

1 Introduction

The Education (Pupil Information) (England) Regulations 2005 ('the Regulations') requires maintained schools to keep a curricular record for each of its students and to disclose such records to a students parent/guardian upon request. As a publicly-funded independent school, the legislation does not specifically cover the New Charter Academy but our aim is to act and comply within the spirit of the same.

All processing of student records will be in accordance with the Data Protection Act 1998.

2 Objectives

This policy provides guidance on accessing student records ensuring that there is a fair and consistent process in place which complies with relevant legislation and protects the interest of all students within the Academy

3 Responsibilities

The Governing Body is responsible for the implementation of this policy. The day to day management of the policy lies with the Academy Director who shall, in consultation with the Company Secretary, ensure that access to student records are limited to authorised personnel within the Academy and will also designate a named person to deal with any requests for access to student records.

4 What is an Educational Record?

The legal definition of 'educational record' as provided by the Education (Pupil Information) (England) Regulations 2005 is wide and, regardless of its form, includes any information about current and past students that is processed by or for a school's governing body or teacher and includes a curricular record which is a formal record of a student's academic achievements, other skills, abilities and progress within the school.

All information which comes from a teacher, employee of a local authority or school, the student or their parents will form part of a student's official educational records as will communications from those engaged under a contract of services e.g. an educational psychologist. However, any information kept by a teacher solely for their own use, communications from other third parties such as another parent or another pupil or a local shopkeeper etc would not form part of a students educational record and would not have to be disclosed under the Regulations.

5 Accessing Student Records

Access to an education record may be exercised under the Regulations. Any information not forming part of the educational record maybe requested under the provisions of the Data Protection Act 1998.

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5.1 Students

The Data Protection Act allows students to access their personal records held by the Academy.

Students who submit written requests to see or have copies of their records must be allowed to do so within 40 days.

The Academy is entitled to ask for any further information reasonably required to locate the information and satisfy itself about the identity of the person making the request.

When dealing with a request the Academy should establish whether the student wants their parents/guardians to be involved and ensure that the student fully understands what is involved in making the request and the type of information they will receive.

The student will also be entitled to a description of the information, the purposes it is used for, who it is released to and any information available about the source of the information. The information must be supplied in an intelligible form (so any codes should be explained) and should be in hard copy unless it is not possible to do this or would involve a disproportionate effort, or if the student agrees to access the information in another form.

5.2 Parents/Guardians

Under the Regulations parents/guardians have an independent right to access their child's educational record by sending a written request to the Academy Director. Where a parent/guardian wishes simply to view the educational record, then this should be provided free of charge. If a copy of the records is requested then the Academy has the right to charge a fee which shall not exceed the cost of supplying the information. Any such information will be provided within 15 days of making the request

Any information requested which does not include information from the educational record maybe provided under the subject access rights in accordance with the DPA, any such information must be provided within 40 days of receipt of the required fee (maximum charge £10) Under the subject access rights parents will only be able to see all the information about their child when the child is unable to act on their own behalf or gives their consent.

6 Information which is exempt from disclosure

The Data Protection Act prevents the Academy from disclosing information in the following circumstances:-

- Where it is likely to cause serious harm to the physical, emotional or mental health of the student or someone else;
- Where it concerns actual or suspected child abuse;
- Where references are supplied to potential employers of the student, national bodies concerned with student admissions, another school or

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institute of further or higher education, or any other place of education and training

- Where a report has been submitted to a juvenile court
- Where the information relates to a third party, unless that party has consented to the disclosure. (This exemption does not apply where it is possible to edit the information requested so as to omit and identifying particulars of the third party)
- Information recorded by the pupil during an examination

If the Academy decides to withhold information they should provide an explanation of their decision.

7 Transferring a student's records

When a student ceases to be registered at the Academy the governing body is responsible for transferring their educational record to the student's new school. This must be done no later than 15 school days after the day when the student ceases to be registered at the Academy.

Where the Academy does not know the new school to which a student has transferred and it is not **reasonably practicable** for them to find it out, the duty to transfer a student's record doesn't apply. In these circumstances, the Academy may wish to send a common transfer file for that student, via the **S2S website** identifying the destination school as unknown.

If the Academy receives a request for a student's educational/curricular record (which the Academy still holds) from the head teacher of an independent school, the governing body of a maintained school or an appropriate person from a Higher Education Institute, where the student is under consideration for admission, the governing body must ensure it is provided within 15 school days of the request being received.

The curricular record sent must not include results of any assessments of the student's achievements.

8 Monitoring, Evaluation and Review

The Governing Body will review this policy at least every two years unless legislation requires otherwise.

Compliance with access requests shall be monitored as part of the regular KPIs submitted to the Governing Body.

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