

EDUCATION (INFORMATION SHARING) BILL

EXPLANATORY NOTES

INTRODUCTION

1. These explanatory notes relate to the Education (Information Sharing) Bill as introduced in the House of Commons on 19th June 2013. They have been prepared by the Department for Education, with the consent of Andrew Selous MP, in order to assist the reader in understanding the Bill. They do not form part of the Bill and have not been endorsed by Parliament.

2. The notes need to be read in conjunction with the Bill. They are not, and are not meant to be, a comprehensive description of the Bill. So where a section or part of a section does not seem to require any explanation or comment, none is given.

CLAUSE 1: STUDENT INFORMATION

3. This clause inserts a new section 253A into the Apprenticeships, Skills, Children and Learning Act 2009 (“the 2009 Act”). New section 253A enables persons in England and Wales to share “student information” with a range of persons. “Student information” is defined in subsection (6) of new section 253A as information relating to an individual who is seeking or has sought to obtain, or has obtained, a “regulated qualification” or “relevant qualification”. “Regulated qualification” and “relevant qualification” cover a wide range of qualifications. “Regulated qualification” has the meaning given by section 130 of the 2009 Act – see subsection (6) of new section 253A. “Relevant qualification” has the meaning given by section 30 of the Education Act 1997.

4. Student information will only be capable of being shared under new section 253A if it falls within a description prescribed in regulations. Regulations will also determine the circumstances in which sharing of student information may take place and the persons or categories of person with whom it may be shared (in addition to information collators, and the Secretary of State and the Welsh Ministers with whom information may be shared by persons in England and in Wales respectively under subsections (1)(a) and (2)(a)).

5. Under subsection (4) of new section 253A, student information that is shared under the new section is not to be published in a form which identifies the individual to whom it relates.

CLAUSE 2: DESTINATION INFORMATION

6. This clause inserts a new section 49B into the Further and Higher Education Act 1992. Subsection (1) of the new section enables the Secretary of State to share “destination information” with further education institutions in England. Subsection (2) of the new section enables the Welsh Ministers to share such information with further education institutions in Wales. “Destination information”, in relation to further education institutions, means information relating to their former students, including information on activities of such students once they have left the institution (subsection (3) of the new section). Regulations will prescribe what those activities are. Under subsection (5) of the new section, destination information that is shared under the new section is not to be published in a form which identifies the individual to whom it relates.

CLAUSE 3: INFORMATION FOR EVALUATING EFFECTIVENESS OF EDUCATION AND TRAINING

7. This clause amends Part 3 of the Education and Skills Act 2008 (“the 2008 Act”) to widen the information that can be shared under that Part and the purposes for which it can be used.

8. Section 87 of the 2008 Act as it stands allows the Secretary of State, the Scottish Ministers and the Welsh Ministers to use and share certain education-related information (and, in the case of the Secretary of State, certain social security information) for use in connection with particular functions of the Secretary of State and devolved authorities relating to education and training that is provided for over-19s, other than higher education. Section 88 of the 2008 Act allows Her Majesty’s Revenue and Customs to share information relating to income tax or tax credits for use in connection with those same functions.

9. At the moment, the education-related information about an individual that can be used and shared under section 87 does not include information about higher education undertaken by him or her. The amendment made by *subsection (3)* of clause 3 will remove the restriction that prevents this.

10. In addition, as mentioned above, information that is used or disclosed under sections 87 and 88 cannot at the moment be used in connection with any of the relevant functions of the Secretary of State and devolved authorities (i.e. those functions mentioned in section 87(4)) so far as they relate to under-19 education or higher education. The amendments made by *subsection (2)* of clause 3, together with the amendment made by subsection (3), will remove these restrictions.

TERRITORIAL EXTENT AND APPLICATION

11. Clause 4 provides for clauses 1 and 2 to extend to England and Wales only, and for clause 3 (along with clause 4 itself) to extend to England, Wales and Scotland.

COMMENCEMENT

12. Clause 4 provides for clauses 1 and 2 to come into force 2 months after the date on which the Act is passed and for clause 3 to come into force on a day appointed by the Secretary of State by order. Clause 4 itself will come into force on the date on which the Act is passed.

FINANCIAL EFFECTS OF THE BILL

13. The three clauses in this Bill are intended to make the sharing of information between Government Departments and schools, colleges and other assessment centres easier. This is expected to have the following effects: first, to enable parents and students to make more informed choices as to education and/or employment destination; secondly to help schools and colleges to assess their information, advice and guidance services; and thirdly, to inform Government about which qualifications and courses lead to sustained employment outcomes and higher income returns.

14. There are no new costs associated with Clauses 1 and 2, relating to the sharing of student information and destination information. Minimal costs associated with clause 3 will be met by the Department for Education and the Department for Business Innovation and Skills from within existing budgets.

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*These notes refer to the Education (Information Sharing) Bill as introduced in
the House
of Commons on 19 June 2013 [Bill 26]*

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