

# Proposed amendments to Individual Pupil Information Prescribed Persons Regulations

## Consultation Response Form

The closing date for this consultation is: 18 December  
2012

Your comments must reach us by that date.



Department  
for Education

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Please tick if you want us to keep your response confidential.

Reason for confidentiality:

Name

[REDACTED]

Organisation (if applicable) Diocese of St Albans

Address:

[REDACTED]

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.

If you have a query relating to the consultation process you can contact the Public Communications Unit on:

Telephone: 0370 0002288

e-mail: [consultation.unit@education.gsi.gov.uk](mailto:consultation.unit@education.gsi.gov.uk)

Please mark an 'X' in the box that best describes you as a respondent.

<input type="checkbox"/> Teacher/Head teacher	<input type="checkbox"/> Parent/Carer	<input type="checkbox"/> Pupil/Student
<input type="checkbox"/> Teacher Union	<input type="checkbox"/> Voluntary Sector/Not-for-profit Organisation	<input type="checkbox"/> Local Authority
<input type="checkbox"/> Commercial Organisation	<input type="checkbox"/> Researcher/HEI	<input type="checkbox"/> Government Organisation
<input checked="" type="checkbox"/> Other		

Please Specify:  
Diocese of St Albans, Schools Admissions Officer

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.

Y Agree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not sure
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Comments: Access to data on overall pupil performance and schools' contextual data will help the diocese give schools more focused and effective support based on their needs. It will help prioritise resources in the drive to raise standards in our schools.

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

**Comments:** We would be looking at trends over time to see whether or not individual Diocesan schools are improving and be proactive in directing support and resources where possible to raise standards in these schools. It would give individual consultants and SIAS inspectors a fuller understanding of the individual schools they are working with. The data would also enable the diocese to have an overall picture of how well schools are doing and provide an agenda for how we develop our support programme.

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

**Comments:** At a time when LAs are struggling to provide sufficient support and with the increasing independence of schools through the academies programme schools are increasingly asking the Diocese to support them in School Improvement. I will help to give the Diocese a more accurate understanding of the context schools are working in and to be able to recognise the need for early intervention when issues arise in particular schools.

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

**Comments:** I fully support the proposals and with the right safeguards I feel they should enable other stakeholders in the educational field provide a more effective service to our schools and their pupils.

**5 Please let us have your views on responding to this consultation (e.g. the number and type of questions, whether it was easy to find, understand, complete etc.).**

**Comments:** Easy and simple to complete.

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply

Here at the Department for Education we carry out our research on many different topics and consultations. As your views are valuable to us, would it be alright if we were to contact you again from time to time either for research or to send through consultation documents?

Yes

No

All DfE public consultations are required to meet the Cabinet Office Principles on Consultation

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- departments will need to give more thought to how they engage with and consult with those who are affected
- consultation should be 'digital by default', but other forms should be used where these are needed to reach the groups affected by a policy; and
- the principles of the Compact between government and the voluntary and community sector will continue to be respected.

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# Proposed amendments to Individual Pupil Information Prescribed Persons Regulations

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Reason for confidentiality:

Name [REDACTED]

Organisation (if applicable) [REDACTED]

Address: [REDACTED]

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<input type="checkbox"/> Commercial Organisation	<input type="checkbox"/> Researcher/HEI	<input type="checkbox"/> Government Organisation
<input type="checkbox"/> Other		

Please Specify:

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.

<input type="checkbox"/> Agree	<input checked="" type="checkbox"/> Disagree	<input type="checkbox"/> Not sure
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I disagree with a data collection system that has no opt out.  
The history of all recent Governments with database projects is very poor, particularly around data protection and loss prevention.

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

N/A

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

I see no benefit.

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

Data gathered from a subject base of children with no ability to opt out, or concept of how the data might be used in future, should be explicitly banned by a number of interpretations of both UK and European data protection laws. This proposal appears to contravene the good practices laid down in both sets of laws that cover gathering for a specific purpose and not deviating from that purpose and retaining the data for no longer than necessary.

5 Please let us have your views on responding to this consultation (e.g. the number and type of questions, whether it was easy to find, understand, complete etc.).

This form is awful. A document template would have been more appropriate than a document. The tick/cross boxes required complicated manipulation and the document format chosen is only accessible via commercial software (Microsoft Office).

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

**Please acknowledge this reply X**

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<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
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Reason for confidentiality:

Name

[REDACTED]

Organisation (if applicable) Exeter Diocesan Board of Education

Address:

[REDACTED]

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<input type="checkbox"/> Commercial Organisation	<input type="checkbox"/> Researcher/HEI	<input type="checkbox"/> Government Organisation
<input checked="" type="checkbox"/> Other		

Please Specify: Exeter Diocesan Board of Education (EDBE) operates under the DBE Act and supports the 130 church schools and academies in the Diocese of Exeter.

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.

<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not sure
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Comments:

EDBE is responsible for the quality of education in all of the church schools and academies in the diocese. It currently does not have access to essential information regarding the performance of these schools and relies on goodwill of LA officers and/or headteachers. This situation puts at serious risk the ability of EDBE to carry out its responsibilities.



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

### Comments:

EDBE uses a variety of data to strategically allocate resources to support schools in a differentiated way. For example we maintain a RAG register on the performance of all of schools in order to identify those that are underperforming and require additional support. Currently we rely on individual schools providing the necessary information. Consequently for some schools we have no more than the published figures that are not sufficiently detailed to plan for the necessary support.

Where schools do send us the information we require, this results in unnecessary administrative burden on those, often very small schools.

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

### Comments:

Diocesan Boards of Education can reduce the administrative burdens on church schools whilst developing a much clearer understanding of the standards in our schools and be in a stronger position to provide the necessary support. This will result in a better quality of education for all of the 22,000 pupils currently attending church schools in the Exeter Diocese.

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

Comments:

This has been a very frustrating and long winded process to gain the information necessary for DBE's to be able to carry out our responsibilities to the children and young people

5 Please let us have your views on responding to this consultation (e.g. the number and type of questions, whether it was easy to find, understand, complete etc.).

Comments:

Fine, easy to complete, good to be able to submit online.

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

**Please acknowledge this reply X**

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X Yes

 No

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Organisation (if applicable) [REDACTED]

Address: [REDACTED]

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Please Specify:

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.

<input type="checkbox"/> Agree	<input checked="" type="checkbox"/> Disagree	<input type="checkbox"/> Not sure
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Comments:

**Disagree**

The NPD is a dataset containing personally sensitive data, and access to the data should remain carefully controlled and restricted. Wider access to the detailed data in the NPD significantly increases the risk of disclosures.

Some minor extension to the wording of the regulation to allow research related to the wellbeing of children and young people may be acceptable, for example to state that access should be granted to:

*persons conducting research for the purpose of promoting the education or well-being of children in England and who require individual pupil information for that purpose*

broadening the regulation from the current educational attainment focus.

However, allowing arbitrary commercial re-use of the data does not fit with established data protection principles that are designed to ensure providers of data understand and have given informed consent as to how their personal data will be used, and which require that data holders only use data for stated purposes.

In the NPD case, particular attention should be given to the need to have informed consent from both parents AND children with respect to uses that may be made of their data.

I fully back the detailed arguments offered by the Open Data Institute for why providing wider access to the NPD is an inappropriate step to take. I also support the responses provided by the Open Rights Group, and Privacy International in outlining the reasons why wider access to the data should be reconsidered.

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

### Comments:

As a researcher my only uses for the National Pupil Database data would be related to research into the educational and social well-being of children and young people, and so would be covered by the existing regulations, or by a minor modification to the regulation to include a focus on wellbeing as well as educational attainment.

Any wider use for the data would be served by aggregated, rather than pupil level data.

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

Comments:

Widening access to the data for research into children and young people's wellbeing may lead to benefits for children and young people.

There are potentially benefits from the re-use of aggregate products based on the data.

The risks of wider access to the detailed data, with the high likelihood that data would leak, and the difficulty of then controlling data once it has leaked, mean that in the case of wider access to the pupil level data, risks far outweigh opportunities.

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

Comments:

In the case of any anonymisation being applied to data, the process for doing this should be published and subject to peer review.

In the case of the changes being carried forward, then:

- Clear consent should be sought from children and young people and their parents to the changes;
- Children and young people should be actively involved in the design of any updated processes for regulating release, and the department should consider how children and young people (potentially through an established participation structure such as a youth board, or representation from the UK Youth Parliament) can be formally involved in reviewing requests to re-use the data;
- The Department should publish details of all those who have been granted permission to re-use the data, and details of any audits undertaken to ensure compliance with the terms of the regulations and access agreements;



5 Please let us have your views on responding to this consultation (e.g. the number and type of questions, whether it was easy to find, understand, complete etc.).

**Comments:**

Given this consultation directly affects children and young people, and aware of the UK's obligations under Article 12 of the UN Convention on the Rights of the Child to ensure children and young people have the opportunity to express their view and have that view taken into account in matter that affect them, the DFE should have taken concrete steps to make sure this consultation was accessible and promoted to children and young people, including through accessible descriptions of the proposals, online forms for input, and outreach activities to engage with groups of children and young people, and with representative networks such as the UK Youth Parliament and British Youth Council.

The word template for this consultation is cumbersome, and easier online forms for responding should be offered.

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Please acknowledge this reply

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Yes

No

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Please tick if you want us to keep your response confidential.

Reason for confidentiality:

No do not want confidentiality.

Name

Organisation (if applicable) Sheffield City Council

Address:

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<input type="checkbox"/> Other		

Please Specify: I am an Analyst working in the Children's & Young People's Directorate. I work with pupils level data as part of my work.

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.

<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not sure
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Comments: Yes I believe the National Pupil Database should be shared, especially to specialist local government workers. This is because we are all ready CRB checked and handle this kind of data on a local basis in our jobs. If we had access to the National Database we would better be able to compare and analyse our performance against other parts of the country. This would give a broader perspective to make judgements and come to conclusion's which would be more statistically validated than just having access to a small cohort.

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

Comments: We would use the data to answer many questions in relation to our performance in the way we educate pupils in our local school if we could compare the same pupils on a national scale. This is the main reason why it would be a valuable resource to have. In the future when we are familiar with the dataset we as a organisation could plan what future areas of research and analysis this data could be useful to us. At the moment having no access we are not in a position to make any informed decisions as to its benefits.

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

Comments: A lot of time and resources are spent in order to collect the data in the first place. For people to have access to it and make use of it would be an argument that all this effort has been worthwhile. If only a few people have access to it they will only use the data for there individual aims and objects. By widening the access in particular for academic work and research other professionals can look at hundreds of different hypotheses which would not been possible if this data was not made available and access was denied.

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

Comments: It is a very good idea that you are having a consultation and are enabling people to put there views across before you make a decision. This way you are not taking a isolated view but have allowed the view of many people before you come to a conclusion if you will allow the National Pupil Database to have a wider remit than present.

5 Please let us have your views on responding to this consultation (e.g. the number and type of questions, whether it was easy to find, understand, complete etc.).

Comments: Yes the question where open and you could express your views about the topic and hope they are taken into account when the ultimate decisions are made.

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Yes

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Organisation (if applicable)

Address:

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If you have a query relating to the consultation process you can contact the Public Communications Unit on:

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Please mark an 'X' in the box that best describes you as a respondent.

<input type="checkbox"/> Teacher/Head teacher	<input checked="" type="checkbox"/> Parent/Carer	<input type="checkbox"/> Pupil/Student
<input type="checkbox"/> Teacher Union	<input type="checkbox"/> Voluntary Sector/Not-for-profit Organisation	<input type="checkbox"/> Local Authority
<input type="checkbox"/> Commercial Organisation	<input type="checkbox"/> Researcher/HEI	<input type="checkbox"/> Government Organisation
<input type="checkbox"/> Other		

Please Specify:

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.

<input type="checkbox"/> Agree	<input checked="" type="checkbox"/> Disagree	<input type="checkbox"/> Not sure
--------------------------------	--	-----------------------------------

Comments:

I do not want a further intrusion on privacy within our society. To hold and be able to access records for 10 years is a breach of privacy and confidentiality. To use this information for (potentially) commercial services will result in parents lacking trust in the school and education services for their child (children).

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

Comments: n/a

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

Comments:  
None – only great disadvantages and dangers.

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

Comments:

5 Please let us have your views on responding to this consultation (e.g. the number and type of questions, whether it was easy to find, understand, complete etc.).

Comments:

It was not publicised in the press or widely. I think the results will be skewed and slanted in a positive way towards the organisations for whom these proposals will benefit. Perhaps this is what was intended?

The timescales for consultation is also too short.

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply

Here at the Department for Education we carry out our research on many different topics and consultations. As your views are valuable to us, would it be alright if we were to contact you again from time to time either for research or to send through consultation documents?

XYes

No

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The key Consultation Principles are:

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# Proposed amendments to Individual Pupil Information Prescribed Persons Regulations

## Consultation Response Form

The closing date for this consultation is: 18 December  
2012

Your comments must reach us by that date.



Department  
for Education

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The Department will process your personal data (name and address and any other identifying material) in accordance with the Data Protection Act 1998, and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

Please tick if you want us to keep your response confidential.

Reason for confidentiality:

Name

[REDACTED]

Organisation (if applicable) Diocese of Carlisle

Address:

[REDACTED]

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<input type="checkbox"/> Commercial Organisation	<input type="checkbox"/> Researcher/HEI	<input type="checkbox"/> Government Organisation
<input checked="" type="checkbox"/> Other		

Please Specify:  
Church of England Diocese

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.

<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not sure
---	-----------------------------------	-----------------------------------

Comments:  
It is important that as many new providers and sponsors enter the education arena that these stakeholders have access where appropriate to the data provided through this system.  
  
Prospective sponsors and diocesan bodies will increasingly be taking responsibility for school performance and access to this data will be essential.

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

Comments:

As we are expected to be academy sponsors we need to fully understand the performance of all schools so that we can work with partners to prevent schools underperforming and to enable us to plan should we be required to be academy sponsors. It will also provide generic information to enable us to target our support more effectively and understand the issues facing schools.

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

Comments:

So those with a legitimate role in monitoring school performance can do so on a level playing field to increase effectiveness.

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

Comments:

I support the vetting of potential recipients and the scope of access. i.e. church schools and academies in my diocese.

5 Please let us have your views on responding to this consultation (e.g. the number and type of questions, whether it was easy to find, understand, complete etc.).

Comments:

Happy with the consultation process.

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**Please acknowledge this reply x**

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xYes

 No

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# Proposed amendments to Individual Pupil Information Prescribed Persons Regulations

## Consultation Response Form

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2012

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Department  
for Education

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Please tick if you want us to keep your response confidential.

Reason for confidentiality:

Name

Organisation (if applicable) RNIB

Address:

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<input type="checkbox"/> Other		

Please Specify:

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.

<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not sure
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Comments:

RNIB's particular interest is children and young people with visual impairment, which is a low incidence group. It would be of great benefit if this data source could be used to gain a greater understanding about the socio-demographic and other circumstances of this low incidence group.

However, in view of the fact that this is a low incidence population, we feel that clear safeguards need to be in place to ensure that the confidentiality of individual children and young people is protected. (For example, where a child is the only pupil with a visual impairment in their school.)

We would also have reservations about the data being used for commercial purposes.

In particular, we have major concerns about the reliability of the data in relation to children and young people with visual impairment as RNIB has evidence that the NPD significantly under-represents the population. See response to question 4 for more detailed comments about the reliability of the data.

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

### Comments:

RNIB is primarily interested in obtaining data for research purposes. We have already commissioned secondary analysis of the NPD with a view to gaining a better understanding of the factors that may influence the educational attainment of pupils with visual impairment. We would welcome the opportunity to extend our use of the data to investigate factors linked to children's wellbeing and to explore the possibility of linking with findings from other data sources such as the Millenium Cohort Study (MCS).

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

### Comments:

For RNIB, the primary benefit of widening access so the data could be used for purposes other than researching educational achievement would be the opportunities it would provide to gain a greater understanding about the socio-demographic and other circumstances of children and young people with visual impairment.

Despite our reservations about the representativeness of the data (see Q4) in relation to specific groups of children such as those with VI, the NPD nevertheless offers a large dataset of children and young people with a visual impairment. Due to the low incidence of this group it can often be difficult to find a sample of sufficient size for statistical reliability. Added value comes from the fact that the data are longitudinal enabling individual children and groups of children to be tracked over a period of time.



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

**Comments:**

Although RNIB generally welcomes the proposal to widen access to the NPD we have serious concerns about the reliability of the data in relation to categories of pupils with SEN. Specifically, we have evidence that the number of pupils recorded in the NPD as having a VI as their *primary* SEN is a significant under-representation of the true number of children and young people with VI who are receiving specialist educational provision. Even if pupils whose *secondary* SEN are included in the total, the NPD still under represents the true population.

There are two groups of VI pupils who we believe are under represented:

- Pupils with a VI and additional SEN. It is well documented that a high proportion of pupils with VI (at least 50%) have additional SEN/disabilities/and or health problems. There is also a wealth of evidence for a high prevalence of visual impairment in the population of children with learning disabilities although this is not reflected in the NPD.
- Some pupils with a VI without a statement.

We can provide detailed evidence to support our case, but for the sake of brevity we would like to make the following points:

We believe the main problem is the process of data collection at school level and the fact that a pupil's secondary SEN is not a mandatory field in the School Census return form. To address this problem we recommend that:

1. A pupil's secondary SEN is made a mandatory field in the School Census return form.
2. There are clear guidelines about who makes the decision about what is recorded as a pupil's primary and secondary SEN to ensure that the decision is informed and not based on an arbitrary judgement.
3. While the current SEN system remains, guidance for schools on completing the School Census return is that pupils without a statement but who receive specialist external support are recorded as School Action Plus and not School Action (as appears to be the case in some schools).

The consultation document (p3) states that:

"...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..."

If the data are to continue to inform policy and planning decisions in this way it is essential that they are robust and fully representative of the pupil population and the groups within it. This is even more critical if the data are to be made more widely available and for a wider range of purposes.

5 Please let us have your views on responding to this consultation (e.g. the number and type of questions, whether it was easy to find, understand, complete etc.).

Comments:

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**Please acknowledge this reply X**

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XYes

No

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Please tick if you want us to keep your response confidential.

Reason for confidentiality:

Name

[REDACTED]

Organisation (if applicable) Administrative Data Liaison Service

Address:

[REDACTED]

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Please Specify:

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<input checked="" type="checkbox"/> Agree	<input type="checkbox"/> Disagree	<input type="checkbox"/> Not sure
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Comments: I have been managing the ESRC Administrative Data Liaison Service over the last three years. Although not a researcher myself I receive many enquiries from academic researchers relating to the use of the National Pupil Database for non-attainment research purposes. I have also received enquiries and concerns from researchers where they had received NPD data for a particular non educational piece of research and recently cannot obtain the data to continue their research.

My understanding of the National Pupil Database is that is a very large and rich dataset that could be used for a wide variety of other important research topics such as population and migration and other educational related topics. Therefore providing that the appropriate access, security anonymisation, disclosure control and sanctions are in place I believe that this would be an excellent opportunity to make full use of the National Pupil Database for the public good.

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

Comments: We would help to raise awareness amongst the academic community of any change in the use of the NPD through the ADLS communication channels.

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

Comments: Not only will it provide greater potential to do more in depth research across a wide variety of research areas (which otherwise may not be able to be done because of cost and resource issues) but it will also help for other educational research that is also vital for evidencing and evaluating policy. For example a researcher contacted me about the problems of not being able to use the data to help local authorities make decisions about providing transport to get pupils to school. To widen the purposes of the use of the NPD to AT LEAST cover any educational related research would seem to be both sensible and a very good use of this resource.



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

Comments: The ADLS would gladly assist in either providing dissemination of information about this consultation and the NPD as changes are made or updated to a wider academic audience.

We have also mentioned before that it would be useful for the DfE to consider whether they make it a condition of using the NPD that any syntax or metadata that is generated or used by researchers is made available for others to use so that future research can be more easily replicated or improved upon. We would also help with this and have an Online Bank available for such storage too. See <http://www.adls.ac.uk/padls/>. We would welcome your comments.

5 Please let us have your views on responding to this consultation (e.g. the number and type of questions, whether it was easy to find, understand, complete etc.).

Comments: It was actually difficult to hear about and only by chance did a colleague alert me to the consultation. This was lucky as a Radio 4 interviewer rang me the next day about it.

As one of the key communication channels in the UK for administrative data related research the ADLS would welcome any improvements in partnership working with the DfE to help raise awareness of the NPD and its potential.

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