

## **Paper 18**

### **LEGISLATION RELATING TO DATA ISSUES**

#### **Key Issue:**

Collection of, and access to, statistical data.

#### **Policy Requirement:**

The Department needs to ensure that appropriate powers are in place to collect detailed statistical and monitoring data from schools, alternative education providers, and youth organisations. It also needs to ensure that it has access to any such data held by the ESA.

#### **Existing Arrangements:**

DE runs several annual data collection exercises each autumn: schools provide an extract of their data to Classroom 2000(C2k) – which is formally part of the WELB – and C2k passes a copy of the datafiles to DE. Providers of Education Otherwise Than At School (EOTAS) supply statistics voluntarily to ELBs.

ELBs hold data on non-teaching staff based in schools. DE holds data on the teachers' payroll. The YCNI and ELBs receive returns from youth organisations.

#### **Summary of current legal position:**

Under Article 37(1) of the Education and Libraries (Northern Ireland) Order 2003, ELBs, schools, CCMS, the Staff Commission and CCEA must 'make such reports and returns; and give such information, to the Department as the Department may reasonably require for its purposes under any statutory provision'. Under Article 37(3) of the 2003 Order, schools must 'make such reports and returns; and give such information, to a board [i.e. ELB] as the board may reasonably require for the purposes of its functions under any statutory provision'. Under Article 17A(g) of the Education and Libraries (Northern Ireland) Order 1986, DE has the power to make regulations 'with

respect to the keeping, disclosure and transfer of educational records about pupils at such (grant aided) schools and the supply of copies of such records to such persons, and in such circumstances, as may be determined by or under the regulations’.

The funding ‘contract’ which the YCNI and ELBs have with youth organisations requires the youth organisations to provide certain types of information to YCNI and the ELBs and to allow access to relevant records.

#### Options for taking forward policy requirements:

The existing legislation could simply be carried forward. However, in light of the views of C2k, and DSO advice, it would be much better to take this opportunity to strengthen the legislation.

#### Views of Stakeholders:

C2k has stated that there is a need to ensure that the new legislation explicitly addresses the needs of eSchools<sup>1</sup> by ensuring that schools are required to supply their pupil related data to the data warehouse for appropriate distribution to DE and the ESA. C2k has also raised the issue of data sharing with FE colleges and the fact that the sharing of Unique Pupil Numbers with DEL is restricted because of data protection legislation: C2k said it might be necessary to see if the new legislation could facilitate this exchange more effectively.

#### Recommendation for Way Forward:

The existing powers will in any case need to be carried forward, but the present opportunity should be availed of to amend the legislation in line with DSO advice.

The other point made by C2k (ie sharing the Unique Pupil Number with FE colleges) is one that is equally relevant in England, where it has been a long-

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<sup>1</sup> A major ICT project.

standing issue. Since this is a matter that goes much wider than Northern Ireland, involves the Information Commissioner and Data Protection legislation, and is very unlikely to be capable of quick resolution, the RPA legislation does not present a suitable opportunity to address it.

The requirement to make returns should be extended to cover EOTAS providers.

The current arrangements for obtaining information from youth organisations are satisfactory and no new legal powers are required there.

Legislative Powers Required (including amendment/repeal of existing legislation and new provisions):

The powers enshrined in Articles 37(1) and 37(3) of the 2003 Order should be retained, and extended to cover EOTAS providers. The powers enshrined in Article 17A(g) of the 1986 Order should also be retained, but the word 'educational' should be deleted to make the powers relate to 'records about pupils'.