

2007 No. 43

EDUCATION

**The Education (Pupil Records and Reporting) (Transitional)
Regulations (Northern Ireland) 2007**

Made - - - - - *26th January 2007*

Coming into operation - *1st March 2007*

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. These Regulations may be cited as The Education (Pupil Records and Reporting) (Transitional) Regulations (Northern Ireland) 2007 and shall come into operation on 1st March 2007.

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, to which a pupil transfers or may transfer;

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

“school year” means a year ending on 31st July;

“teacher” includes the principal; and

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

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

Revocations

3. The following Regulations are revoked:

The Education (Pupil Records) Regulations (Northern Ireland) 1998(a);

The Education (Pupil Records) (Amendment) Regulations (Northern Ireland) 2001(b);

The Education (Individual Pupils' Achievements) (Information) Regulations (Northern Ireland) 1998(c); and

The Education (Individual Pupils' Achievements) (Information) (Amendment) Regulations (Northern Ireland) 1999(d).

Application

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

(2) Regulation 6 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

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 every school year and in the manner specified in regulation 8;
- (b) be signed by the principal; and
- (c) provide the name of the school.

6.—(1) The information required by regulation 5(1) to be made available is: –

- (a) his annual assessment results in relation to Language and Literacy and Mathematics and Numeracy;
- (b) brief particulars of his achievement in any area of learning or activity which forms part of his curriculum;
- (c) his formative record of progress and achievement.

(2) The brief particulars referred to in paragraph 1(b) shall include the results of any public examinations taken by the pupil for which he was prepared by the school in the school year to which the information relates, including any credit awarded towards a qualification where the pupil did not obtain the full qualification.

(3) Where a pupil has been exempted from any part of a curricular area and assessment in that school year, the brief particulars referred to in paragraph 1(b) shall also include a statement to that effect.

7. It shall be the duty of the principal of the school, in respect of each pupil in a class at the end of each key stage, to send notification to NICCEA comprising the information mentioned in regulation 6(1)(a) by 10th May in each school year.

(a) S.R. 1998/No. 11
(b) S.R. 2001/No. 236
(c) S.R. 1998/No. 12
(d) S.R. 1999/No. 245

Time and manner of provision of information to parents

8.—(1) Subject to paragraph (2) the principal shall send the information (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 a pupil at the school during the school year, or relating to the year at the end of key stage 3, 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

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

- (a) where a pupil ceases to be a pupil at that school and becomes a pupil at another school (including an independent school), for a formal record of the academic achievements, other skills and abilities and academic progress relating to the pupil to be transferred to the responsible person within 15 school days;
- (b) 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 the request for the records was received and a copy shall also be supplied to the pupil's parent;
- (c) upon receipt of a request made in writing by a pupil's 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; and
- (d) for a statement of the arrangements made pursuant to this regulation and regulation 6 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) 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.

10.—(1) The arrangements required by regulations 5 and 9 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 disclosure or transfer or the supply of a copy of the whole or any part of the specified information relating to a pupil, or any decision refusing 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 regulations 5 and 9, 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).

(a) 1998 c.29

Savings

11. 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.

12. 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(a);
- (b) any report prepared for the purposes of proceedings to which the Magistrates' Courts (Criminal Justice) (Children) Rules (Northern Ireland) 1999(b) 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.

13.—(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.

(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

14.—(1) This regulation applies to any document containing a statement of disclosure and transfer arrangements kept pursuant to regulation 9(1)(d).

(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

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

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 26th January 2007



David Woods
Assistant Secretary
Department of Education

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, made under Article 24 of The Education (Northern Ireland) Order 2006, revoke and replace The Education (Pupil Records) Regulations (Northern Ireland) 1998; The Education (Pupil Records) (Amendment) Regulations (Northern Ireland) 2001; The Education (Individual Pupils' Achievements) (Information) Regulations (Northern Ireland) 1998; and The Education (Individual Pupils' Achievements) (Information) (Amendment) Regulations (Northern Ireland) 1999. They impose duties on the Principal and Board of Governors of all grant-aided schools, with the exceptions specified below, relating to the recording, reporting and transfer of pupil assessment information in the transitional period between the previous assessment and reporting arrangements ending and the revised requirements being introduced by future subordinate legislation.

The Principal of a school is required to make available to parents before the 30th June, annual assessment information relating to their child in Language and Literacy and Mathematics and Numeracy, as well as brief particulars of the child's achievement in any area of learning or activity which forms part of their curriculum, and a formative record of progress and achievements. The Principal must ensure that the results of any public examinations or end of key stage 3 information are also provided to parents, even if this is after the 30th June. This requirement 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.

The Board of Governors of a school are required to make arrangements for the transfer of an individual pupil's records to another school when the pupil has transferred there. This must be within 15 school days. Boards of Governors 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 9 (1)(c)). A request for disclosure and supply must be dealt with within 15 school days of its receipt.

These duties extend to any educational records kept about nursery school pupils, or about pupils in primary schools who are below compulsory school age. A copy of the arrangements made under regulations 6 and 9 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 9).

Regulation 10 provides that there must be provision for appeals to the Board of Governors against decisions to refuse disclosure or transfer of information about a pupil.

Regulations 11 to 13 exclude specified categories of information from the disclosure obligation. These are:

- (a) statements of special educational needs maintained under the Education (Northern Ireland) Order 1996;
- (b) reports for the purposes of proceedings to which the Magistrates' Courts (Criminal Justice) (Children) Rules (Northern Ireland) Order 1999 apply;
- (c) certain information about the pupil's home circumstances and his religious denomination; and
- (d) the results of an individual pupil's assessment.

Boards of Governors may translate the statement of transfer and disclosure arrangements kept under regulation 9(1)(d) into a language other than English (regulation 14).

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