

2009 No.

EDUCATION

**The Education (Pupil Records and Reporting) Regulations
(Northern Ireland) 2009**

Made - - - - 2009

Coming into operation - 2009

The Department of Education, in exercise of the powers conferred by Articles 24(1) to (3) and (5) and 43(5) of the Education (Northern Ireland) Order 2006(a), and after consulting as required by Article 24(4) of that Order, makes the following Regulations:

Citation and commencement

1.—(1) These Regulations may be cited as the Education (Pupil Records and Reporting) Regulations (Northern Ireland) 2009 and, subject to paragraph (2), shall come into operation on..... 2009.

(2) These Regulations shall come into operation on 1st August 2009 for pupils in the following year groups –

- 1st and 2nd years of key stage 1;
- 3rd year of key stage 2;
- 3rd year of key stage 3;
- 1st and 2nd years of key stage 4; and
- all years of sixth form.

Interpretation

2. In these Regulations—

“formative record of progress and achievement” means a formal record of a pupil’s academic achievements, his other skills, talents and achievements and his educational progress;

“parent” in relation to a child or young person, includes any person—

- (a) who is not a parent of his but has parental responsibility for him; or
- (b) who has care of him;

“responsible person” means –

- (a) the principal or proprietor of an independent school; or
- (b) the principal or the Board of Governors of any other school,

(a) S.I. 2006/1915 (N.I. 11)

to which a pupil transfers or may transfer;

“school day” means a day on which a school is open for teaching purposes;

“teacher” includes the principal;

“the 2006 Order” means the Education (Northern Ireland) Order 2006;

“the Education Orders” means Orders referred to in Article 2 (2) and (3) of the 2006 Order;

“sixth form” means the period of full-time secondary education coming immediately after the end of key stage 4; and

“summative record of achievement” means the information specified in **regulation 9**.

Revocation and saving

3—(1) Subject to paragraph (2), the Education (Pupil Records and Reporting) (Transitional) Regulations (Northern Ireland) 2007 **(a)** are revoked.

(2) The Education (Pupil Records and Reporting) (Transitional) Regulations (Northern Ireland) 2007 shall continue to have effect until 1st August 2009 for pupils in the year groups mentioned in regulation 1(2).

Application

4—(1) Subject to paragraph (2), these Regulations apply to all grant-aided schools.

(2) Regulations 5 to 10 and 11(1)(a) and (d) and Schedules 1 and 2 shall not apply to nursery schools, or in respect of pupils in primary schools or special schools who have not attained the lower limit of compulsory school age.

General duties of the principal - annual reporting

5—(1) The principal of each grant-aided school shall make available to the parents of each pupil registered at the school the information relating to that pupil’s educational and other achievements specified in regulation 6.

(2) The information referred to in paragraph (1) shall:—

- (a) be made available in each school year and in the manner specified in regulation 10;
- (b) be signed by the principal; and
- (c) provide the name of the school.

6—(1) Subject to paragraphs (2) to (5), the information required by regulation 5(1) to be made available in relation to a pupil in:

- (a) foundation stage is specified in Part 1 of Schedule 1;
- (b) key stages 1 and 2 is specified in Part 2 of that Schedule;
- (c) key stage 3 is specified in Part 3 of that Schedule;
- (d) key stage 4 is specified in Part 4 of that Schedule; and
- (e) sixth form is specified in Part 5 of that Schedule.

(2) The information referred to in paragraph (1)(b) and (c) shall include the level of progression that the pupil has been assessed as having achieved in each of the cross-curricular skills by their teacher, in accordance with the arrangements specified by the Education (Assessment Arrangements)(Foundation to Key Stage 3) Order (Northern Ireland) 2007**(b)**.

(a) S.R. 2007 No. 43
(b) S.R. 2007 No. 45

(3) Where a pupil has been exempted from any part of the curriculum or assessment arrangements in that school year, the information provided pursuant to paragraphs (1) and (2) shall include a statement to that effect.

(4) In Irish-speaking schools, the information referred to in paragraph (1) may be provided in English or in Irish.

(5) The information required by this regulation shall include any qualification, award or certificate gained by the pupil, including any credit awarded towards a qualification where the pupil did not obtain the full qualification, that the school, any other school (including an independent school), any institution of further education, or any other person or body approved by the Department and appearing to the Board of Governors to be qualified and equipped to provide that education, has prepared him for in the school year to which the information relates, whether in connection with his studies or otherwise.

Additional information in respect of pupils in the final years of key stages 1, 2 and 3

7. In addition to the requirements set out in regulations 5 and 6, the principal of each grant-aided school shall make available the information specified in Schedule 2 to the parents of each pupil registered at the school who is in the final year of key stage 1, 2, or 3.

8. In the case of each pupil registered at the school who is in the final year of key stage 1, 2, or 3, it shall be the duty of the principal to send notification to NICCEA, in such form and by such date as it may require, of the results of assessments in relation to any cross-curricular skills in which the pupil was assessed in that school year with reference to levels of progression specified by an order made by the Department under Article 8(3) of the 2006 Order.

Summative record of achievement for pupils in the final years of key stage 2, key stage 4 and sixth form

9. —(1) In addition to the requirements set out in regulations 5, 6 and 7, the principal of each grant-aided school shall make available a summative record of achievement at the end of key stages 2 and 4, and sixth form.

(2) The summative record of achievement shall be made available to the parent of a pupil in the final year of key stage 2, or to the pupil or his parent where the pupil is in the final year of key stage 4 or sixth form.

(3) The summative record of achievement shall include: -

- (a) in relation to a pupil who is in the final year of key stage 2 the information specified in paragraph 1(a) of Schedule 2;
- (b) brief particulars of the pupil's achievements in any area of learning or activity which forms part of his curriculum;
- (c) any qualification, award or certificate gained by the pupil, including any credit awarded towards a qualification where the pupil did not obtain the full qualification, that the school, any other school (including an independent school), any institution of further education, or any other person or body approved by the Department and appearing to the Board of Governors to be qualified and equipped to provide that education, has prepared him for, whether in connection with his studies or otherwise, and detail the name, highest result achieved and the year the qualification, award or certificate was achieved;
- (d) brief particulars of any school societies, clubs or activities in which the pupil was involved in the course of his attendance at the school or at any other school (including an independent school), whether in connection with his studies or otherwise; and
- (e) particulars of any position of responsibility held by the pupil in the school or in any other school (including an independent school) attended by him or in any societies, clubs or activities mentioned in sub-paragraph (d).

Time and manner of provision of information to parents

10—(1) Subject to paragraph (2) the principal shall send the information required by regulations 5 (1), 7 and 9 (whether by post or otherwise) to the pupil's parent not later than 30th June in the school year to which the information relates.

(2) Where the principal receives information after 30th June in any school year consisting of results of public examinations taken by, or assessments in respect of, a pupil at the school during the school year, he shall send that information (whether by post or otherwise) as soon as reasonably practicable to the pupil's parent.

Duties of Boards of Governors

11—(1) It shall be the duty of the Board of Governors of every school to make arrangements as follows—

- (a) for a formative record of progress and achievement to be kept in respect of every pupil at the school and for that record to be updated at least once a year;
- (b) upon receipt of a request made in writing by a pupil or his parent, for the relevant pupil's formative record of progress and achievement to be disclosed free of charge or on payment of such fee (not exceeding the cost of supply), if any, as the Board of Governors may determine, for the supply of a copy to him;
- (c) upon receipt of a notice given in writing by a pupil or his parent that he regards any part of the pupil's formative record of progress and achievement to be inaccurate for—
 - (i) the record to be amended by the correction or removal of the part that is regarded as inaccurate, if the holder of the record is satisfied that the record is inaccurate; or
 - (ii) the notice to be appended to the record and subsequently treated as part of it, if the holder of the record is not satisfied that the record is inaccurate;
- (d) when a pupil is transferring to another school (including an independent school) at the end of the second key stage for —
 - (i) the information set out in paragraphs 1(a) and 2 of Schedule 2 to be transferred to the responsible person, not later than 30th June of that school year; and
 - (ii) that pupil's formative record of progress and achievement to be transferred to the responsible person not later than 30th June of that school year.
- (e) where a pupil ceases to be a pupil at that school and becomes a pupil at another school (including an independent school) at any other time, for that pupil's formative record of progress and achievement to be transferred to the responsible person within 15 school days. **This record shall include details of the level of progression that pupil has been assessed as having achieved in each of the cross-curricular skills;**
- (f) for the disclosure or transfer of any other educational records relating to a pupil (including a teacher's record) which are kept at the school to the responsible person within 15 school days following the day on which that person's request for the records was received and a copy shall also be supplied to the pupil's parent; and
- (g) for a statement of the arrangements made pursuant to this regulation to be kept and made available for inspection free of charge at all reasonable times by a pupil's parent or a responsible person.

(2) The duties under paragraph (1) shall extend to any educational records kept in respect of—

- (a) pupils at a nursery school; and
- (b) pupils at a primary school or a special school who have not attained the lower limit of compulsory school age,

notwithstanding that a formative record of progress and achievement is not held in respect of such pupils.

(3) In paragraph (1)(c) "inaccurate" means inaccurate or misleading as to any matter of fact.

(4) In paragraph (1)(f) a “teacher’s record” means any record kept at the school by a teacher other than a record kept and intended to be kept solely for that teacher’s own use.

12—(1) The arrangements required by regulation 11 shall include provision enabling the parent, pupil, or responsible person (as the case may be) to appeal to the Board of Governors of the school against any decision refusing—

- (a) disclosure or transfer or the supply of a copy of the whole or any part of the specified information relating to a pupil; or
- (b) amendment of any such information in those cases where the arrangements provide for those decisions to be taken by a teacher at the school.

(2) In complying with regulation 11, the Board of Governors of any school shall not make arrangements for the disclosure, supply of copies, or transfer of any documents which are the subject of an order under section 30(2) of the Data Protection Act 1998(a).

Exceptions to arrangements to disclose or supply information

13. Nothing in these Regulations shall require arrangements to be made for the disclosure or supply of a copy of any reference given by the teacher in respect of a pupil in response to a request from:

- (a) potential employers of the pupil;
- (b) the Universities and Colleges Admissions Service or any other national body of the United Kingdom or Republic of Ireland concerned with student admission;
- (c) another school (including an independent school);
- (d) an institution of further education;
- (e) a college of education; or
- (f) any other educational or training institution.

14. Nothing in these Regulations shall empower or authorise the Board of Governors of any school to make arrangements for the disclosure, supply of copies of, or transfer of—

- (a) statements of special educational needs maintained under Article 16(1) of the Education (Northern Ireland) Order 1996(b);
- (b) any report prepared for the purposes of proceedings to which the Magistrates’ Courts (Criminal Justice) (Children) Rules (Northern Ireland) 1999(c) apply; and
- (c) information as to the name, address or occupation of a pupil’s parent or as to the religious denomination to which a pupil belongs, otherwise than to that parent.

15.—(1) Nothing in these Regulations shall require arrangements to be made for information as to the results of an individual pupil’s assessment (whether under Part II of the 2006 Order or otherwise) to be made available to any persons or bodies other than—

- (a) the pupil concerned and his parents; or
- (b) the Board of Governors of any school to which that pupil has been admitted; or
- (c) NICCEA

and these Regulations shall not require arrangements to be made for such information to be made available to the body mentioned in sub-paragraph (b) except –

(i) in the case of information to which paragraph (2) applies, where the Department so directs;

(ii) in any other case, where necessary for the purposes of the performance by that body of any functions under the Education Orders.

(a) 1998 c.29
(b) S.I 1996/274 (N.I.1)
(c) S.R. 1999 No. 7

(2) This paragraph applies to information as to the results of —

(a) any assessment of a pupil at a special school; or

(b) any assessment of a pupil in any area of learning in a school year, if at any time during that school year any provision has been made under Article 14, 15, 16 or 17 of the 2006 Order in relation to that pupil excluding or modifying the application of Articles 5 to 9 of the 2006 Order in relation to that area of learning.

Translation of documents

16.—(1) This regulation applies to any document containing a statement of disclosure and transfer arrangements kept pursuant to regulation 11 (1) (g).

(2) If it appears requisite to the Board of Governors of any school that any such document should be translated into a language other than English, the Board shall arrange for it to be translated and these Regulations shall apply to the translated document as they apply to the original document.

Sealed with the Official Seal of the Department of Education on 2009



Katrina Godfrey

A senior officer of the
Department of Education

SCHEDULE 1

Regulations 4(2) and 6(1)

PART 1

Information to be provided annually to the parents of each pupil in the foundation stage in relation to his educational and other achievements

1. The pupil's annual assessment results in relation to Communication (taking account of his achievement in the Language and Literacy area of learning) and Using Mathematics (taking account of his achievement in the Mathematics and Numeracy area of learning).

2. Brief particulars of the pupil's achievement in any other area of learning or activity which forms part of his curriculum including:

Using information and communications technology

Other Skills:

Thinking, Problem-Solving and Decision Making

Self Management

Working with Others

Managing Information

Being Creative

The Arts

The World Around Us

Personal Development and Mutual Understanding

Physical Development and Movement

Religious Education (optional)

Interests and Strengths

Focus for Development

Any further Optional Content.

3. The formative record of the pupil's progress and achievement.

PART 2

Information to be provided annually to the parents of each pupil in key stages 1 and 2 in relation to his educational and other achievements

1. The pupil's annual assessment results in relation to Communication (taking account of his achievement in the Language and Literacy area of learning) and Using Mathematics (taking account of his achievement in the Mathematics and Numeracy area of learning).

2. Brief particulars of the pupil's achievement in any other area of learning or activity which forms part of his curriculum including:

Using information and communications technology

Other Skills:

Thinking, Problem-Solving and Decision Making

Self Management

Working with Others

Managing Information

Being Creative

The Arts

The World Around Us

Personal Development and Mutual Understanding

Physical Education

Religious Education (optional)

Interests and Strengths

Focus for Development

Any further Optional Content.

3. The formative record of the pupil's progress and achievement.

PART 3

Information to be provided annually to the parents of each pupil in key stage 3 in relation to his educational and other achievements

1. The pupil's annual assessment results in relation to Communication (taking account of his achievement in the Language and Literacy area of learning) and Using Mathematics (taking account of his achievement in the Mathematics and Numeracy area of learning).

2. Brief particulars of the pupil's achievement in any other area of learning or activity which forms part of his curriculum including:

Using information and communications technology

Other Skills:

Thinking, Problem-Solving and Decision Making

Self Management

Working with Others

Managing Information

Being Creative

Modern Languages

The Arts

Environment and Society

Science and Technology

Learning for Life and Work

Physical Education

Religious Education (optional)

Interests and Strengths

Focus for Development

Any further Optional Content.

3. The formative record of the pupil's progress and achievement.

PART 4

Information to be provided annually to the parents of each pupil in key stage 4 in relation to his educational and other achievements

1. The pupil's annual assessment results in relation to Communication (taking account of his achievement in the Language and Literacy area of learning) and Using Mathematics (taking account of his achievement in the Mathematics and Numeracy area of learning).

2. Brief particulars of the pupil's achievement in any other area of learning or activity which forms part of his curriculum including:

Using information and communications technology

Other Skills:

Problem Solving

Self Management

Working with Others

Learning for Life and Work

Physical Education

Religious Education (optional)

Interests and Strengths

Focus for Development

Any further Optional Content.

3. The formative record of the pupil's progress and achievement.

PART 5

Information to be provided annually to the parents of each pupil in the sixth form in relation to his educational and other achievements

1. Any qualification, award or certificate gained by the pupil, including any credit awarded towards a qualification where the pupil did not obtain the full qualification, that the school, any other school (including an independent school), any institution of further education, or any other person or body approved by the Department and appearing to the Board of Governors to be qualified and equipped to provide that education, has prepared him for, whether in connection with his studies or otherwise, and detail the name, highest result achieved and the year the qualification, award or certificate was achieved.

2. Brief particulars of the pupil's achievement in any area of learning or activity which forms part of his curriculum.

SCHEDULE 2 Regulations 4(2), 7, 9(3)(a), and 11(1)(d)

Additional Information to be provided to the parents of each pupil in the final year of key stage 1, 2 or 3

1. In the case of a pupil in the final year of key stage 1, 2 or 3
 - (a) the level of progression he has achieved in any cross-curricular skill in which he has been assessed in the final year of that key stage in accordance with the assessment arrangements for that key stage;
 - (b) a statement of the level of progression expected for a pupil at the end of that key stage in each cross-curricular skill;
 - (c) a statement of the percentage of pupils in his class attaining the expected level in that cross-curricular skill;
 - (d) a statement of the percentage of pupils in the final year of that key stage in the school:
 - (i) attaining the expected level in that cross-curricular skill;
 - (ii) working towards the level expected for a pupil at the end of that key stage, but who have not yet attained that level in that cross-curricular skill; and
 - (iii) exempted from assessment in that cross-curricular skill.

2. Where a pupil has been exempted from any part of the assessment arrangements in that school year a statement to that effect should be included.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, made under Article 24 of the Education (Northern Ireland) Order 2006, come into operation on 2009 for pupils in the 1st and 2nd years of the foundation stage, the 1st and 2nd years of key stage 2, and the 1st and 2nd years of key stage 3; and on 1st August 2009 for pupils in the 1st and 2nd years of key stage 1, the 3rd year of key stage 2, the 3rd year of key stage 3, the 1st and 2nd years of key stage 4, and all years of sixth form. The Regulations revoke and replace the Education (Pupil Records and Reporting) (Transitional) Regulations (Northern Ireland) 2007 on the same phased basis.

The Regulations re-enact existing duties on the principal and Board of Governors of all grant-aided schools, with the exceptions specified below, relating to the recording, keeping and transfer of pupil information, and specify detailed arrangements. They also introduce new requirements, in support of the revised curriculum and assessment arrangements, in relation to the reporting of pupil assessment information to parents.

Under regulations 4 to 6, the principal of a school is required to make available to parents each year information relating to their child's annual assessment results in the cross-curricular skills of Communication and Using Maths; the child's achievement in the areas of learning of the revised curriculum and in Using ICT and other skills; and information on the focus for their development and their interests and strengths. The Regulations specify the information that has to be provided in relation to pupils in Foundation Stage and key stages 1 and 2; key stage 3; key stage 4; and, sixth form. The requirement to report information to parents does not apply to nursery schools, or in respect of pupils in primary schools or special schools who have not attained the lower limit of compulsory school age. Under regulation 7 the principal is required to make available to parents certain additional information in relation to assessment results when their child is in the final year of Key Stage 1, 2 or 3; under regulation 8, to make available to NICCEA the assessment results in relation to these children; and under regulation 9 to make available to parents or – in the case of key stage 4 or sixth form pupils – to the pupil or his parent the summative record of achievement of a pupil in the final year of key stage 2, key stage 4 and sixth form. Under regulation 10 the principal must make available the above information before 30th June and must ensure that the results of any public examinations and assessments are also provided to parents, even if these are received after 30th June.

Under regulation 11 the Board of Governors of a school is required to make arrangements for the keeping and updating of a record of each individual pupil's academic achievements, his other skills, talents and achievements and his educational progress ('a formative record of progress and achievement' – regulation 11(1)(a)). Boards of Governors have to make arrangements for the transfer of the pupil's records to another school when the pupil has transferred there and this must be done within 15 school days. They must also make arrangements to ensure that certain other educational records, if kept as part of a pupil's record, should be disclosed on request and a copy supplied to the pupil's parent or any school in respect of which the pupil is accepted for admission. A fee may be charged for the supply of copies, not exceeding the cost of such supply (regulation 11(1)(b)), and a request for disclosure and supply must be dealt with within 15 school days of its receipt. The disclosure arrangements must provide the opportunity for parents to notify schools of any inaccuracies and for these to be remedied or, where the record holder is not satisfied that the record is inaccurate, for the notification to be included in the pupil's record.

With the exception of the requirement to keep a formative record of a pupil's progress and achievement, these duties extend to any educational records kept about nursery school pupils, or about pupils in primary schools or special schools who have not attained the lower limit of compulsory school age. A copy of the arrangements made under regulation 11 must be available for inspection free of charge by any person entitled to disclosure and supply of a copy of a pupil's record (regulation 11(1)(g)).

Regulation 12 provides that there must be provision for appeals to the Board of Governors against any decision to refuse disclosure or transfer of information about a pupil.

Regulations 13 to 15 exclude specified categories of information from the disclosure obligation.

Regulation 16 provides that Boards of Governors may translate the statement of transfer and disclosure arrangements kept under regulation 11(1)(g) into a language other than English.