



Michelle Donelan MP

Parliamentary Under-Secretary of State for Children and Families

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4 October 2019

Dear Colleagues,

I write to remind you of your statutory responsibility to work with your local authority (LA) to support young peoples' participation.

Local Authorities 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 they rely on information that you hold on your students. 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 wider society. However, without regular and timely information from institutions such as yourselves, LAs cannot identify those not participating and so they cannot provide them 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:

- a. the name, address and date of birth of the pupil or student;
- b. the name and address of a parent of the pupil or student; and
- c. 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 local authorities 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 black ink, reading 'Michelle Donelan'. The signature is written in a cursive style with a long horizontal flourish at the end.

Michelle Donelan MP
Parliamentary Under-Secretary of State for Children and Families