

ACCESS TO PUPIL RECORDS POLICY

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Coordinator	HT
Principal Signature	Stephen Taylor

At the heart of all policies at The Family School are the following principles:

- Every young person in our school, whatever his or her personal circumstances can learn and achieve.
- Every young person in our school, whatever his or her self-perception and previous experiences, has academic and creative potential to become a valuable member of society.
- The key to learning at The Family School lies within the quality of the relationships between pupils, family members, staff and the intermediate agencies with whom we work.
- The success of our school is based on high expectations, mutual trust, caring for each other and taking responsibility.
- Every young person in our school is capable of becoming an agent for change in his or her local community.

Our vision is to provide our pupils with the confidence, academic progress, and ambition to take the next steps towards a successful and productive life and to be able to contribute positively within their local community and wider society.

Introduction

This policy includes information on the transferring of pupils' files to other schools or education providers.

Access to personal information

This policy should be read and used in conjunction with the Data Protection Policy. Employees, pupils and others in the school have the right of access to any personal information that is being kept about them. The most important rights are contained in the following legislation:

- The Data Protection Act 1998
- The Freedom of Information Act 2000
- Education (Pupil Information) (England) Regulations 2005

A pupil or their nominated representative has the legal right to see their record at any point during their education and even until the record is destroyed (when the pupil is 25 years of age or 35 years from date of closure for pupils with special educational needs). This is their right of subject access under the Data Protection Act 1998. The school which the pupil attended until statutory leaving age (or the school where the pupil completed sixth form studies) is responsible for retaining the pupil record until the pupil reaches the statutory age as detailed above.

Keeping a curricular record for every pupil

The curricular record means a formal record of a pupil's academic achievements, his/her other skills, abilities and progress in school. The Governing Body is responsible for ensuring a curricular record is kept for every pupil registered at The Family School and updated at least once every school year.

Parents' requests to see or have copies of their child's educational record

The Governing Body is responsible for a pupil's educational record being made available for their parent to see, free of charge, within 15 school days of receipt of the parent's written request. If a parent makes a written request for a copy of the record this must be provided to them, also within 15 school days of that request being received. The Governing Body can charge a fee for the copy, but if they do this it must not be more than the cost of supply. The educational record will include the curricular record but also other information about the pupil that may be kept by The Family School, such as details of behaviour and family background, as defined below.

The educational record

A pupil's educational record is comprised of any record of information, other than information which is processed by a teacher solely for the teacher's own use, which

- is processed (*see definition below*) by or on behalf of the governing body of, or a teacher at, The Family School

- relates to any person who is or has been a pupil at the school; and
- originates from or was supplied by or on behalf of
 - any teacher or employee at The Family School or at the pupil's former school (including TBAP, the commissioning school or any educational psychologist engaged by a governing body under a contract for services),
 - the pupil to whom the record relates; or
 - a parent of that pupil

Additionally it includes

- any statement of special educational needs/Education, Health and Care Plan held in respect of the pupil
- any Individual Education Plan (IEP) held in respect of the pupil. The IEP is the document initiated by children's services when a child is taken into care and maintained by the child's school which provides a record of educational needs, objectives and progress and achievements.

* The basic interpretative provisions provided in the Data Protection Act 1998 Chapter 29 are quoted below and provide the definition of "processing" to be applied.

"Processing", in relation to information or data, means obtaining, recording or holding the information or data or carrying out any operation or set of operations on the information or data including -

- *Organisation, adaptation or alteration of the information or data,*
- *Retrieval, consultation or use of the information or data,*
- *Disclosure of the information or data by transmission, dissemination or otherwise make available, or*
- *Alignment, combination, blocking, erasure or destruction of the information or data*

Material in a pupil's educational record exempt from disclosure to parents

When schools comply with a request to see or have a copy of a pupil's educational record under the Education (Pupil Information) (England) Regulations 2005 there is some information that must not be disclosed. This is any information that the child him/herself could not lawfully be given under the Data Protection Act 1998 (DPA 1998) or to which s/he would have no right of access under that Act or by virtue of any order made under section 30(2) or section 38(1) of the Act. The following information must not be disclosed:

- Information, the disclosure of which would be likely to cause serious harm to the physical or mental health or condition of the child or someone else
- Information as to whether the child is or has been subject to or may be at risk of child abuse, where the disclosure of that information would not be in the best interests of the child

- References supplied to potential employers of the child, any national body concerned with pupil admissions, another school, an institution of further or higher education, or any other place of education and training
- Information supplied by the school in a report to any juvenile court, where the rules of that court provide that the information or part of it may be withheld from the child
- Information concerning the child which also relates to another person who can be identified from that information or which identifies another person as the source of that information, unless the person has consented to the disclosure, or it is reasonable in all the circumstances to disclose the information without his/her consent or the person is an employee of the LA or of the school. (This exemption does not apply where it is possible to edit the information requested so as to omit the name or any other identifying particulars of that other person)
- Information recorded by the pupil during an examination

Requests by pupils to see their educational record under The Data Protection Act (DPA) 1998

Both manual and computerised personal information held by schools are subject to the DPA 1998. Under the Act pupils who submit written requests to see or have copies of their records must be allowed to do so within 40 days, unless it is obvious they do not understand what they are asking for.

When schools receive requests from pupils for disclosure of educational records under the DPA 1998, they must not disclose any information that is prohibited from disclosure under that Act. Queries relating to charging for copies made for pupils or whether to what extent pupils should be allowed to access their records should be addressed to the **Information Commissioner's Office**.

Transferring the curricular record when a pupil is under consideration for admission to another educational establishment

When a pupil is being considered for a place at another school or institution of further or higher education, should the governing body be asked by the responsible person at that institution for a pupil's curricular record, it must be provided, free of charge, within 15 school days of the request being received. A responsible person may be the head teacher of an independent school, the governing body of any other school or the person responsible for the conduct of any institution of education. The record sent must not include results of any assessments of the pupil's achievements.

When a school receives a request for a pupil's educational record from a school to which s/he has transferred

If the pupil's old school receives a request for their educational record (which they still hold) from the head teacher of an independent school or the governing body of a maintained school, the governing body must ensure it is provided within 15 school days of the request being received.

Transferring a pupil's educational record when s/he moves to a new school

When a pupil ceases to be registered at one school and becomes registered at another (either maintained or independent) in England, the governing body of the old school is responsible for transferring their educational record to the new school. This must be done no later than 15 school days after the day when the pupil ceases to be registered at the old school.

From 3 October 2005, schools have also had to transfer pupil records to schools to which pupils transfer (either maintained or independent) in Wales, Scotland and Northern Ireland. The record must be sent to the governing body of the new school or, if the school is an independent one, the head teacher/ Head teacher. This will include the commissioning school on the return of the pupils after placement but, only relates to the curricular record, not the medical or mental health record.

Files are sent by registered post with an accompanying list of files. TFS will request electronic pupil information from schools via CTF files and update their Management Information System accordingly.

SEN Support

In accordance with the SEND code of practice, SEN support will include planning and preparation for the transitions between phases of education. The school will agree with parents and pupils the information to be shared as part of this planning process.

When a school doesn't know a pupil's new school

The duty to transfer a pupil's record doesn't apply where the old school doesn't know the new school and it is not reasonably practicable for them to find it out. What is reasonably practicable will depend on circumstances, but schools might be expected to telephone and write to a pupil's parents. Where neither of these approaches is successful, and it would involve disproportionate effort to discover a pupil's new school by other means, the school will be justified in deciding it is not reasonably practicable to fulfil the requirement.

Although it is not a requirement that they should do so, in these circumstances schools are encouraged to send a common transfer file for that pupil, via the **Local Authority website** identifying the destination school as unknown. The information is then stored in the Lost Pupil Database. Schools which do not receive common transfer files for new pupils can ask the LA contacts to search this database to see if the files are there.