



Alex Burghart MP

Parliamentary Under Secretary of State for Skills

Sanctuary Buildings 20 Great Smith Street Westminster London SW1P 3BT
tel: 0370 000 2288 www.education.gov.uk/contactus/dfes

26 April 2022

Dear Colleagues,

I would like to thank you for your commitment in continuing to help young people reach their potential by supporting their transition into post-16 education and training during the pandemic. Your efforts have enabled progression during a challenging time for us all, but especially for young people.

We must continue to build on this. I write to remind you of your statutory responsibility to work with your local authority (LA) to support young peoples' participation in education and training.

LAs have statutory functions in relation to supporting young people's participation in education and training. To identify and support those who need help to re-engage or to find work LAs rely on information that you hold on your students. This also includes timely information on offers of school and college places, made to school leavers, to help local authorities to identify early those young people without an offer of a place so they can take action to support them.

As a responsible person at an educational institution, you are under a statutory duty to provide information to local authority services, in order for them to deliver their relevant duties, and to track and maintain contact with these young people.

The Government wants to ensure that all young people have opportunities beyond school to succeed and contribute to society. However, without regular and timely information from institutions such as yourselves, LAs cannot identify those not participating, and so cannot provide these young people with the support they need to reach their potential.

To be clear, if you are asked by an LA for information needed to fulfil their statutory duty, about young people living in the local area, then you are under a corresponding statutory duty (explained below) to give it to the LA:

Educational Institutions: Duty to Provide Information under the Education and Skills Act 2008

Section 72 of the Education and Skills Act 2008 places a statutory duty on a responsible person at an education provider to provide LAs with 'relevant information' about students on request. Relevant information is:

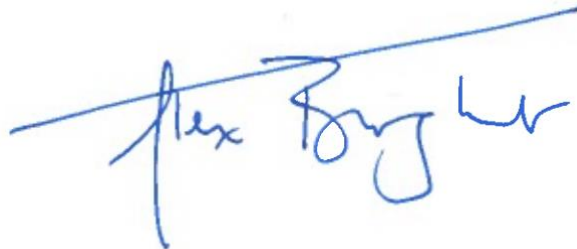
1. the name, address and date of birth of the pupil or student;
2. the name and address of a parent of the pupil or student; and
3. information in the institution's possession about the pupil or student, except where a parent of a pupil or student under the age of 16, or a pupil or student who has attained the age of 16, has instructed you not to provide that information.

Sections 76 and 77 provide additional data sharing powers to support local authorities to deliver their duties. The statutory guidance provides that LAs should agree data sharing agreements with education providers and other public bodies that set out the information they will provide, when it will be provided, and how they will ensure that data is passed securely.

LAs sharing destinations data with you on pupils who have left your institution

There is no equivalent duty under the Education and Skills Act 2008 requiring LAs to share data on ex-pupils back with institutions (though LAs may choose to provide information in some circumstances). We would, therefore, recommend that you routinely seek pupils' consent, prior to them leaving your institution, to support LAs sharing this data back with you.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Alex Burghart', is written over a horizontal line.

Alex Burghart MP
Parliamentary Under Secretary of State for Skills