
EXPLANATORY NOTE

(This note is not part of the Regulations.)

These Regulations, made under Article 17A and 134(1) of the Education and Libraries (Northern Ireland) Order 1986, revoke and replace the Education (Pupil Records) Regulations (Northern Ireland) 1990, (“the 1990 Regulations”). They impose on the Boards of Governors of all grant-aided schools with the exceptions specified below obligations relating to the keeping, disclosure and transfer of pupil records.

The Board of Governors is required to make arrangements for the keeping and updating of a record of each pupil’s academic achievements, his skills and abilities, and his educational progress (his “formative record of progress and achievement”—regulation 6(1)(a)). 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 Boards of Governors of all schools are required to make arrangements for the disclosure and supply of copies of the record kept under regulation 6(1)(a), on request, to—

- (i) where the pupil is in a primary school, or is in a special school and is under age 11, the pupil’s parent;
- (ii) where the pupil is in a secondary school, or is in a special school and is age 11 or over, the pupil himself or his parent (regulation 6(1)(b));
- (iii) any school in respect of which the pupil is being considered for admission (regulation 6(3)).

A fee may be charged for the supply of copies not exceeding the cost of such supply, and the arrangements must provide an opportunity for correction of inaccurate records (regulation 6(1)(b) and (c)). A request for disclosure and supply must be dealt with within 15 school days of its receipt (regulation 6(2)).

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 parent or the pupil himself where he is aged 16 or more or any school in respect of which the pupil is being considered for admission. The arrangements must also provide the opportunity for correction of these other educational records. 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 7 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 7).

The arrangements must secure the transfer of a pupil’s formative record of progress and achievement to any other school to which the pupil transfers: in the case of a pupil who transfers to another school at the end of the second key stage, specified information about the pupil’s attainments and achievements must be transferred to the other school in a prescribed form (regulations 6(1)(d) and (e)). The arrangements must also secure the transfer, on request, of the other educational records described in the previous paragraph (regulation 7). They must provide for appeal against certain decisions of a teacher where the Board of Governors arranges for him to take those decisions (regulation 8).

Regulations 9 and 10 exclude specified categories of information from the disclosure obligation. Regulations 11 to 14 contain savings in respect of—

- (a) educational records which are data for the purposes of the Data Protection Act 1984;

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- (b) statements of special educational needs maintained under the Education (Northern Ireland) Order 1996;
- (c) reports for the purposes of proceedings to which the Magistrates' Courts (Children and Young Persons) Rules (Northern Ireland) Order 1969 apply;
- (d) certain information about the pupil's home circumstances and his religious denomination;
- (e) the results of an individual pupil's assessment; and
- (f) records made before 1st September 1990.

Boards of Governors may translate the statement of transfer and disclosure arrangements kept under regulation 7(1)(b) into a language other than English (regulation 15).