



ACCESS TO STUDENT RECORDS POLICY

Originator	Authorised by	Date Adopted	Date of Review	Next Review
OCA/ M Draycott	Board of Governors	December 2014	October 2021 (MMY)	October 2022

Access to Student Records.

Introduction

This policy is based on the Data Protection Act (1998) The Education (Pupil Information) (England) Regulations 2000 and The Education (Pupil Information) (England) (Amendment) Regulations 2001. For the purposes of this policy, student records are deemed to mean any record of information which:

- Is processed by or on behalf of the Governing Body of or a teacher at the Academy
- Relates to any person who is or who has been a student at the Academy.
- Originated from or was supplied by or on behalf of any of the persons specified.

The Education (Schools) Regulations require us to keep a “curricular record” for each student which is updated at least annually. The minimum this entails is set by the Education (Individual Pupils’ Achievement) (Information) Regulations. Information kept on each student in this record also included:

- (a.) Name of the parent(s) to whom access to the student’s record is granted
- (b.) Student’s full name, address, sex, date of birth, schools attended, position in family, doctor’s name and emergency contact address.
- (c.) All formal reports, internal test results, examples of work where appropriate and, where significant, attendance records.
- (d.) National Curriculum basic information (see below under transfer of records).
- (e.) Tests and other evaluation material (including [GL Assessments and CATs](#)).
- (f.) Public examination results.
- (g.) Other information deemed by the School to be significant, including information supplied by third parties such as the County Psychological Service, Social Services and Health Authorities.
- (h.) References for employers, the Careers Service, institutes of further and higher education and other similar reports.
- (i.) Copies of letters to parents and internal school notes concerning students.

The student’s annual reports are added to the file along with other material of the above sort that becomes available about the students; in this sense this is better than annual revision. These copies of reports are, by law, part of the students’ educational record.

Staff may keep their own notes, but no other information, except as above, should be stored anywhere else.

It is the responsibility of the specified person to maintain these records and keep them up to date.

Rights of access apply to ‘any material which originates from, or has been supplied by, a teacher at the school, an EWO or an employee of the LEA’. Any material based on a teacher’s subjective assessment should be sufficiently well founded to stand up to scrutiny.

Exempted material

- Notes kept by a teacher wholly for his/her own use
- Records made before September 1989
- Information, e.g. social services or medical reports received from persons other than employees of the LEA or governing body (including an educational psychologist contracted by the governing body), and EWO or the person requesting disclosure
- Information concerning another student
- Information which the governors believe might cause serious physical, mental or emotional harm to the student or any other person
- Information relating to actual, alleged or suspected child abuse
- References, e.g. to a potential employer, UCAS or colleges
- Ethnic data
- School reports to juvenile courts
- Information relating to the special education needs of students.

The Academy Trust will issue to parents and students a Privacy Notice. This notice explains what information is recorded on students, by whom and what it is used for, and will be issued on enrolment. A notice will be reissued when students are in year 11 to draw to their attention that they have the right to opt out from the passing on of information to those providing Connexions services, apart from name, address and parent/s' name/s.

An example of a privacy notice is given for guidance in appendix 1.

Student requests to access records

The Data Protection Act gives all students, regardless of age, the right of access to their records. (Subject Access Rights). Students are also entitled to be given a description of the personal data which makes up the record, together with details of the purposes for which the data are processed, the sources of the data and the individuals or organisations to which the data may be disclosed. The process will be:

- The student must make the request in writing.
- The Academy will respond to a subject access request within 15 working days.
- The student may inspect the record free of charge but if copies are requested the Academy has the right to charge appropriately. The Governing Body will determine the charge.
- In order to fulfil its responsibilities under the Data Protection Act, the Academy may seek proof of the requester's identity and any further information required to locate the personal data, particularly if the requester is no longer a student on roll.
- If a student is not able to understand or exercise their own rights under the Data Protection Act, parents can make a subject access request on their behalf.
- In exceptional cases information may be withheld. This would only normally be done where the information may cause harm to the student's physical or mental health or that of a third party or if information forms part of a court report and its disclosure would hinder the prevention or detection of a crime or prosecution.
- For the purposes of this process, the Data Protection Act assumes that any child of 12 years or above is able to understand the records but there will be individual exceptions.

Parental request to access student records.

The Education (Pupil Information) (England) Regulations give parents the independent right to access their child's educational records.

- Parents are required to make a request in writing to view their child's records.
- The Academy will respond to this request within 15 working days.
- A parent may inspect the records free of charge but if copies are made the Academy has the right to charge an appropriate amount, set by the Governing Body.
- The information to which parents are entitled and the exemptions are the same as for students although there is no parental right of access to information which does not form part of the official record. Child Protection records are not available for access on request.
- While any complaints regarding the disclosure of records process will initially be resolved informally, if the difficulty persists, the complaint will be dealt with by the Governing Body.
- A student does not have the right to prevent their parents from obtaining a copy of their school records.
- The Academy has the right to verify that the person requesting the information is who they say they are and that they have the right to a particular child's data. A request must be made by the parent concerned and cannot be made on behalf of the other parent unless authorised by that person.

Since the word 'parent' is widely used but unclearly defined in the Education Acts, the following categories of persons are accorded access to a child's record and this is based primarily on the Children's Act 1990.

- (a.) Natural parents (except those whose legal custody has been removed by a Court).
- (b.) Other persons or official representatives of bodies to which custody, care or control or guardianship has been granted by the Court.
- (c.) Social Services Department where the child is in the care of the local authority.
- (d.) Social Services Department registered foster parents for the child.
- (e.) Other persons having actual care and control of the child on a permanent basis.

When a child is in the care of the local authority there may be several 'parents' with a right of access to the child's records (e.g. natural or adoptive parents, foster parents). As an indication of general guidance, where the child is in voluntary care natural parents retain their parental rights and duties, but they are shared with the other 'parents'. Where the child is committed to the care of the local authority by a court or where the Social Services Committee have resolved to take parental rights and duties, the natural parents' rights are limited at the discretion of the Social Services Department.

Where a natural parent whose custody has been removed by a Court wishes to have access to the child's records the request will be referred to the custodial parent for decision. When non-custodial parents seek information from schools to support Court proceedings the school will assist the Court by providing information only to the official Welfare Service.

Requests from the Police

The Academy may receive requests from the Police for information about a student at the school. If police request confirmation on the following the Academy will comply. The Academy will also inform the parent/s of the request.

- Registration at the Academy.
- Full name and date of birth.
- Address
- Next of kin as informed to the Academy.
- Attendance on identified dates.

Should the Police request further access to student records the Academy will take legal advice in the context of the seriousness of the situation, public interest and the confidentiality of the data.

Transfer of Educational Records

When children transfer to another school we must send the new school:

- The complete statutory transfer form
- All educational records relating to the child

(If they transfer to an institution of HE or FE then the transfer form should not be used and the record should only be transferred if a written request is made by the receiving establishment).

The common transfer form can be sent in paper or electronic form. This information must be sent within 15 days of the child ceasing to be registered at the academy. Where, however, the record cannot be transferred automatically because the destination of the child is unknown, it must be sent within 15 school days of any request from the new school.

The duty does not apply when:

- The student has been registered at the school for less than four weeks (then we pass on any records received from the previous school).
- We cannot find the name of the new school despite our best efforts.
- Assessment information is not yet to hand (it should be sent on later).

Monitoring and review

This policy will be reviewed annually or in the following circumstances:

- changes in legislation and / or government guidance
- as a result of any other significant change or event
- in the event that the policy is determined not to be effective

If there are urgent concerns these should be raised to the Associate Vice Principal in the first instance for them to determine whether a review of the policy is required in advance of the review

Appendix One

PRIVACY NOTICE

Pupils in Schools, Alternative Provision and Pupil Referral Units and children in Early Years Settings

Privacy Notice - Data Protection Act 1998

We Ormiston Chadwick Academy are the Data Controller for the purposes of the Data Protection Act. We collect information from you and may receive information about you from your previous school and the Learning Records Service. We hold this personal data and use it to:

- Support your teaching and learning;
- Monitor and report on your progress;
- Provide appropriate pastoral care, and
- Assess how well your school is doing.

This information includes your contact details, national curriculum assessment results, attendance information and personal characteristics such as your ethnic group, special educational needs and any relevant medical information. *If you are enrolling for post 14 qualifications we will be provided with your unique learner number by the Learning Records Service and may also obtain from them details of any learning or qualifications you have undertaken.*

We will not give information about you to anyone outside the school without your consent unless the law and our rules allow us to.

We are required by law to pass some of your information to the Local Authority and the Department for Education (DfE)

If you want to see a copy of the information we hold and share about you then please contact Mrs Ann Collier, School Administrator, at the Academy.

If you require more information about how the Halton Borough Council and/or DfE store and use your information, then please go to the following websites:

http://www3.halton.gov.uk/ignl/policyandresources/ictsupportservices/serviceimprovement/pdfs/Privacy_Noteice_Sept_2011.pdf

<http://www.education.gov.uk/schools/adminandfinance/schooladmin/ims/datamanagement/privacynotices>

If you are unable to access these websites, please contact the LA or DfE as follows:

Janet Johnson – Information Governance – ICT Services – Halton Borough Council
Direct Dial Tel : 0151 511 7059 or via email janet.johnson@halton.gov.uk

Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT
Website: www.education.gov.uk
email: info@education.gsi.gov.uk
Telephone: 0870 000 2288

In addition for Secondary Schools

Once you are aged 13 or over we are required by law to pass on certain information to the provider of youth support services in your area. This is the local authority support service for young people aged 13 to 19 in England. We must provide the address of you and your parents (and your date of birth) and any further information relevant to the support services' role.

However, until you are aged 16 or older, your parent(s) can ask that no information beyond your name, address and date of birth (and their name and address) be passed on to the youth services provider. This right transfers to you on your 16th birthday. Please inform (Insert name of School Administrator) if this is what you or your parents wish.

For more information about young peoples' services, please go to the Directgov Young People page at www.direct.gov.uk/en/YoungPeople/index.htm or the LA website shown above.

Post-16 learning institutions – To fulfil the statutory requirements and duty of Local Authorities (LA) in the Apprenticeships Skills Children and Learning (ASCL) Act 2009 for post-16 education and training, Halton LA uses information about pupils to ensure that suitable provision is commissioned for residents within the borough. Where relevant, individual pupil information may be shared with post 16 learning institutions to minimise the administrative burden on applications for courses and to aid the preparation of individual learning plans. Such information may include national curriculum examination results and personal characteristics including any relevant medical information. This data sharing will be approved and controlled by Peter Richmond, Divisional Manager for Service Improvement, ICT Services – Halton Borough Council, Direct Dial Tel : 0151 511 7003 or via email peter.richmond@halton.gov.uk

PR – July 2012

ALL YOU NEED TO KNOW ABOUT DATA KEPT ABOUT YOUR CHILD
(updated July 2012)

Dear Parent/Carer,

Privacy Notice – Full Version

Halton Borough Council has an obligation under the Data Protection Act to let you know as Parent/Carer what information we at school and others hold about you and your child(ren) and this **Privacy Notice (PN)** is designed to do this. This notice goes into detail about the organisations with whom we share that data and what they and we use it for and with whom they may share that data as well under the Data Protection Act. A reduced version is also available for parents/carers.

Above all, we want to assure you that any data exchanges under the PN are always across secure networks and that where we or Halton Local Authority (LA) very rarely have to place personal information onto any removable or portable electronic media, it will be password protected as a further safeguard for you and your child (ren). If you have any comments, queries or concerns about any data aspects, the addresses to which you need to write are given below. Information on other aspects of the organisations covered below can be found at their listed websites.

Our **school** holds and processes information on pupils in order to support their teaching and learning, to monitor and report on their progress, to provide appropriate pastoral care, and to assess how well the school as a whole is doing. This information includes you and your child's contact details, National Curriculum assessment results, attendance information, characteristics such as ethnic group, special educational needs, predominant mode of travel to our school and any important medical information.

From time to time the school is required to pass on some of this data to local authorities, the Department for Education (DfE), to agencies that are prescribed by law, such as the Qualifications and Curriculum Development Agency (QCDA), Ofsted, the Department of Health (DH), Primary Care Trusts (PCT). All these are "data controllers" for the information they receive and the data must only be used for specific purposes allowed by law.

In addition, **it is helpful for accurate record keeping if we can see a copy of your child's birth certificate and, if you wish us to, please let us have a copy** which we will keep on your child's personal file. The reason for our asking for this is to ensure that the **legal name** we keep on our system is correct. The copy of the certificate will be used for no other purpose and is only ever passed to the school to which your child transfers. Whilst you can have your child known with a different forename and surname, and you can request that we refer to him or her under these names in correspondence with you we must also retain the legal name on the system. It is the legal name that will generally be passed across to the relevant organisations listed below and it is your responsibility to make your child aware of his or her legal name should you wish to use an alternative for whatever purposes. If your child is adopted, the adoption certificate will suffice for this purpose but any previous details about your child, or the fact that he or she is adopted will not be retained on our school databases. In the case where one parent wishes us to use the legal name and the other parent wishes us to use a known as name we will do our best to comply with the respective parent's wishes unless there is a court order restraining us from so doing, a copy of which will need to be lodged with us at the school.

Halton Borough Council (LA) uses information about children for whom it provides services to carry out specific functions for which it is responsible, such as the assessment of any special educational needs the child may have and forward planning. It also uses the information to derive statistics to inform decisions on (for example) the funding of schools, and to assess the performance of schools and set targets for them. The

statistics are used in such a way that individual children cannot be identified from them.. The LA may use individual, group or global data as appropriate to carry out its functions.

The Secretary of State, acting through the Department for Education (DfE), collects information on individual **children who are looked after** by Local Authorities and commenced collection of information on individual **children in need** from April 2009. The intention is that local authorities will supply the information to the Secretary of State after the end of the financial year. The data collection on children who are looked after by Local Authorities is known as the SSDA903 return and the data collection on children in need will be the Children in Need (CIN) Census.

This section of the PN is intended to inform children over the age of 12 and their parents/carers, and the parents/carers of children under the age of 12, whose data are included in the SSDA903 return and the CIN census, about the identity of the person who processes the data and uses to which the data will be put. The data that will be collected will vary with each collection but will include personal characteristics and the details of services provided to the individuals involved. The name of the child **will not** be included in the returns, but where the child has a Unique Pupil Number (UPN) this will be collected in each return. Collection of the UPN enables DfE to extract education information from the national pupil database held by them and to add it to the information in the returns submitted by local authorities. Although the national pupil database also contains the name of the child, DfE does not use the child's name in processing or analysing the information in the returns or the composite data. Neither does DfE use the identifiable information to take any action in relation to individual children nor are individual children identified in any reports. A complete list of data items in SSDA903 and CIN can be found at the DfE website or a written copy can be obtained on request from The Data Development Unit, Data Services Group, Department for Education, Sanctuary Buildings, Great Smith Street, London, SW1P 3BT. See also the section on the DfE regarding passing information onto other organisations and individuals below.

The **Standards and Testing Agency (STA)** uses information about pupils to administer the national curriculum assessments portfolio throughout Key Stages 1 to 3. This includes both assessments required by statute and those that are optional. The results of these are passed on to DfE to compile statistics on trends and patterns in levels of achievement. The STA uses the information to evaluate the effectiveness of the national curriculum and the associated assessment arrangements, and to ensure that these are continually improved. Their website address is www.qcda.gov.uk

Ofsted uses information about the progress and performance of pupils to help inspectors evaluate the work of schools, to assist schools in their self-evaluation, and as part of Ofsted's assessment of the effectiveness of education initiatives and policy. Ofsted also uses information about the views of children and young people, to inform children's services inspections in local authority areas. Inspection reports do not identify individual pupils. Their website is www.ofsted.gov.uk

Primary Care Trusts (PCT) use information about pupils for research and statistical purposes, to monitor the performance of local health services and to evaluate and develop them. The statistics are used in such a way that individual pupils cannot be identified from them. Information on the height and weight of individual pupils may however be provided to the child and its parents and this will require the PCTs to maintain details of pupils' names for this purpose for a period designated by the Department of Health following the weighing and measuring process. PCTs may also provide individual schools and LAs with aggregate information on pupils' height and weight. Halton also has a long standing arrangement for shared known children data with the PCT to enable us to produce more accurate forward planning statistics and the local authority will share information on its pupils and parents to the PCT to enable them to carry out dental and other surveys in the most effective fashion and to maintain the accuracy of the PCT databases. Any such surveys will still require the consent of you as parent for the survey to be undertaken for your child(ren).

The **Department of Health (DH)** uses aggregate information (at school year group level) about pupils' height and weight for research and statistical purposes, to inform, influence and improve health policy and to monitor the performance of the health service as a whole. The DH will base performance management discussions with Strategic Health Authorities on aggregate information about pupils attending schools in the PCT areas to help focus local resources and deliver the Public Service Agreement target to halt the year on year rise in obesity among children under 11, in the context of a broader strategy to tackle obesity in the population as a whole. The DH will also provide aggregate PCT level data to the Healthcare Commission for performance assessment of the health service. Their website is www.dh.gov.uk

The **Department for Education (DfE)** uses information about pupils for research and statistical purposes, to inform, influence and improve education policy and to monitor the performance of the education service as a whole. The DfE will feed back to LAs and schools information about their pupils for a variety of purposes that will include data checking exercises, use in self-evaluation analyses and where information is missing because it was not passed on by a former school.

The DfE will also provide Ofsted with pupil data for use in school inspection. Where relevant, pupil information may also be shared with post 16 learning institutions to minimise the administrative burden on application for a course and to aid the preparation of learning plans. Pupil information may be matched with other data sources that the Department holds in order to model and monitor pupils' educational progression and to provide comprehensive information back to LAs and learning institutions to support their day to day business. The DfE may also use contact details from these sources to obtain samples for statistical surveys. These surveys may be carried out by research agencies working under contract to the Department and participation in such surveys is usually voluntary. The Department may also match data from these sources to data obtained from statistical surveys.

Pupil data may also be shared with other Government Departments and Agencies (including the Office for National Statistics) for statistical or research purposes only. In all these cases the matching will require that individualised data is used in the processing operation, but that data will not be processed in such a way that it supports measures or decisions relating to particular individuals or identifies individuals in any results. This data sharing will be approved and controlled by the Department's Chief Statistician. The DfE may also disclose individual pupil information to independent researchers into the educational achievements of pupils who have a legitimate need for it for their research, but each case will be determined on its merits and subject to the approval of the Department's Chief Statistician. Their website is www.education.gov.uk

Pupils, as data subjects, have certain rights under the Data Protection Act, including a general right of access to personal data held on them, with parents exercising this right on their behalf if they are too young to do so themselves. If you wish to access the personal data held about your child, please contact us at the school, the LA or the relevant organisation in writing. If your child is of secondary age and wishes to access their personal data, or you wish to do so on their behalf, again please make contact as above. For further information you can contact the QCDA's Data Protection Officer 83 Piccadilly, London, W1J 8QA, Ofsted's Data Protection Officer at Alexandra House, 33 Kingsway, London WC2B 6SE, the DH's Data Protection Officer at Skipton House 80 London Road London SE1 6LH; the PCT's Caldicott Guardian at Halton & St.Helens PCT and the DfE's Data Protection Officer at DfE, Sanctuary Buildings, Great Smith Street, LONDON, SW1Y 3BT. In order to fulfil their responsibilities under the Act the organisation may, before responding to this request, seek proof of the requestor's identity and any further information required to locate the information requested.

All rights under the Data Protection Act to do with information about your child rest with them as soon as they are old enough to understand them. Recent advice is that all pupils aged 12 and over should be able to understand the nature of this notice. **Therefore we would ask you to share this notice with your child if they are aged 12 or over.** Separately from the Data Protection Act, DfE regulations provide a pupil's parent

(regardless of the age of the pupil) with the right to view, or to have a copy of, their child's educational record at the school. If you wish to exercise this right, please write to us at the school.

(For Academy use only) We are required by law to pass some information about you to the Department for Education (DfE) and, in turn, this will be available for the use(s) of the Local Authority.

In addition for Secondary Schools

Once you are aged 13 or over, we are required by law to pass on certain information to the provider of youth support services in your area. This is the local authority support service for young people aged 13 to 19 in England. We must provide the address of you and your parents (and your date of birth) and any further information relevant to the support services' role.

However, until you are aged 16 or older, your parent(s) can ask that no information beyond your name, address and date of birth (and their name and address) be passed on to the youth services provider. This right transfers to you on your 16th birthday. Please inform your school if this is what you or your parents wish.

For more information about young peoples' services, please go to the Directgov Young People page at www.direct.gov.uk/en/YoungPeople/index.htm or the LA website - www.halton.gov.uk

Post-16 learning institutions – To fulfil the statutory requirements and duty of Local Authorities (LA) in the Apprenticeships Skills Children and Learning (ASCL) Act 2009 for post-16 education and training, Halton LA uses information about pupils to ensure that suitable provision is commissioned for residents within the borough. Where relevant, individual pupil information may be shared with post 16 learning institutions to minimise the administrative burden on applications for courses and to aid the preparation of individual learning plans. Such information may include national curriculum examination results and personal characteristics including any relevant medical information. This data sharing will be approved and controlled by Peter Richmond, Divisional Manager for Service Improvement, ICT Services – Halton Borough Council, Direct Dial Tel : 0151 511 7003 or via email peter.richmond@halton.gov.uk

For many years, our school, in common with all others in Halton, has collected and recorded information on a pupil's ethnic background, religion, mother tongue and mode of transport. This information is used to compile statistics on the school careers and experiences of children from different backgrounds to help ensure that all children have the fullest opportunity to achieve their potential. **These statistics will not allow individual children to be identified publicly and the information will not be used for any other purpose.**

In addition we are now asking parents on the form attached to the reduced PN to provide us with various consents. This information will normally only be held at the school.

If you wish to have a paper copy of this PN and do not have access to a printer, please write to Service Improvement Division, Synergy Software and Information Governance Team, ICT Services (Ref Full PN request), Municipal Building, Kingsway, Widnes. WA8 7QF

If you wish to have a copy of the PN translated into another language or in Braille please let us know and we will arrange for this to be done, although please note that it will take us a few weeks to fulfil the request.

PR – July 2012