

Consultation

**Launch Date 6 November 2012
Respond by 18 December 2012
Ref: Department for Education**

Proposed amendments to Individual Pupil Information Prescribed Persons Regulations

A consultation on proposals to amend regulations to enable the Department for Education to share extracts of data held in the National Pupil Database for a wider range of purposes than currently possible. The aim is to maximise the value of this rich dataset.



**Department
for Education**

Proposed amendments to Individual Pupil Information Prescribed Persons Regulations

A Consultation

- To** All those with an interest in the sharing of pupil data.
- Issued** 6 November 2012
- Enquiries To** If you have a query relating to the policy content of the consultation you can contact the Department by telephone: 0370 000 2288 or via the Department's ['Contact Us'](#) page.

Contact Details

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the Public Communications Unit by e-mail: consultation.unit@education.gsi.gov.uk or by telephone: 0370 000 2288 or via the Department's ['Contact Us'](#) page.

1 Summary

- 1.1 This consultation concerns proposals to amend existing Regulations to enable the Department for Education to share extracts of data held in the National Pupil Database for a wider range of purposes than currently possible. The aim is to get greater value from the rich data held in the National Pupil Database, increase accountability and stimulate a range of social and economic benefits.

This will require minor amendments to the Education (Individual Pupil Information) (Prescribed Persons) (England) Regulations 2009. Subject to this consultation and to the parliamentary process, we are aiming to bring amended regulations into force in spring 2013.

Data would only be released to organisations which had been through a robust approval process and in accordance with strict terms and conditions on data security, handling and use.

The consultation will commence on 6 November 2012 and run until 18 December 2012.

2 Background

- 2.1 Openness and transparency are at the heart of the Government's ethos. They enable choice, raise standards and drive economic growth. Increased transparency can help reveal variation in our society and our public services, re-establishing individual responsibility and local accountability for public

service professionals.

The Government is committed to making available as much government data as possible. This can help people have more of a say in the reform of public services and hold public bodies to account. Making more data available for re-use can also realise social and economic benefits by enabling businesses and non-profit organisations to build innovative applications and websites.

Data can help improve outcomes and productivity in public services through allowing more informed comparison. Schools now have a greater level of autonomy and in this context, it is important that more data is available to enable people to hold schools to account. International evidence supports this by showing that the highest performing education systems combine autonomy for schools with high levels of accountability.

The Department for Education has embraced the transparency agenda. We have already significantly expanded the content of school performance tables for primary and secondary schools, including much more detailed information on attainment, and spend per pupil. More recently we have improved the arrangements for requesting access to data from the National Pupil Database under terms and conditions.

3 National Pupil Database

3.1 The National Pupil Database is a longitudinal database, which holds information on children in schools in England. The majority of datasets go back 10 years, with the earliest data going back to 1996. There are a range of data sources in the National Pupil Database providing information about children's education at different stages (pre-school, primary, secondary and further education).

It includes detailed information about pupils, their test and exam results, prior attainment and progression at different key stages for all state schools in England. Attainment data is also held for pupils and students in non-maintained special schools, sixth form and Further Education (FE) colleges and (where available) independent schools. The National Pupil Database includes information about the characteristics of pupils in the state sector and non-maintained special schools such as gender, ethnicity, first language, eligibility for free school meals, information about special educational needs (SEN), as well as detailed information about pupil absence and exclusions.

The data held in the National Pupil Database is collected from a range of sources including schools, local authorities and awarding organisations. This data is processed by the Department's Data and Statistics Division and matched and stored in the National Pupil Database. The Department makes it clear to children and their parents what information is held about pupils and how it is processed, through a statement on its website. Schools also inform parents and pupils of how the data is used through privacy notices.

The data held in the National Pupil Database forms a significant part of the education evidence base. The data collected is used in a variety of ways by the Department for Education, other government departments, local authorities, agencies and researchers. The data can all be linked together in many different ways to study the effect of different factors on performance.

For example:

- The data and statistical analyses are used to inform, influence and improve education policy and to monitor the performance of the education service as a whole. The Department also uses the data to provide accurate targeting of funding for local authorities and schools, including the Pupil Premium and Revenue Support Grant.
- It is the source for a wide range of analysis and statistics published in Statistical First Releases (SFRs) on the Department's website. For example, each year the Department publishes information about National Curriculum assessments and GCSE attainment by key pupil characteristics, such as ethnic group, special educational needs status and eligibility for free school meals.
- It supports schools' operational decisions by enabling schools and inspectors to interrogate test and examination results in order to identify strengths and weaknesses and help them focus on those areas that need most improvement, including lesson planning and support for individual pupils.
- The data held in the National Pupil Database is also used for a wide range of research purposes.

4 Access to data from the National Pupil Database under terms and conditions

- 4.1 The Department for Education makes data from the National Pupil Database available to third parties under strict terms and conditions, using its regulatory powers to release data to named bodies and third parties, including those who require access to the data to undertake 'research into the educational achievements of pupils'. This can include data on pupil characteristics, which enables research into the impact of different factors and contexts on educational performance.

Those requesting access to extracts of the data to support their work are subject to a robust approval process. Decisions on whether data can be released are based on a detailed assessment of who is requesting the data, the purpose for which it is required, the level and sensitivity of data requested and the arrangements in place to store and handle the data. Requests for access to sensitive data are escalated to senior officials for consideration.

For third parties to be granted access to detailed extracts of National Pupil Database data they must sign a non-disclosure agreement and comply with

strict terms and conditions covering the confidentiality and handling of data, security arrangements, and retention and use of the data. They must process data in accordance with the Data Protection Act 1998. Any reports, papers, statistical tables, or other products published or released, must fully protect the identity of individuals. The Department for Education has the right to audit compliance with security requirements.

A Data Management Advisory Panel (DMAP) oversees the protocols for the use of data and responds to requests for advice concerning the release of data. DMAP considers applications for access to sensitive data held in the national database and provides advice to the National Pupil Database Data Request team. It also monitors information governance issues in relation to the database and in particular the security aspects of information management.

The purpose of the application and scrutiny process and the imposing of terms and conditions is to ensure the protection of privacy rights, which we consider carefully when releasing data. More information on the process and requirements for access to data under terms and conditions can be found on the Department's website:

www.education.gov.uk/researchandstatistics/national-pupil-database/b00212283/national-pupil-database

5 Argument

- 5.1 The Department uses the National Pupil Database to inform policy development and planning, but we are aware that there is potential for others to generate more value from the data and use it for a range of other purposes.

We believe that improving the arrangements for requesting access to the National Pupil Database, as we have done, will generate greater value from the data, increase accountability and choice and will stimulate a range of social and economic benefits. It should encourage more third party organisations to produce new secondary analyses of the data and stimulate the creation of innovative tools and services useful to parents and professionals. This, in turn, should allow parents and others to compare school performance in more detail than currently possible and give them the freedom to explore the information that matters to them. Parents will be able to make more informed choices and schools will have greater insight into educational performance in order to help raise standards.

We now want to build on this success. We are aware that the current criteria for access may prevent some potentially beneficial uses of the data. A number of organisations have expressed interest in using the data available under terms and conditions for purposes which may not always be directly compatible with the existing regulations, but would offer social and economic benefits. Currently, many of these requests would have to be refused as they

fall outside 'research into educational achievement'.

For example, we have had to reject requests to use extracts of the data for research looking at the lifestyle/health of children; sexual exploitation of children; the impact of school travel on the environment; and mortality rates for children with SEN.

We want to give organisations greater freedom to use the data, subject to a robust approval process and having appropriate safeguards in place. Widening access to National Pupil Database data should encourage even more innovative use of the data. Some examples of potential uses include:

- It would enable organisations to use the data for wider research and analysis, beyond educational achievement. For example data on socio-economic status, location, and ethnicity could be used to look at trends such as deprivation, migration, health, and other issues not directly related to education. This could improve outcomes by increasing the evidence base, which contributes to better policy making, planning and resource allocation. It may also increase research into equality issues, helping those with an interest in studying matters related to race, gender and disability, such as the distribution of families with these characteristics.
- It could help stimulate the market for a broader range of services underpinned by the data, not necessarily related to educational achievement. For example, it could help improve the quality and accuracy of demographic models used by the public and commercial sectors to inform planning and investment decisions, such as where to locate infrastructure or services, which could have benefits for children and families.
- It will make clear that commercial and non-profit organisations will be able to produce information advice and guidance, including innovative tools and services aimed at a range of audiences. They can add value by making anonymised data accessible in user friendly, visually appealing ways that allow those unfamiliar with the data to engage with it and explore issues that matter to them.

6 Proposals

- 6.1 The Department for Education has powers under section 537A of the Education Act 1996 and The Education (Individual Pupil Information) (Prescribed Persons) (England) Regulations 2009 to disclose individual level data from the National Pupil Database to a range of prescribed persons including those '*conducting research into the educational achievements of pupils and who require individual pupil information for that purpose*'.

We are seeking views on our proposals to amend the Education (Individual Pupil Information) (Prescribed Persons) (England) Regulations 2009, so that

the data can be shared for a wider range of purposes.

The proposed changes should not add any new burdens or costs on schools, local authorities or businesses.

7 Proposed Changes

7.1 The Regulations would be amended to allow data to be shared with

persons:

- *conducting research,*
- *or providing information, advice and guidance,*
- *or data based products and services*

for the purpose of promoting the education or well-being of children in England and who require individual pupil information for that purpose.'

For the purpose of regulation 'well-being' means the well-being of children, so far as relating to the matters mentioned in section 507B of the Education Act 1996, namely their:

- physical and mental health and emotional well-being;
- protection from harm and neglect;
- education, training and recreation;
- the contribution made by them to society;
- social and economic well-being.

The proposed amendments would allow the Department for Education to share extracts of data for a wider range of purposes than currently possible. This will enable researchers, educators, professional bodies, the voluntary sector, consultants, education publishers and developers, the media, and other commercial or non-profit organisations to go further in producing research, publications, advice or applications useful to families, education, business and the wider public and help stimulate the market for services underpinned by the data.

As under current arrangements, selected data would only be released subject to a robust approval process and with strict terms and conditions on data security, handling and use.

8 Other changes

8.1 We regularly review the list of bodies and organisations with which data from the National Pupil Database can be shared. As part of these amendments, the list of Prescribed Persons with whom data can be shared would also be updated to remove organisations which no longer exist.

CONSULTATION QUESTIONS

Question 1: Do you agree with the proposal to widen the purposes for which data from the National Pupil Database can be shared? Please explain the reasons for your answer.

Question 2: How could you or your organisation potentially use the data?

Question 3: What do you see as the benefits of widening the purposes for which data can be shared?

Question 4: Do you have any other comments you would like to make about the proposals in this consultation document?

9 How To Respond

- 9.1 You can respond to the consultation by completing the response form and emailing it to: NPD.Consultation@education.gsi.gov.uk or by sending your response by post to:

Public Communications Unit, LG36, Department for Education, Mowden Hall, Staindrop Road, Darlington, DL3 9BG.

10 Additional Copies

- 10.1 Additional copies are available electronically and can be downloaded from the Department for Education e-consultation website at: www.education.gov.uk/consultations

11 Plans for making results public

- 11.1 The results of the consultation and the Department's response will be published on the DfE e-consultation website in spring 2013.