



Privacy & Data Protection Policy

Autumn 2022

Rise to the Challenge

Privacy & Data Protection Policy

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| Responsibility of: | Business Committee |
| Authorised by: <i>Chair of Committee</i> | Matt Williams |
| Adopted by Governing Body: <i>Date of FGB meeting</i> | 23 rd October 2022 |
| Authorised by: <i>Chair of Governors</i> | Kevin Collins |
| Review date: | Autumn 2025 |

Foxton Primary School collects and holds personal information relating to our pupils and may also receive information about them from their previous school, local authority and/or the Department for Education (DfE).

The categories of pupil information that we collect, hold and share include:

- Personal information (such as name, unique pupil number, contact details and address(es))
- Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility)
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Assessment information (such as teacher assessments, test and examination results)
- Relevant medical information
- Information relating to SEND
- Behavioural information (such as number of temporary exclusions)
- Parental personal information (such as home addresses, email addresses, mobile numbers) from the initial children application forms. Sometimes we are given by other agencies sensitive data (such as religion, nationality, ethnicity etc) for the parents
- Exclusion information
- Details of any medical conditions, including physical and mental health
- Attendance information

- Safeguarding information
- Details of any support received, including care packages, plans and support providers
- Photographs

Why we collect and use this information

We use the pupil data:

- to support pupil learning
- to monitor and report on pupil progress
- to provide appropriate pastoral care
- to assess the quality of our services
- to comply with the law regarding data sharing
- to provide streamlined services to parents/carers
- to carry out research
- comply with the law regarding data sharing
- assess the quality of our services

The lawful basis on which we use this information

We collect and use pupil information under the submission of the school census returns, including a set of named pupil records, is a statutory requirement on schools under Section 537A of the Education Act 1996.

Putting the school census on a statutory basis:

- means that schools do not need to obtain parental or pupil consent to the provision of information;
- ensures schools are protected from any legal challenge that they are breaching a duty of confidence to pupils;
- helps to ensure that returns are completed by schools;
- to comply with a legal obligation;
- to perform an official task in the public interest;
- where we have a legitimate interest in using the data or sharing the data with another provider as long as these are not outweighed by the impact on the individual and does not include sensitive or special types of data.

Less commonly, we may also process pupils' personal data in situations where:

- We have obtained consent to use it in a certain way.
- We need to protect the individual's vital interests (or someone else's interests).

Where we have obtained consent to use pupils' personal data, this consent can be withdrawn at any time. We will make this clear when we ask for consent and explain how consent can be withdrawn.

Some of the reasons listed above for collecting and using pupils' personal data overlap, and there may be several grounds which justify our use of this data.

A full list of lawful basis for collecting and using pupil information, including sharing data with the local authority, can be found in Appendix A.

Collecting pupil information

Whilst the majority of pupil information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulation, we will inform you whether you are required to provide certain pupil information to us or if you have a choice in this.

Storing pupil data

We hold pupil data for the time a child is in school with us and after this time (if it is a mid year transfer) files are sent to their next school within 6 weeks.

Child protection files follow the child through their schooling life immediately upon receiving notification that the child has been admitted to their new school.

Children individual, class or group photos that school has taken are kept in the school's archive.

We may use photographs or videos of your child for our websites and social media sites or prospectuses to show prospective pupils what we do at school and to advertise the school.

School will follow the Data Protection Policy.

Financial information where we have collected monies from parents are kept for six years and then shredded.

We will not keep data for longer than it is necessary and will follow the school's Retention Policy.

We routinely share pupil information with:

- schools that the pupil attends after leaving us this includes assessment information and relevant safeguarding information;
- our local authority, to comply with our legal obligations for statutory data returns such as School Census <https://www.gov.uk/education/data-collection-and-censuses-for-schools>;
- the Department for Education (DfE) in order to comply with our legal obligations for statutory data returns such as Key Stage Two tests;
- Leicestershire Partnership NHS Trust for delivery of child health services, such as inoculation programmes and school nurses. They also use information about pupils for data research and statistical purposes;
- Health and Social Care Information Centre (HSCIC) for analysing and presenting a range of health & social care data, including height and weight of pupils;
- Social Care to discharge our obligations and legal requirements concerning the safeguarding and well being of our pupils and/or families;
- Leicestershire Constabulary;
- External Management Information systems for legitimate interests to improve our services for example: Teachers2Parents, SIMs. See Appendix B for full details.

Why we share pupil information

We do not share information about our pupils with anyone without consent unless the law and our policies allow us to do so.

We share pupils' data with the Department for Education (DfE) on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring.

We are required to share information about our pupils with our local authority (LA) and the Department for Education (DfE) under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

Transferring data internationally

Where we transfer personal data to a country or territory outside the European Economic Area, we will do so in accordance with data protection law.

Data collection requirements:

To find out more about the data collection requirements placed on us by the Department for Education (for example; via the school census) go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

The National Pupil Database (NPD)

The NPD is owned and managed by the Department for Education and contains information about pupils in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the Department. It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.

We are required by law, to provide information about our pupils to the DfE as part of statutory data collections such as the school census and early years' census. Some of this information is then stored in the NPD. The law that allows this is the Education (Information About Individual Pupils) (England) Regulations 2013.

To find out more about the pupil information we share with the department, for the purpose of data collections, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>.

The department may share information about our pupils from the NPD with third parties who promote the education or well-being of children in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The Department has robust processes in place to ensure the confidentiality of our data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether DfE releases data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data
- the purpose for which it is required
- the level and sensitivity of data requested: and
- the arrangements in place to store and handle the data

To be granted access to pupil information, organisations must comply with strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the department's data sharing process, please visit: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

For information about which organisations the department has provided pupil information, (and for which project), please visit the following website: <https://www.gov.uk/government/publications/national-pupil-database-requests-received>

To contact DfE: <https://www.gov.uk/contact-dfe>

Requesting access to your personal data

Under data protection legislation, parents and pupils have the right to request access to information about them that we hold. To make a request for your personal information, or be given access to your child's educational record, contact Mr George Norman, Head Teacher.

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing damage
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations

If you have a concern about the way we are collecting or using your personal data, we request that you raise your concern with us in the first instance. Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

Contact

If you would like to discuss anything in this privacy notice, please contact Mr Norman.

Appendix A – lawful basis to share details with the local authority

Processing of personal data as mentioned in Article 6 of GDPR (Paragraph 1, part c – ‘processing is necessary for compliance with a legal obligation to which the controller is subject’) and Article 9 of GDPR (Paragraph 2, part b – ‘processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller ... pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject.’) is allowable in accordance with the following:

On/Off Roll Details

Section 436A of the Education & Inspections Act 2006 places a duty on all schools and local authorities to make arrangements to identify children not receiving education. Also relevant are the Education (Pupil Registration) (England) Regulations 2006 which govern the circumstances in which a pupil may be placed on or removed from a school register. The 2016 amendment to the Education (pupil Registration) (England) Regulations 2006 which requires all schools within an LA to share changes to the school roll with the relevant LA. This enables the school and the local authority to ensure that all children are in receipt of suitable education. The LA exerts its right under this legislation to request the details of pupils who start the school in the first year of admission for the school.

From 2007 there has been a statutory duty on all Local Authorities in England and Wales to have systems and procedures in place to monitor Children Missing Education (*current guidance Children missing education - Statutory guidance for local authorities September 2016*). Since this 2007 the local authority has maintained records of the education provision of all children known to Education services. The duty to share information with the LA on children with irregular attendance is stated in section 12 of the Education (Pupil Registration) (England) Regulations 2006. With regards to children not attending full-time, Ofsted takes the view that there is an obligation for all schools to notify the local authority of any such arrangements for their pupils. This obligation was detailed for the first time in the Ofsted report Pupils Missing Out on Education in November 2013. This includes all schools including both maintained and independent Schools.

Key Stage Data Collections

The Assessment and Reporting Arrangements (ARA) Early Years Foundation Stage – this states that all providers, schools and academies have a statutory duty to submit EYFS Profile data to their geographic local authority. The LA then has a corresponding duty to submit that information to the Department. The ARA is issued by the Department for Education based for the following legal status:

- Section 39(1)(a) of The Childcare Act 2006 stipulates that Early Years providers must secure that their provision meets the learning and development requirements as specified in the EYFS (Learning and Development Requirements) Order 2007 (S.I. 2007/1772) (amended in 2012). The Act states that this Order can specify the arrangements which are required for assessing children for the purpose of ascertaining what they have achieved in relation to the ELGs.
- All English local authorities must have regard to any guidance given by the STA in exercising their function under the EYFS (Learning and Development Requirements) Order 2007, article 4.2. The learning and development requirements are given legal force by an Order made under section 39 (1)(a) of the Childcare Act 2006.
- Academies are required to implement the requirements of the EYFS as set out in section 40 of the Childcare Act 2006 and must comply with local authority moderation requirements. All registered Early Years providers are required to complete the EYFS assessment for any children in the final year of the EYFS and to participate in moderation. This includes an academy providing for children in the final year of the EYFS.

The Standards and Testing Agency (STA) sets out the options for academies regarding Key Stage 1 data (including Year 1 Phonics check) in the Key Stage 1 Assessment and Reporting Arrangements. This document contains provisions made pursuant to article 9 of The Education (National Curriculum) (Key Stage 1 Assessment Arrangements) (England) Order 2004, as amended. This order is made under section 87(3) of the Education Act 2002. This document gives full effect to, or otherwise supplements, the provisions made in the order and as such has effect as if made by the order.

The Standards and Testing Agency (STA) sets out the options for academies regarding Key Stage 2 data in the Key Stage 2 Assessment and Reporting Arrangements. This document contains provisions made pursuant to article 11 of The Education (National Curriculum) (Key Stage 2 Assessment Arrangements) (England) Order 2003, SI 2003/1039 (as amended by SI 2009/1585, SI 2010/290, SI 2010/677, SI 2011/2392, SI 2012/765 and SI 2012/838). This order is made under section 87(3) of the Education Act 2002. This document gives full effect to, or otherwise supplements, the provisions made in the order and as such has effect as if made by the order. This assessment and reporting arrangement (ARA) also contains guidance and information that does not form part of the law.

The ARAs are reviewed annually and this agreement covers the current Arrangements at the time of the data collection request.

Other statutory data for providing services

The Department provides an online Free School Meal Eligibility Checking Service (FSM ECS) which allows local authorities to check whether pupils in their area are entitled to free school meals when they make an application. The system checks information held by the relevant government departments and gives a speedy response, meaning a claim made on the FSM ECS one morning can result in a pupil getting their first free meal the next day. However, the ECS is only available to LAs, and the service management and infrastructure have been developed on that basis.

This data would facilitate the local authority to promote or improve the economic, social and environmental wellbeing of children and families. This will include the provision of improvements to educational opportunity as well as the reduction or elimination of risk factors for children within Leicester, (Section 2, Local Government Act 2000). This data would support the local authority to perform its functions of providing services to children and families under Part III, Section 27, of the Children Act 1989.

This information would also contribute to ensure the provision of appropriate services for all children and young people 'in need' or at risk or likely to be at risk of suffering significant harm (Sections 17(1) and 47 (1) of the Children Act 1989) or otherwise considered to be at risk of social or educational exclusion.

Leicestershire Partnership NHS Trust use information about pupils for a range of school delivered child health services such as inoculation programmes. They also use information about pupils for data research and statistical purposes, to monitor the performance of local health services and to evaluate and develop those services. Statistics are used in such a way that individual pupils cannot be identified. Information on the height and weight of individual pupils may however be provided to children and their parents and this will require Leicestershire Partnership NHS Trust to maintain details of pupils' names for this purpose for a period designated by the Department of Health following the weighing and measuring process. Leicestershire Partnership NHS Trust may also provide individual schools and LAs with summary information on pupils' height and weight but will do in a way that means that individual pupils cannot be identified.

Appendix B – Who we share our data with

Pupils, as data subjects, have certain rights under the General Data Protection Regulation, 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 yourself or your child, then please contact the relevant organisations listed below in writing.

Local authority

The Local Authority (LA) uses information about children and families for whom it provides services to carry out specific functions for which it is responsible, such as the assessment of any special educational needs or the provision of careers advice and other support services.

The Local Authority wants to be able to provide appropriate, timely and effective services - it is important to us that we co-ordinate what we do for you properly. To do this, we share basic information such as name and address between services within the Local Authority. This is so that we can keep our information as up-to-date as possible and so that we can improve our services to you. Even though our systems are joined-up, we ensure that staff within the council can only access the information they need to do their job.

The Local Authority also uses 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 schools. Statistics are used in such a way that individual children cannot be identified.

Information Governance

Information & Support Leicestershire County Council. County Hall, Glenfield, Leicester LE3 8RA Website: www.leicestershire.gov.uk Telephone: 0116 232 3232

NHS

Leicestershire Partnership NHS Trust use information about pupils for a range of school delivered child health services such as inoculation programmes, school nurses and health visitors. They also use information about pupils for data research and statistical purposes, to monitor the performance of local health services and to evaluate and develop those services. Statistics are used in such a way that individual pupils cannot be identified. Information on the height and weight of individual pupils may however be provided to children and their parents and this will require Leicestershire Partnership NHS Trust to maintain details of pupils' names for this purpose for a period designated by the Department of Health following the weighing and measuring process. Leicestershire Partnership NHS

Trust may also provide individual schools and LAs with summary information on pupils' height and weight but will do in a way that means that individual pupils cannot be identified.

Customer Services Manager

Leicestershire Partnership NHS Trust Lakeside House, 4 Smith Way Grove Park, Enderby
Leicestershire LE19 1SS 9

Website: www.leicspart.nhs.uk Email: customerservices@leicspart.nhs.uk Tel: 0116
2950830

Health and Social Care Information Centre

The Health and Social Care Information Centre (HSCIC) was set up as an Executive Non Departmental Public Body in April 2013. The Health and Social Care Act 2012 sets out the responsibilities of HSCIC, which includes the collecting, analysing and presenting of a range of health and social care data. HSCIC are responsible for analysing the data collected nationally on the height and weight of pupils but will do so in a way that means that individual pupils cannot be identified.

The Child Protection Information Sharing project is an NHS England initiative that will help to improve the protection of children who are in the care of the local authority or for whom there is a child protection plan. The identities of these children will be shared securely with HSCIC. This information will then be made accessible to health care professionals providing urgent and unscheduled care such as accident and emergency departments and walk-in centres on a need to know basis. The local authority will be made aware if a health professional has accessed a record, the allocated social worker may subsequently conduct enquiries with the interested parties.

Information Governance Compliance Team

Health and Social Care Information Centre 1 Trevelyan Square Boar Lane Leeds LS1 6AE
Website: www.hscic.gov.uk Email: enquiries@hscic.gov.uk Tel: 0845 3006016

Education and Skills Funding Agency

The Education and Skills Funding Agency uses learner information to fulfil its statutory functions, issue/verify your Unique Learner Number (ULN) and update/check your Personal Learning Record. The Education and Skills Funding Agency may share your ULN and Personal Learning Record with other education related organisations, such as your careers service, school, college, university, Government Departments and public bodies responsible

for funding your education. Further details of how your information is processed and shared can be found at:

Learning Records Service

Education Skills Funding Agency Cheylesmore House Quinton Road Coventry CV1 2WT
Website: <https://www.gov.uk/government/publications/lrs-privacy-notice> Email: lrssupport@learningrecordsservice.org.uk Tel: 0345 377 5000

Leicestershire Constabulary

Leicestershire Constabulary use information about children who have taken large amounts of unauthorised absence from school. This information helps to inform beat teams of young people who may be being placed at risk by not being present at an educational establishment without permission.

Information Manager

Leicestershire Constabulary Force Headquarters St Johns Enderby Leicester LE19 2BX

T2P

This service only access the details we store in our MIS system, names of children, classes, parents names, mobile numbers and email addresses. They will never contact you directly unless you make contact with them first.

Cookies Used on the School Website (e4education)

Strictly Necessary Cookies

These cookies are necessary for the website to function and cannot be switched off in our systems. They are usually only set in response to actions made by you which amount to a request for services, such as setting your privacy preferences, logging in or filling in forms.

You can set your browser to block or alert you about these cookies, but some parts of the site will not then work. These cookies do not store any personally identifiable information.