



# Education and Inspections Act 2006

## 2006 CHAPTER 40

### PART 9

#### MISCELLANEOUS

##### *Information about children receiving publicly-funded education*

#### **164 Information about children receiving funded education outside school**

After section 537A of EA 1996 (provision of information about individual pupils) insert—

##### **“537B Provision of information about children receiving funded education outside school**

- (1) Regulations may make provision requiring a person who provides funded education to provide to the relevant person such individual child information as may be prescribed.
- (2) In subsection (1), “the relevant person” means one or more of the following—
  - (a) the Secretary of State, and
  - (b) any prescribed person.
- (3) Where any person within paragraph (b) of subsection (2) receives information by virtue of subsection (1), the Secretary of State may require that person to provide any such information—
  - (a) to him, or
  - (b) to any prescribed person.
- (4) The Secretary of State may provide any individual child information—
  - (a) to any information collator,
  - (b) to any prescribed person, or
  - (c) to any person falling within a prescribed category.

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**Changes to legislation:** Education and Inspections Act 2006, Cross Heading: Information about children receiving publicly-funded education is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- (5) Any information collator—
- (a) may provide any individual child information—
    - (i) to the Secretary of State,
    - (ii) to any other information collator, or
    - (iii) to the person who provides the funded education for the child or children to whom the information relates, and
  - (b) may, at such times as the Secretary of State may determine, provide such individual child information as may be prescribed—
    - (i) to any prescribed person, or
    - (ii) to any person falling within a prescribed category.
- (6) Any person holding any individual child information (other than the Secretary of State or an information collator) may provide that information to—
- (a) the Secretary of State,
  - (b) any information collator, or
  - (c) any prescribed person.
- (7) No information received under or by virtue of this section shall be published in any form which includes the name of the child or children to whom it relates.
- (8) Regulations under this section may provide that, in such circumstances as may be prescribed, the provision of information to a person other than the Secretary of State is to be treated, for the purposes of any provision of such regulations or this section, as compliance with any requirement imposed by or by virtue of any such provision and relating to the provision of information to the Secretary of State.
- (9) In this section—
- “child” means a person under the age of 19;
- “funded education” means education provided under arrangements made by a local education authority in pursuance of the duties imposed by section 19(1) and (4) (duty to make special arrangements for provision of education for children of compulsory school age and young persons who may otherwise not receive suitable education), other than such education provided at a school;
- “individual child information” means information relating to and identifying individual children for whom funded education is being or has been provided, whether obtained under subsection (1) or otherwise;
- “information collator” means any body which, for the purposes of or in connection with the functions of the Secretary of State relating to funded education, is responsible for collating or checking information relating to children for whom such education is provided.”

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**Commencement Information**

**I1** S. 164 in force at 28.3.2007 for E. by [S.I. 2007/935](#), [art. 2](#)

**I2** S. 164 in force at 1.9.2009 for W. by [S.I. 2009/1027](#), [art. 3\(b\)](#)

**Changes to legislation:**

Education and Inspections Act 2006, Cross Heading: Information about children receiving publicly-funded education is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- specified provision(s) amendment to earlier commencing SI 2006/2990 art. 4 by [S.I. 2008/54 art. 2](#)
- specified provision(s) amendment to earlier commencing SI 2007/935 art. 7(n) by [S.I. 2007/1271 art. 4](#)
- specified provision(s) transitional provisions for earlier commencing SI 2007/935 by [S.I. 2007/1271 art. 5](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 11A inserted by [2010 c. 26 s. 7](#)
- s. 88(A1) inserted by [2015 c. 20 Sch. 16 para. 1\(2\)](#)
- s. 93A inserted by [2009 c. 22 s. 246](#)
- s. 93A(7) words inserted by [S.I. 2016/413 reg. 235](#) (This amendment comes into force on the day that section 93A of the Education and Inspections Act 2006 (c. 40) comes into force. That provision is still prospective)
- s. 162(5A)(aa) inserted by [2010 nawm 1 Sch. 1 para. 20\(a\)](#)