



Coláiste Pobail Bheanntaí

Seskin

Bantry,

Co. Cork.

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Policy on Record Keeping for Coláiste Pobail Bheanntaí

Scope:

This is a policy which relates to the keeping of records relating to students in the school community and in particular supports effective teaching and learning. Student Records are defined as anything held in written or electronic form that refers to a student's education progress.

In the spirit of a caring and supportive community, Coláiste Pobail Bheanntaí is anxious to ensure that a system of record keeping is established and maintained which supports the teaching and learning process and recognises the value of good communication. This policy is influenced by our school's Mission Statement which sets out "to provide quality teaching and learning in the pursuit of excellence, to promote intellectual, spiritual and personal development in an atmosphere of respect thus enabling students to contribute positively to their community". Such a policy will also promote a sense of community with teachers, students and parents adopting a partnership approach. Policy development in the case of student records is a legal obligation for all schools, which will also ensure that good educational practice is in place in the school.

Rationale:

- The values underlying Coláiste Pobail Bheanntaí and our school's Mission Statement requires good practice in the area of record keeping and communications
- Section 9(g) of the Education Act 1998 requires that a school "ensures that parents of a student or in the case of a student who has reached the age of 18 years, the student, have access in a prescribed manner to records kept by that school relating to the progress of that student in his / her education"
- Section 20 of the Education (Welfare) Act 2000 requires that a school maintain a register of all students attending the school
- Section 21 of the Education (Welfare) Act 2000 requires that a school maintain a daily record of attendance / non-attendance to include the reasons for non-attendance
- Data Protection Acts 1998 & 2003 (See Appendix 1)

Goals:

- This policy statement in the area of record keeping will ensure that our school is promoting high quality teaching and learning
- Teachers will be aided in their planning to ensure that each student will receive an appropriate education
- Students and parents will receive regular feedback which will assist the student / parents to monitor his / her progress in terms of setting and achieving appropriate learning targets in addition to meeting accepted standards of behaviour and attendance
- Teachers will become aware at the earliest possible time of difficulties in relation to a student's learning, behaviour and attendance
- Communication based on factual and accurate data will be a feature of the school

- The school will meet statutory requirements under the relevant areas of legislation
- Transparency will exist in the school community in relation to a system of record keeping including creation, maintenance, updating, use of storage and access
- The school will ensure that the information kept in individual student's records is accurate and secure
- Parents / guardians and students over the age of 18 will have their requests for review of their records dealt with in accordance with legal requirements

Content:

1. Record Keeping:

Student Records should be maintained in the following areas:

- a) Enrolment Details – application forms, reports from other schools, assessments etc.
- b) Pupils academic progress including examination/assessment results
- c) Reports/assessments in the area of special needs
- d) Serious incidents of pupil misbehaviour
- e) Attendance/non-attendance including reasons for non-attendance
- f) References
- g) Accidents/incidents

N.B. It is advisable to inform parents that a particular incident is being recorded.

2. Form: (Note the Data Protection Acts 1988 and 2003 – See Appendix 1)

- a) Manual
- b) Computerised

3. Access- The following have access to student records on the terms outlined below:

- a) Teachers/authorised members of staff.
- b) E.W.O re attendance as outlined in the Education Welfare Act 2000 through contact with the principal or other designated school personnel.
- c) Parents, re own child and students over the age of 18 re own record, as per section 9 (g) of the Education Act 1998. Any such request should be made in writing to the Principal who will arrange an appointment for the purpose of reviewing the record. The parent/guardian and student over the age of 18 may see and make notes about the relevant record but must not enter any notes on the record. Upon completion of the review of the record the parent/guardian or student over the age of 18, will acknowledge in writing that they had inspected the record and this acknowledgement becomes part of the record.
- d) Other schools, in writing, at point of transfer of a student between schools.
- e) Under the Data Protection Acts 1988 and 2003.
- f) Under the discovery process in legal proceedings.
- g) Through the Freedom of Information Act 1997 when schools submit documents to government departments and other agencies who come under the remit of FOI.
- h) The Board of management may refuse access to a record in exceptional circumstances (e.g. report on a student record which includes details of a particularly sensitive family matter etc.) This refusal to allow access to a record will be conveyed to the applicant within 21 days of the application being made, in writing, by the Board.
- i) The School Principal must be made aware immediately by parent/guardians of the outcome of legal proceedings which may limit the right of one or both parents to access to information about their child.

- j) **Outside Requests:** those who are not parents/guardians or students over the age of 18 will not have access to records, except in exceptional circumstances such as a request by the Gardaí, health board personnel etc. All such requests must be made to the principal and will only be released on the production of proof of identity and the reason for the request.

4. Guidelines re Content

- a) Factual, which may include a teacher's professional opinion
- b) Brief-ensure that the entry clearly fulfils the purpose
- c) Up to date – regular review to be part of the school's administrative system i.e. updated thought the inclusion of the latest assessment/examination reports and also the addition of details of serious incidents, accidents including the follow up action/outcomes etc.
- d) Records should be written on the basis that "every thing may be seen by everybody" and in language that is easily understood and unambiguous.

5. Storage

- a) Secure/confidential – where will student records be located? How will this area be secured? Who is responsible for ensuring that the area is secure?
- b) Procedures re access –who has access? On what basis will a) teachers b) other school personnel c) parents/guardians/students over 18 and d) representatives of external agencies i.e NEWB or Gardaí, have access to student records?
- c) Archival system – how long will different types of student records be stored for? Where will the records be stored i.e. is there an archival system? How will access to the archival system be managed?

6. Destructions

- a) Definition of records to be kept indefinitely i.e. examination results and school registers/roll books.
- b) Definition of the period for which other records will be retained after a student has left a school e.g. 7 years. There is no legal obligation re period of retention. (*For further guidance see FAQ's attached to this policy*).
- c) Records must be destroyed in such a way as to ensure that confidentiality is not breached (this will usually be by shredding the entire content of the record if paper held or by deleting the content of records held on electronic media. Discs and tapes must be destroyed)
- d) Where records are incinerated by an external contractor, the process is monitored and the company is required to give a written guarantee with regard to confidentiality.
- e) Schools need only retain records for a lengthy period in relation to serious situation or needs i.e. major behavioural issues or special learning needs.

Responsibilities re Policy on Record Keeping

- The Board of Management and the Principal, on a day to day basis, will ensure that the policy on record keeping is developed, implemented and evaluated.
- The Principal will be responsible for ensuring that a system of student records is established and that appropriate structures are put in place for the physical storage, security, maintenance and access to the records.
- The relevant Year Head, working in conjunction with the Form Tutors for each class in the given year, will be responsible for the maintenance and updating of the student records for each particular year. Other school personnel will update particular student records as the need arises i.e. Guidance Counsellor or Learning Support Teacher will include references to counselling and or learning support that the student either requires and/or has been provided with. The Year Head should be made aware of all additions to the record of a student in the year group under his/her care.
- Access by parents/guardians/students over 18 to records will be in writing to the Principal who in turn will authorise the Year Head to facilitate the request the Year Head to facilitate the request where appropriate.

- The School Secretary may be authorised by the Principal and/or Year Head to access student records for the purpose of updating and/or compiling a report on a particular student as directed.
- The designated personnel will be provided with clear guidelines and training on their responsibilities in relation to the creation, maintenance, security, access and destruction of the records under their care. The personnel will be made aware of the statutory obligations in relation to the keeping of records.

Implementation Procedures:

- This policy will be fully implemented at the beginning of the next school year after its sanction by the Board of Management.
- An agreed process needs will be put in place for the creation and maintenance of the record keeping system.
- Procedures must be put in place to identify areas of responsibility in relation to records and the appointment and training of personnel to these areas.
- Facilities will be identified for the storage and accessing of records.
- The whole school community will be informed of this policy.

Success Criteria:

- An effective system of record keeping is established and maintained.
- Student records will be created, updated, maintained and securely stored.
- Relevant staff has access to the records.
- Parents/guardians and students, where appropriate, are aware of the record keeping system and are familiar with the process of accessing same.
- Parents/guardians and students are facilitated in the correction of a record where the information relating to a student is shown to be incomplete, incorrect or misleading.

Monitoring Procedures:

- A process of monitoring and regular evaluation of this policy will be conducted by the team of Year Heads on the implementation of this policy and a report submitted to the principal at the end of the first full school year.

Review Procedures:

- Notwithstanding the need to make on-going adjustments, the policy will be reviewed after two years. A review committee will be established for his purpose.

Appendix 1

Data Protection Acts 1988 and 2003

Schools should note that DATA is defined as:

“Personal information held relating to an individual/employee in electronic or manual form”

The duties of the data controller (school authority/employer) come under eight Data Protection Principles:

1. Obtain and process the information fairly
2. Keep it only for one or more specified and lawful purposes
3. Use and disclose it only in ways compatible with the purposes for which it was given to you
4. Keep it safe and secure
5. Keep it accurate and up to date
6. Ensure that it is adequate, relevant and not excessive
7. Retain it no longer than is necessary
8. Give a copy of his/her personal data to any individual on request.

Note: Commonly schools are obliged to register with the Office of the Data Protection Commissioner because they record “sensitive data” about their pupils on computer.

- **Data controllers:** *are those who, either alone or with others, control the contents and use of personal data*
- **Automated Data:** *means information that*
 1. *is being processed by means of equipment operating automatically in response to instructions given for that purpose*
 2. *is recorded with the intention that it should be processed by means of such equipment.*
- **Manual Data:** *means information that is recorded as part of a relevant filing system or with the intention that it should form part of a relevant filing system.*
- **Sensitive Data:** *means personal data relating to*
 1. *The racial or ethnic origin, the political opinions or the religious or philosophical beliefs of the data subject*
 2. *The physical or mental health or condition or sexual life of the data subject*
 3. *The commission, or alleged commission of any offence by the data subject*
 4. *Criminal convictions by the data subject*

Note: Even if a school doesn't retain such “sensitive data” electronically, the submission to the department of Education/Science or other statutory bodies of information in relation to an individual's health or learning disability would constitute grounds to be registered as a data controller.

Further information:

Contact:

Data Protection Commissioner, Canal House, Station Road, Portarlington, Co. Laois

Telephone: 00353 57 868 4800

Fax: 00353 57 868 4757

Web Address: www.dataprotection.ie

Email: info@dataprotection.ie

FAQ's:

Re: Record Keeping Policy in the case of Student Records

1. **What constitutes the contents of a student record?**

Answer: The Data Protection Acts of 1988 and 2003 define data held in a record as *personal information held relating to an individual/employee in electronic or manual form.*

As in the case of student records this information would include matters such as:

1. Enrolment details – application forms, reports from other schools, assessments etc.
2. Pupils academic progress, including examination/assessment results
3. Reports/assessments in the area of special needs
4. Serious incidents of pupil misbehaviour
5. Attendance/non-attendance including reasons for non-attendance
6. References
7. Accidents/incidents

2. **Are the informal records of information on a subject such as weekly examination results, discipline issues etc., subject to the provisions of the Data Protection Acts of 1988 and 2003**

Answer: All records whether manual or computerised created by a school, its servants or agents, including informal records, where they relate to an individual child are subject to the legislation including data protection

3. **For what period of time should student records be kept by a school? Does a statute of limitations operate in relation to the length of time student's records should be kept?**

Answer: The period of time which a school should maintain record's is ultimately one which each school must decide itself.

The Statute of Limitations relates to the time period within which one can be sue another. The period varies depending on the cause of the action.

For litigation arising from alleged failure to educate, a period of three years after the child's 18th birthday applies. So schools would need to keep records relating to learning activities/difficulties/assessments etc. until past students have reached the age of 21.

Schools should note that the Data Protection Acts requires that personal data be destroyed when the need for such data ceases, but prudence suggests that where major issues arose in relation to a student's ability to learn and the school's ability to provide an appropriate education, that the data be retained until possibility of litigation ceases.

Roll books, attendance registers are technically the property of the Minister and should be kept indefinitely. After 30 years they should be placed in the National Archives in accordance with the

National Archives Act 1986.

4. What are the rights of the pupils, parents/guardians and school personnel under relevant legislation in relation to the transfer of assessment information about pupils?

Answer: The Data Protection Acts and Section 9 (g) of the Education Act 1998 provide that parents/guardians/pupils over 18 have a right of access to all personal records held by a school in respect of the child. Parents, however, cannot prevent the transfer of information regarding the pupil's education to another school.