



Skidders' School

Access to Student Records Policy

1. Background

The Skidders' School receives requests for information on its students from a wide range of sources for a variety of purposes. It is not always clear whether a duty to provide such information exists or even a right to receive the same. Requests often arise when there is a marital/custody dispute. This document seeks to clarify the position.

2. Who May Have A Right of Access?

Everyone who is a "parent" has a right to participate in decisions about a student's education, so Skidders' School must treat all "parents" equally, unless there is a Court Order to the contrary. Therefore all "parents" have the right to receive information from the Skidders' School about the student and about relevant Skidders' School events.

A "parent", as defined by the Education Act 1996, includes all natural parents, any person who has parental responsibility for a student or has care of a student. The latter meaning the person who the student lives with. A student of any age is entitled to see their own educational record, unless it is obvious that they do not understand what they are asking for.

Where a student is under consideration for admission to another school, or to an institution of further or higher education, upon request from the same, the Principal shall transfer to the responsible person, free of charge, the student's curricular record within 15 Skidders' School days. The record supplied shall NOT include the results of any assessments of the student's achievements.

When a student changes school, a completed common transfer form must be sent to the receiving school (maintained or independent) along with all educational records relating to the student, including copies of their student reports. This does not apply where the student has been on roll for less than 4 weeks.

3. When Else May Access Be Allowed/Required?

The President of a Special Educational Needs and Disability Tribunal may give directions requiring a party to deliver to the tribunal any document which it may require and which is in the power of the party to deliver.

When a Social Services Department is conducting enquiries on behalf of a Local Authority, under section 47(9)-(11) of the Children's Act 1987, The Skidders' School must assist them in those enquiries, if called upon, unless it would be "unreasonable in all the circumstances of the case".

Courts may also require schools to provide a report on a student's school record and character. This will usually include details of the student's achievements, attendance and behaviour. Where relevant, reference may be made to the student's health and home circumstances as well as the fact of the involvement of any other agencies. Exceptionally, a Court may also require Skidders' School to produce the Skidders' School records of a named student.

4. What Information Must Be Provided?

- The Educational Record for a student, which will contain copies of the annual reports along with communications of the Principal and teachers at Skidders' School, other employees at Skidders' School, or those engaged under a contract of services by the governing body. Details of the student's behaviour may be included but not "information that is processed by a teacher solely for the teacher's own use", such as an aide-memoire, nor communications from

other third parties such as the parent or a local shopkeeper. The meaning of “educational record” is defined by Schedule 11 of the Data Protection Act 1998.

- The annual student report to parents and adult students: The content of this is specified in The Education (Pupil Information) (England) Regulations 2000 (SI 2000 No.297). This will include information on the student’s general progress, their progress in all subjects and activities studied their attendance record and arrangements to discuss the report with a teacher at Skinners’ School.

5. What Information May Be Excluded?

The Data Protection Act allows a Data Controller to decline to provide information, where the request cannot be complied with without disclosing information relating to another individual, who can be identified from that information. This does not apply where the other individual has consented to the disclosure of the information or else it is reasonable in all the circumstances to comply with the request without such permission.

Skinners’ School may not disclose confidential references supplied to potential employers of the student, any national body concerned with student admissions, another school or any other place of education or training. The recipient of any such reference will however be obliged to disclose the same if it is kept in a “relevant filing system”.

6. What Information Must Be Excluded?

Skinners’ School should not disclose anything on a student’s record that would be likely to cause serious harm to the student’s physical or mental health, or that of anyone else. Nothing should be disclosed which suggests that the student is, or has been, either the subject of or at risk of student abuse.

7. What Time Limits Apply to the Allowing Access to an Educational Record?

Upon receiving a written request by a parent, the principal of Skinners’ School shall make the record available for inspection or else provide a copy, if so requested, within 15 Skinners’ School days.

8. What Charges Can Be Made for the Provision of Information?

A charge may be levied for any copy requested, provided that the fee does not exceed the actual cost of supply (including administration costs) and is as prescribed by the governing body.

9. Making Changes to Educational Records

Where a parent or student gives notice that they consider the student’s record to be inaccurate, such notice should be attached to the record and forms part of it. If the Principal is unwilling to agree to the request then there will be a right of appeal under the Complaints policy.

10. Good Practice Advice

- Include the names of all “parents” in the admission register, so that this data is available to staff responsible for distributing relevant information.
- Details of any Court Orders of which Skinners’ School has been made aware should be placed in the student’s records.
- Skinners’ School must comply with Court Orders but they are not responsible for their enforcement.
- It is sufficient to communicate with the “parent” with whom the student lives to seek consent for educational visits etc..., unless other “parents” have indicated that they wish to be consulted.
- The student’s educational record should only be transferred to an institution of further or higher education if a written request is made by the receiving establishment.
- When establishing a policy to determine the length of time for which Skinners’ School keeps copies of student’s educational records, due regard should be given to the possibility of a claim being lodged on behalf of the student for personal injury (e.g. physical or mental harm) up to 3 years after the student’s 18th birthday or, in the case of a negligence claim, (e.g. failure to meet the student’s SEN) up to 6 years.

- It is good practice to make reports, such as those to courts, as factual as possible and to base the content on first hand knowledge. It is best to avoid expressing opinions except where the author is professionally qualified so to do.

11. Glossary

“Bodies with Parental Responsibility”: A local authority can acquire parental responsibility if it is named in the care order for the student.

“Child Abuse”: includes non-accidental injury, physical and emotional neglect, ill-treatment and sexual abuse of a student.

“Court Orders”: settle areas of dispute about a student’s care or upbringing and can limit an individual’s parental responsibility. Enforcement of an order is a matter for the Court. Orders may: impose restrictions (prohibited steps order), rule on a specific issue, establish where a student shall live (residence order), and establish who may visit or otherwise contact the student (contact order) or give parental responsibility to the local authority (care order).

“Curricular Record”: means a formal record of a student’s academic achievements, his/her other skills and abilities and his/her progress in the Skinners’ School and must be updated at least once a year.

“Data Controller”: is any person who decides the purposes for which personal data is processed and the way in which such data is processed.

“Parental Responsibility”: defined by the Children Act 1989, means the rights, duties, powers, responsibilities and authority that a parent of a student has by law.

“Persons with parental responsibility”: include the mother, the father and those persons who have acquired parental responsibility through: being granted a residence order, being appointed a guardian, being named in an emergency protection order, adopting the student. A person holding parental responsibility may make arrangements for another person to exercise that responsibility on their behalf.

“Student Reports”: must be issued at least once per academic year and provide information on: the student’s general progress, their progress in all subjects and activities studied the attendance record of the student and arrangements to discuss the report with a teacher at the Skinners’ School.

12. Relevant Legislation and Statutory and Non-Statutory Guidance

DCSF Guidance:

- Data Protection and Reports (Ref:0015/2000)
- Schools, “Parents” and “Parental Responsibility”
- Circular 10/99 Social Inclusion: Pupil Support, Annex E School Reports to The Courts

Legislation:

- Data Protection Act 1998
- The Education (Pupil Information (England) Regulations 2000 (SI 2000 No.297)
- Data Protection (Subject Access Modification) (Education) Order 2000 (SI 2000 No.414)
- Education (Information About Individual Pupils) (England) regulations 2000 (SI 2000 No. 3370)

Sources of Further Information

- Data Protection Commissioner 01625 545700 www.dataprotection.gov.uk
- Common Transfer Forms: www.dfes.gov.uk/com_trans/