

EXPLANATORY MEMORANDUM TO

THE EDUCATION (INFORMATION ABOUT INDIVIDUAL PUPILS) (ENGLAND) (AMENDMENT) REGULATIONS

2005 No. 3101

1. This explanatory memorandum has been prepared by the Department for Education and Skills (DfES) and is laid before Parliament by Command of Her Majesty.
2. **Description**
 - 2.1 This instrument defines the individual pupil data items to be collected from schools in the School Census in future.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None
4. **Legislative Background**
 - 4.1 This instrument updates the Education (Information About Individual Pupils) (England) Regulations 2001 (S.I. 2001/4020) to outline additional information that schools are expected to provide for all pupils in 2006. In addition to the items specified in S.I. 2001/4020 schools must also provide:
 - the date the pupil left the school,
 - the pupil's address or part of the address,
 - where the pupil has special educational needs, the Special Educational Needs ('SEN') type ranking,
 - whether the pupil has been registered or identified as belonging to the school's Gifted and Talented cohort,
 - the number of authorised and unauthorised absences from the total number of sessions held by the school,
 - whether the pupil is taught in an SEN unit or in other resourced provision,and in relation to certain excluded pupils:
 - the exclusion start date,
 - the type of exclusion,
 - the reason for exclusion, and
 - the number of sessions to which the exclusion applies.
5. **Extent**

5.1 This instrument applies to England.

6. European Convention on Human Rights

6.1 No statement is required.

7. Policy background

7.1 The Census is the DfES's largest and most complex data collection exercise. Nursery, Primary, Middle, Secondary and Special schools are required to submit an electronic return, including a named pupil record.

7.2 As part of the **New Relationship with Schools** (NRwS) initiative, a new School Census will replace the Pupil Level Annual School Census (PLASC for all maintained Secondary schools including those Middle Deemed; City Technology Colleges (CTCs); Academies; and on a voluntary basis, Service Children's Education (Secondary) in 2006. Nursery, Primary including Middle Deemed, Special and Non Maintained Special Schools (NMSS) will continue to make a PLASC return in 2006 before PLASC is replaced by School Census in 2007.

7.3 As part of the Department's aim of seeking to reduce the number of surveys sent to schools and LEAs, School Census 2006 comprises the data collected in PLASC 2005, plus data items described in paragraph 4 that will allow the following surveys to be dropped:

Gifted and Talented Cohort Identification

Termly Exclusions

Identification of the sample of the Youth Cohort Studies

Absence Surveys (termly and annual)

Contextual and Absence checking exercise

Most elements of the September Pupil Count

There will be elements of dual running in 2006 but the reduction in burden should be felt in schools in 2007.

7.4 The Census collects information from every school in England under Section 29 of the Education Act 1996 and Section 42 of the Schools Standards and Framework Act. The provision by schools of individual pupil records is a statutory requirement under Section 537A of the Education act 1996.

7.5 The pupil level data underpins important benchmarking data in the National Pupil Database (NPD) and publications such as the Autumn Package and PANDAs. LEAs, other government departments, external agencies and educational researchers all use this information. Any published data will of course meet the requirements of the Data Protection Act; we will not publish data that could identify an individual.

7.6 The pupil level data is used nationally for the National Assessment Agency's (NAA's) DC2 Pupil Test Registration process, ending the requirement for schools to provide separate pupil level information for DC2 purposes. (The DC2 form was used by schools to order Key Stage test papers for their pupils by supplying identifier information for all pupils expected to be entered for the

tests and by the Data Collection Agency to produce mark sheets for test markers.)

- 7.7 Each year requests are made for new data items to be added to the Census, as well as for amendments or deletions of existing data items (the first two always outweighing the latter). These requests are considered in consultation with LEA and school representatives in a series of Focus Groups. Their views are then put to the Census Board who make recommendations on which additional items should be included in the Census. Census Board recommendations are further considered by the Education Data Advisory Panel (EDAP), the Implementation Review Unit (IRU), the DfES Star Chamber and the NRwS Data Sub-programme Board before the Schools Data Management Group (SDMG) make a final decision which is submitted to Ministers for their agreement. During the 2006 Census commissioning process 40 new items were considered for inclusion in the Census only 3 of which are to be included in School Census 2006. There were no requests for items to be deleted.

8. Impact

- 8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

9. Contact

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