is required by the proprietor, to attend at any place outside the school premises for the purpose of receiving education provision which is intended to improve the behaviour of the pupil;

(b) is excluded from the school for a fixed period on disciplinary grounds and the governing body, or, in the case of an Academy, the proprietor, arranges suitable full-time education for the pupil pursuant to section 100 of the Education and Inspections Act 2006(**c**);

(c) is receiving education provision otherwise than at the school pursuant to section 19 of the 1996 Act(**d**); or

(d) is receiving special educational provision in accordance with the pupil's EHC plan otherwise than at the school pursuant to section 42 of the Children and Families Act 2014(**e**).

(**a**) 1989 c. 41; section 17ZA was inserted by section 96(1) of the Children and Families Act 2014 (c. 6); there are amendments to section 17ZA that are not relevant to these Regulations.

(**b**) 2002 c. 32; section 29A was inserted by section 154 of the Education and Skills Act 2008 (c. 25).

(**c**) 2006 c. 40; section 100 was amended by paragraph 16 of Schedule 13 to the Education Act 2011 (c. 21).

(**d**) 1996 c. 56; section 19 was amended by the Education Act 1997 (c. 44), section 47 of and Schedule 8; section 101 of the Education and Inspections Act 2006 (c. 40); the Children, Schools and Families Act 2010 (c. 26), section 3, paragraph 1 of Schedule 3, and Schedule 4; S.I. 2007/1507 and 2010/1158; there are other amendments not relevant to these Regulations.

(**e**) 2014 c. 6.

18B. In relation to the education provision for the pupil in the circumstances described in paragraph 18A(2)—

(a) the identity of the provider of the education provision;

(b) the reason for the education provision;

(c) the date on which the education provision commenced;

(d) where applicable, the pupil's special educational needs provision type at the date on which the education provision commenced;

(e) where applicable, the date on which the education provision ended;

(f) where applicable, the pupil's special educational needs provision type at the date on which the education provision ended;

(g) whether the education provision is part-time;

(h) where the education provision is part-time, the number of school sessions the pupil expects to attend in each week during the period specified in the request for information.".

(5) After paragraph 37 of Schedule 1 insert—

"Part 6

Provision of Information by Local Authorities relating to Pupil Referral Units and by Alternative Provision Academies

38. The information referred to in this Part is required only from—

(a) local authorities, in respect of those pupil referral units that they maintain(**a**); and

(b) proprietors of alternative provision Academies.

39. In respect of each pupil on the register of the pupil referral unit or alternative provision Academy, and who is not on the register of another school on the date specified in the request for information, the following information.

40. The unique reference number of the educational establishment that the pupil was registered at before being registered at the pupil referral unit or alternative provision Academy.

41. The reason for the pupil receiving education provision at the pupil referral unit or alternative provision Academy.

42. The pupil's special educational needs provision type on the date the pupil was entered on the register of the pupil referral unit or alternative provision Academy.

43. In this Part, "unique reference number" means a combination of numbers allocated to the school by the Department for Education for the purposes of identification and registration on the website known as "Get Information About Schools" maintained by the Department.".

Robin Walker
Minister of State
Department for Education

30th May 2022

(**a**) References to "the proprietor" or "governing body" of a school in section 537A(1) of the Education Act 1996 (c. 56) shall be read, in relation to a pupil referral unit, as references to the "local authority"; see paragraph 1 of Schedule 1 to the Education Act 1996.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Information About Individual Pupils) (England) Regulations 2013 ("the 2013 Regulations"). The 2013 Regulations prescribe information about individual pupils that schools are required to provide, on request, to the Secretary of State or other prescribed persons.

Regulation 2(2) of these Regulations amends the definition of "special educational needs provision type" in the 2013 Regulations so that it refers to the current version of the "Special educational needs and disability code of practice: 0 to 25 years".

Regulation 2(3) to (5) of these Regulations amends Schedule 1 to the 2013 Regulations to expand the information that must be provided on request.

Regulation 2(3) introduces a requirement on schools to confirm: whether a pupil is no longer a looked-after child or no longer in state care outside England or Wales as a result of being adopted outside England or Wales; and whether a pupil has been identified as a young carer, and if so, by whom.

In the case of pupils receiving education provision in a range of specified circumstances other than at the school in question, regulation 2(4) amends Schedule 1 to the 2013 Regulations so as to require the school to provide certain information about that education provision. That information includes the identity of the provider of the education provision and the reason for that education provision.

Regulation 2(5) amends Schedule 1 to the 2013 Regulations to require local authorities, in respect of the pupil referral units that they maintain, and the proprietors of alternative provision Academies to provide certain information about registered pupils. The required information includes: the unique reference number of the educational establishment that the pupil was registered at before being registered at the pupil referral unit or alternative provision Academy; and the reason for the pupil receiving education provision at the pupil referral unit or alternative provision Academy.

A full impact assessment has not been produced for this instrument as no, or no significant, impact on the private, voluntary or public sector is foreseen.

An Explanatory Memorandum is published alongside this instrument on www.legislation.gov.uk.

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