

Education (Information Sharing) Bill

EXPLANATORY NOTES

Explanatory notes to the Bill, prepared by the Department for Education with the consent of Andrew Selous, are published separately as Bill 26 – EN.

Education (Information Sharing) Bill

CONTENTS

- 1 Student information
- 2 Destination information
- 3 Information for evaluating effectiveness of education and training etc
- 4 Short title, commencement and extent

A
B I L L

TO

Make provision about the disclosure and use of information relating to persons who are or have been in education or training.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Student information

- (1) After section 253 of the Apprenticeships, Skills, Children and Learning Act 2009 insert—

“Student information

- | | |
|---|----|
| 253A Student information | 5 |
| <p>(1) A person in England may, in prescribed circumstances, provide student information of a prescribed description to—</p> <ul style="list-style-type: none"> (a) the Secretary of State, (b) an information collator, (c) a prescribed person, or (d) a person falling within a prescribed category. | 10 |
| <p>(2) A person in Wales may, in prescribed circumstances, provide student information of a prescribed description to—</p> <ul style="list-style-type: none"> (a) the Welsh Ministers, (b) an information collator, (c) a prescribed person, or (d) a person falling within a prescribed category. | 15 |
| <p>(3) In subsection (2) “prescribed” means prescribed in regulations made by the Welsh Ministers.</p> | |
| <p>(4) Subject to subsection (5)(a), information received under or by virtue of this section is not to be published in any form which identifies the individual to whom it relates.</p> | 20 |

- (5) This section –
- (a) does not affect any power to provide or publish information which exists apart from this section, and
 - (b) is subject to any express restriction on the provision of information imposed by another enactment. 5
- (6) In this section –
- “information collator” means any body which, for the purposes of or in connection with functions of the Secretary of State or the Welsh Ministers, is responsible for collating or checking information relating to regulated qualifications; 10
 - “student information” means information (whether obtained under this section or otherwise) relating to an individual who is seeking or has sought to obtain, or has obtained –
 - (a) a regulated qualification, within the meaning given by section 130(1), or 15
 - (b) a relevant qualification, within the meaning given by section 30(5) of the Education Act 1997.”
- (2) In section 262 of the Apprenticeships, Skills, Children and Learning Act 2009 (orders and regulations) –
- (a) in subsection (1) (orders and regulations to be made by statutory instrument etc) after “Part 3 or 4” insert “, or section 253A”, and 20
 - (b) in subsection (9) (statutory instruments which are subject to annulment in pursuance of a resolution of the National Assembly for Wales if containing regulations etc made by the Welsh Ministers) for “or 107” substitute “, 107 or 253A”. 25

2 Destination information

- (1) Before section 50 of the Further and Higher Education Act 1992 insert –
- “49B Destination information**
- (1) The Secretary of State may provide destination information to the governing body of an institution in England within the further education sector. 30
 - (2) The Welsh Ministers may provide destination information to the governing body of an institution in Wales within the further education sector.
 - (3) In this section “destination information”, in relation to an institution, means information which – 35
 - (a) relates to a former student of the institution, and
 - (b) includes information as to prescribed activities of the former student after leaving the institution.
 - (4) Regulations under subsection (3)(b) which prescribe activities as to which the Welsh Ministers may provide information are to be made by the Welsh Ministers. 40
 - (5) Subject to subsection (6)(a), information received under this section is not to be published in any form which identifies the individual to whom it relates. 45

- (6) This section –
- (a) does not affect any power to provide or publish information which exists apart from this section, and
 - (b) is subject to any express restriction on the provision of information imposed by another enactment.” 5
- (2) In section 61(1) of that Act (interpretation of Part 1), in the definition of “regulations”, after “Secretary of State” insert “, unless the context otherwise requires”.
- (3) Section 89 of that Act (procedure for making regulations etc) is amended as follows. 10
- (4) After subsection (2) insert –
- “(2A) The power of the Welsh Ministers to make regulations under section 49B(3)(b) is to be exercised by statutory instrument.”
- (5) In subsection (3) (statutory instruments not subject to annulment in pursuance of a resolution of either House of Parliament etc) for “or (3B) or” substitute “, (3B) or (3C) or containing”. 15
- (6) After subsection (3B) insert –
- “(3C) A statutory instrument which contains regulations under section 49B(3)(b) made by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.” 20
- 3 Information for evaluating effectiveness of education and training etc**
- (1) Part 3 of the Education and Skills Act 2008 is amended as follows.
- (2) In section 87(4) (functions in relation to which benefit and training information may be disclosed) –
- (a) in paragraph (a) omit “provided for persons who have attained the age of 19”, and
 - (b) in paragraphs (b) and (c) omit “such”, in each place. 25
- (3) Omit section 91(6) (references to education do not include references to higher education).
- (4) Omit the italic heading before section 87. 30
- (5) For the Part title substitute “Information for evaluating effectiveness of education and training etc”.
- 4 Short title, commencement and extent**
- (1) This Act may be cited as the Education (Information Sharing) Act 2013.
- (2) Sections 1 and 2 come into force at the end of the period of two months beginning with the day on which this Act is passed. 35
- (3) Section 3 comes into force on such day as the Secretary of State appoints by order made by statutory instrument.
- (4) This section comes into force on the day on which this Act is passed.
- (5) Sections 1 and 2 extend to England and Wales only. 40

- (6) Section 3 and this section extend to England and Wales and Scotland.

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supported by
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