



## **Privacy Notice (How we use children in need and children looked after information)**

The Clare School is committed to protecting the rights and freedoms of data subjects (natural persons), and the safe and secure processing of their data, in accordance with the Data Protection Act 2018. The Data Protection Act 2018 replaces the EU Data Protection Directive of 1995 and superseded the laws of Member States that were developed in compliance with the Data Protection Directive 95/46/EC.

We hold personal data about our pupils for a variety of purposes, this policy sets out how we process pupils Personal Data and the rights available to the pupil in relation to that processing.

The Clare School is both a Controller and a Processor of data and as the Processor we have specific legal obligations placed upon us; e.g. we are required to maintain records of personal data and processing activities and as such we have a legal liability to protect this information.

As a Controller, we are not relieved of our obligations where the Processor is involved (i.e. in a sub contract arrangement the Clare School is the Controller, the Sub Contractor is the Processor) as GDPR places further obligations on us to ensure our contracts with Processors comply with GDPR.

As our data protection officer The DPO Centre has overall responsibility for the day-to-day implementation of this policy. You should contact the DPO for further information about this policy if necessary.

[[dpo@theclareschool.com](mailto:dpo@theclareschool.com)]

## **The categories of this information that we collect, process, hold and share include:**

- personal information (such as name, date of birth, unique pupil number and address)
- characteristics (such as gender, language, nationality country of birth, ethnicity free school meal eligibility and disability)
- information relating to episodes of being a child in need (such as referral information, assessment information, Section 47 information, Initial Child Protection information , Child Protection Plan information and Court Orders)
- Attendance information (such as sessions attended, number of absences and absence reasons)
- episodes of being looked after (such as important dates, information on placements)
- outcomes for looked after children (such as whether health and dental assessments are up to date, strengths and difficulties questionnaire scores and offending)
- adoptions (such as dates of key court orders and decisions)
- care leavers (such as their activity and what type of accommodation they have)
- special educational needs information (such as Education and Health Care Plans, LSP's and pupil views)
- medical and care information - such as Health Care Plans, Moving and Handling Plans, Intimate Care Plans and Medical forms)
- behavioural information - such as Health Care Plans, Moving and Handling Plans, Intimate Care Plans and Medical forms)
- Assessment information (such as how well the child is currently performing and scrutiny of class based work)
- Post 16 learning information (such as aspirations for the future and support needed to aid transition and 16 – 19 Bursaries)

## **Why we collect and use this information**

We use this personal data to:

- support these children and monitor their progress
- provide them with pastoral care
- assess the quality of our services
- evaluate and improve our policies on children's social care
- to keep children safe (emergency contact details)

- to meet statutory duties.

## The lawful basis on which we use this information

We collect and process information about children in our care and children to whom we provide services under the following legal basis.

### **Legal obligation**

Where the School needs to use your information in order to comply with a legal obligation, for example to report a concern to Children's Services. We may also have to disclose your information to third parties such as the courts, the local authority or the police where we are legally obliged to do so

### **Public interest**

The School considers that it is acting in the public interest when providing education.

### **Legitimate interests**

This means that the processing is necessary for legitimate interests except where the processing is unfair to you. The Clare School relies on legitimate interests for most of the ways in which it uses your information.

- Specifically, the School has a legitimate interest in:
- Providing educational services to your child;
- Safeguarding and promoting the welfare of your child (and other children);
- Promoting the objects and interests of the School.
- To enable relevant authorities to monitor the School's performance and to intervene or assist with incidents as appropriate;
- To give and receive information and references about past, current and prospective students, including relating to outstanding fees or payment history, to/from any educational institution that the pupil attended or where it is proposed they attend; and to provide references to potential employers of past students;

In addition, the School may need to process special category personal data (concerning health, ethnicity, religion) in accordance with rights or duties imposed on it by law, including as regards safeguarding and employment, or from time to time by explicit consent where required.

These reasons may include:

- To safeguard students' welfare and provide appropriate pastoral (and where necessary, medical) care, and to take appropriate action in the event of an emergency, incident or accident, including by disclosing details of an individual's medical condition where it is in the individual's interests to do so: for example for medical advice, social services, insurance purposes or to organisers of School trips;
- To provide educational services in the context of any special educational needs of a pupil;
- To provide spiritual education in the context of any religious beliefs; •

- For legal and regulatory purposes (for example child protection, diversity monitoring and health and safety) and to comply with its legal obligations and duties of care.

## Collecting this information

Whilst the majority of children looked after information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the data protection legislation, we will inform you whether you are required to provide certain information to us or if you have a choice in this.

## Storing this information

We will hold information about your child in both paper and electronic format; the format of this data will be dependent on the nature of the information, where some may only be available in paper form. In each case, whether electronic or paper, we ensure that we hold this data securely, granting access to only those who need it to provide ongoing support or engagement.

We hold children in need and children looked after data for **30 years from D.O.B in accordance with our GDPR Data Protection Policy.**

## Who we share this information with

We routinely share this information with:

- the Department for Education (DfE)
- youth services
- feeder schools or colleges
- local authority (Norfolk County Council, Suffolk County Council and any other Local Authority if the child is moving out of county).
- medical professionals (physiotherapists, occupational therapists, speech and language therapists)
- school nursing team
- examination boards (WJEC)
- childrens services
- respite (Foxwood, Nelson Lodge, Mill Lodge, Squirrels, Little Acorns, Pear Tree Lane, Bradwell, Church Green Lodge, Pine Lodge)
- support services linked to Norfolk County Council (Sensory Support Services, Virtual School, Norfolk Steps)
- transport (Norse, Albies, Enterprise, LG Taxi, Able, Wherry Taxis, Door to Door, United Taxis)
- external providers (such as residential visits, Nancy Oldfield)
- ASDAN
- Scholarpack

- Library
- Evolve
- Tapestry
- Earwig
- Pro-forms (online data capture service for reporting issues with school technology and premises faults)
- 16 – 19 Bursaries (Government Grant)
- Eyegaze

## Why we share this information

**Department for Education (DfE)** - We share children in need and children looked after data with the Department on a statutory basis, under Section 83 of 1989 Children's Act, Section 7 of the Young People's Act 2008 and also under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013. This data sharing helps to develop national policies, manage local authority performance, administer and allocate funding and identify and encourage good practice.

We do not share information about our children in need or children looked after with anyone without consent unless the law and our policies allow us to do so.

## Data collection requirements

To find out more about the data collection requirements placed on us by the Department for Education go to:

Children looked after: <https://www.gov.uk/guidance/children-looked-after-return>

Children in need: <https://www.gov.uk/guidance/children-in-need-census>

## The National Pupil Database (NPD)

The NPD is owned and managed by the Department for Education and contains information about children in England. It provides invaluable information on the background and circumstances on a child's journey and 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 children to the DfE as part of statutory data collections. Some of this information is then stored in the national pupil database (NPD). The law that allows this is the Education (Information About Individual Pupils) (England) Regulations 2013.

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, carers and children have the right to request access to information about them that we hold. To make a request for your personal information contact **DPO Centre, ([dpo@theclareschool.com](mailto:dpo@theclareschool.com))**

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- 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, you should raise your concern with us in the first instance or directly to 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: the **DPO Centre ([dpo@theclareschool.com](mailto:dpo@theclareschool.com))**

## Appendix 1

Throughout this document we refer to Data Protection Legislation which means the Data Protection Act 2018 (DPA2018), the United Kingdom General Data Protection Regulation (UK GDPR), the Privacy and Electronic Communications (EC Directive) Regulations 2003 and any legislation implemented in connection with the aforementioned legislation. Where data is processed by a controller or processor established in the European Union or comprises the data of people in the European Union, it also includes the EU General Data Protection Regulation (EU GDPR). This includes any replacement legislation coming into effect from time to time