



**Procedure for Disclosure of and Access to Pupil Records**

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**1. Introduction**

The School is subject to Statutory Duties as to the disclosure of pupil records and this statement is intended to give an outline of the obligations on the School and the corresponding rights of parents, pupils and others to see those records. The statement may be inspected at the school office or may be downloaded from the school website, [www.beaumontschool.com](http://www.beaumontschool.com).

Under the Statutory Duties, both parents and pupils have the right to see the pupil's records. The right of the parent arises under The Education (Pupil Information) (England) Regulations 2000 as amended. The right of the pupil arises under The Data Protection on Act 1998. The rights of the parents and pupils therefore differ.

**2. Access to School Records by Parents under The Education (Pupil Information) (England) Regulations 2000 and 2005**

A parent (as defined in the Children Act 1989) is entitled to inspect his or her child's "educational record". This is defined as any record of information made on or after 1 September 1989 which:-

- (a) is processed by or on behalf of the governing body of or a teacher at the school
- (b) relates to any person who is or has been a pupil at the school, and
- (c) originated from or was supplied by or on behalf of either an employee of the Local Authority, or the pupil or the pupil's parents

The educational record does **not** extend to information:-

- (a) processed by a teacher solely for the teacher's own use
- (b) that emanates from someone not employed by the County Council in its capacity as the Local Education Authority, for example information supplied by a doctor or social worker; such information may be disclosed only with the author's consent, and this fact will, as appropriate, be drawn to the attention of the parent
- (c) that relates to another pupil
- (d) which in the Headteacher's or Designated Teacher's opinion, is relevant to the question of whether the pupil is, was, or may be, at risk of child abuse

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- (e) which if disclosed, is likely, in the Headteacher's or Designated Teacher's opinion, to cause serious harm to the physical or mental health or emotional condition of the pupil, or anyone else
- (f) prepared for a juvenile court hearing
- (g) relating to statements of special educational need
- (h) containing ethnic data
- (i) relating to references, e.g. for prospective employers or other educational establishments.

The parent must make a written request to the Headteacher for access to the educational record. When the Headteacher receives the written request the Headteacher must make the record available for inspection, free of charge, to the parent within 10 school days. If there is any doubt as to identity the School is entitled to ask for proof of identity.

The inspection will take place in the presence of the Headteacher (or a teacher authorised by the Headteacher), who will explain the nature of the information to which access is given. A report by an Educational Psychologist will be inspected in the presence of its author or the Senior Area Educational Psychologist.

The parent may obtain a copy of any document inspected on payment of a charge covering the cost of supplying the copy.

### **3. Access to School Records by Pupils under The Data Protection Act 1998**

A pupil has to follow the procedures set out under the Act to gain access to his or her records.

A pupil must make a request in writing and pay the appropriate fee to the Data Protection Controller (Headteacher/Governing Body). The pupil will then be entitled within 40 days:-

- (a) to be told if his or her personal data is being processed by the Data Controller
- (b) if so, the pupil should be given a description of that personal data, the purposes for which it has been processed and to whom that data may be disclosed
- (c) to be provided with all information which forms personal data in an intelligible manner except where: -
  - (i) the supply of a copy of that data is not possible
  - (ii) it would involve disproportionate effort
  - (iii) the pupil agrees that no copy is required
- (d) to the disclosure of any information as to the source of the personal data unless the data will disclose information relating to a third party and that third party can be identified from the information

There is no requirement to disclose the personal data including information about a third party unless:-

- (a) the third party consents to the disclosure

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- (b) where it is reasonable in all the circumstances to disclose without consent having regard to any duty of confidentiality owed, the steps taken to obtain consent and whether the third party is capable of giving consent or any express refusal to disclosure by the third party

### **4. Access to School Records by others under The Education (Pupil Information) (England) Regulations 2000**

In every case where the pupil is under consideration for admission to another school or to an institution of further or higher education the Headteacher shall transfer the pupil's curricular record to the relevant person free of charge if that person so requests. The record shall be provided within 15 school days:

The Headteacher must not disclose any record which is the subject of an order under Section 30(2) Data Protection Act 1998 (relating to issues of child abuse)

### **5. Electronic Record Keeping**

Electronic records kept by staff relating to pupils, such as examination data and accounts of meetings with parents are to be kept in a password-protected state at all times. They form part of a pupil's Educational Record, as defined by Schedule 11 of the Data Protection Act 1998 in that they comprise 'information about current and past pupils that is processed by or for a school's governing body or teacher'. Where the school offers on-line access to its Management of Information System, this will also be password protected and be subject to the Data Protection Act 1998 and The Education (Pupil Information) (England) Regulations 2000 and 2005.

### **6. Circumstances when a request for access to a pupil record may be denied**

There are two situations when information may be withheld. The first is when the information is covered by an exemption in the Act (see (a) below). The second is when the cost of supplying information held in an unstructured way would exceed the set limits (see (b) below).

(a) The main exemptions when information may be withheld relate to:

- information which might cause serious harm to the physical or mental health of the pupil or another individual;
- cases where the disclosure would reveal a child is at risk of abuse;
- information contained in adoption and parental order records
- information given to a court in proceedings under the Magistrates' Courts (Children and Young persons) Rules 1992;
- copies of examination scripts; and
- providing examination marks before they are officially announced.

(b) Unstructured personal information.

The Act limits the action a school must take to respond to a request from a child, or parent acting for them, for personal information held manually and in a completely unstructured way. This needs to be distinguished from personal information held in highly or partly structured files, such as a teacher's own records with sections for different classes and pupils, to which the normal rules of subject access apply. Where the request is for unstructured personal information, schools are entitled to ask for a description

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of the information to help them find it. They do not have to supply the information, or confirm whether or not it exists, if it would cost more than £450 to do either of these things. This cost structure is in The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.

### **7. General**

Records will be kept for twenty five years after the pupil has left the school. They are then destroyed in a secure manner.

Beyond the age of statutory education, currently 16 years of age, a pupil's education record, including public examination results and school photographs, becomes his/her own property and a pupil may withhold this information from a parent. This is in accordance with the Gillick Competence Rule, 2001.

### **8. Grievance procedure**

If the entitled person considers that a record is inaccurate or misleading on any matter of fact, he or she may make a written comment or request for amendment, addressed to the Headteacher. If the Headteacher accepts the comment or request, the record will be amended. If the Headteacher does not, the comment or request will be added to, and become part of, the record along with the Headteacher's reasons for declining the request.

Entitled persons who are refused access to any record, or whose comment or requested amendment is not accepted, have the right of appeal to the governing body, which will decide the appeal through a committee of governors acting on its behalf according to its general complaints procedures.