STATUTORY RULES OF NORTHERN IRELAND

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(**1**), 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.

(**1**) S.I. 2006/1915 (N.I. 11).

Revocations

3. The following Regulations are revoked:

The Education (Pupil Records) Regulations (Northern Ireland) 1998(**2**);

The Education (Pupil Records) (Amendment) Regulations (Northern Ireland) 2001(**3**);

The Education (Individual Pupils' Achievements) (Information) Regulations (Northern Ireland) 1998(**4**); and

The Education (Individual Pupils' Achievements) (Information) (Amendment) Regulations (Northern Ireland) 1999(**5**).

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.

(**2**) S.R. 1998/No. 11
(**3**) S.R. 2001/No. 236
(**4**) S.R. 1998/No. 12
(**5**) 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(**6**).

(**6**) 1998 c.29