

Privacy Notice

How the local authority and other agencies use personal data

The **Local Authority (LA)** uses information about children for whom it provides services, to enable it to carry out specific functions for which it is responsible, such as the assessment of any special educational needs the child may have. It also uses the 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 them.

Below details are provided as to how Oxfordshire County Council will share it's data with partner organisations to assist in providing children and young people with the best start in life and to provide information that will assist in informing good choices through transition to adulthood.

Raising of the Participation Age

The law changed in the summer of 2014 so that 16 year olds will need to participate in education or training until their 18th birthday.

Any provider of education or training must by law inform the Local Authority (LA) of any young person who "drops out" from post 16 education or training from their institution. It is the duty of the LA to promote the effective participation in education or training of all 16 and 17 year olds resident in their area; and make arrangements to identify young people resident in their area who are not participating. If at any point a when a young person, by law, should be participating and they are either not in education, employment or training (NEET) or it is not known what they are doing, the LA will pass on the young persons details to providers of education, training or support who will be able to assist the young person to participate.

Information will only be shared when it allows the young person to fulfil their statutory duty to participate.

Post 16 Providers attended by Oxfordshire Learners

The school will share demographics and personal characteristics of a young person with post 16 providers who are a progression route for learners. These providers may be able to offer choices to the young person which could improve their life chances and enable them to make a positive contribution. The information will also be shared as part of the September Guarantee process which is a statutory obligation for Children Services to ensure that all young people are offered appropriate learning opportunities.

However, parents, or the pupils themselves if aged 16 or over, can ask that no information beyond name and address (for pupils and parents) be passed on to Post 16 providers. If as a parent, or as a pupil aged 16 or over, you wish to **opt-out** and do not want Post 16 providers to receive from the school information beyond name and address, then please contact your school.

Where Oxfordshire learners live outside of Oxfordshire, information about their post-16 learning will be shared with the Local Authority in which they live.

Local Authority sharing information with the School and (where applicable) the School's contracted IAG Provider

The LA will share information we get about post 16 learning providers with the school and the School's contracted IAG Provider – where there is a contract in place (e.g. with Adviza, Prospects, etc). We share details of what offers of learning young people have received from other learning providers (such as Colleges) before they leave the school to make sure everyone has some learning in place for Year 12.

The school may also receive information about offers of learning for their students directly, under their own arrangement with post-16 learning providers.

The LA also share information about what young people do after compulsory education for two years after finishing year 11, and until age 24 if the young person has a Learning Difficulty Assessment (LDA) or Education and Health Care (ECH) Plan in place before they leave education.

If you require further information about how the Local Authority (LA) stores and uses your information, then please go www.oxfordshire.gov.uk/cms/public-site/access-data-and-information

If you are unable to access this websites we can send you a copy of this information. Please contact the LA or DfE as follows:

- Oxfordshire County Council
Subject Access Requests (SAR)
FIS
PO Box 876
Oxford
OX1 9PB
Website: www.oxfordshire.gov.uk
Telephone: 08452 26 26 36

The processing of pupils' personal data by the other organisations is outlined below:

Ofsted uses information about the progress and performance of Children to help inspectors evaluate the work of schools, to assist schools in their self-evaluation, and as part of Ofsted's assessment of the effectiveness of education initiatives and policy. Ofsted also uses information about the views of children and young people, to inform children's services inspections in local authority areas. Inspection reports do not identify individual Children.

www.ofsted.gov.uk

The **Skills Funding Agency and the Education Fund Agency** use information about Children aged 14 and over (or enrolling for post-14 qualifications) for statistical purposes in order to evaluate and develop education policy and monitor the performance of the education service as a whole. Further information on how this data is used may be found at www.education.gov.uk.

The Chief Executive of Skills Funding also administers the Learning Records Service (previously known as the Managing Information Across Partners Programme) which uses a minimum set of personal data to:

- issue and maintain a Unique Learner Number (ULN) for children of 14 years and over and for those registering for post-14 qualifications
- create and offer a Personal Learning Record (PLR)
- enable advice and guidance to be offered to the learner (for example, helping to choose the right course)
- facilitate the processing of qualification awards by approved awarding organisations.

Approved organisations (including other schools) will be allowed to access the limited set of personal data. More information on the Personal Learning Record, Unique Learner Number, Learner Plan and Qualification Credit Framework is available on the Learning Records Service website. This sharing of data reduces the need for learners having to supply the same information repeatedly to different organisations and significantly reduces the risk of inaccurate information being held about them. Details of how an individual may opt-out of sharing achievement data in their

Personal Learning Record with these organisations are also available from the Learning Records Service.

www.skillsfundingagency.bis.gov.uk

Cheylesmore House, Quinton Road, Coventry, Warwickshire CV1 2WT

The **Department of Health** uses anonymised information about Children's height and weight collected in primary and middle schools as part of the National Child Measurement Programme to inform, influence and improve health policy. The Department of Health also provides aggregate PCT-level data to the Care Quality Commission for performance assessment of the health service.

www.dh.gov.uk

The **Department for Education (DfE)** uses information about Children for research and statistical purposes in order to inform, influence and improve education policy and to monitor the performance of the education service as a whole. **Child level information may be matched with other data sources** that DfE holds in order to model and monitor their educational progression and to provide comprehensive information back to local authorities (LAs) and learning institutions to support their day-to-day business. DfE may also use contact details from these sources to obtain samples for statistical surveys which may be carried out by research agencies working under contract to DfE. Participation in such surveys is usually voluntary. DfE may also match data from these sources to data obtained from statistical surveys.

Child level data may also be shared with other Government departments and agencies (including the Office for National Statistics) for statistical or research purposes only. In all these cases, the matching will require that individualised data is used in the processing operation but that data will not be processed in such a way that it supports measures or decisions relating to particular individuals or identifies individuals in any results. This data sharing will be approved and controlled by the Department's Chief Statistician.

DfE may also disclose individual Child information to independent researchers into the educational achievements of Children who have a legitimate need for it for their research, but each case will be determined on its merits and subject to the approval of the Department's Chief Statistician. DfE's powers to pass data to researchers are derived from The Education (Individual Child Information) (Prescribed Persons) (England) Regulations. These regulations restrict the researchers who may receive data to 'persons conducting research into the educational achievements of Children and who require individual Child information for that purpose'.

DfE is the Data Controller for the purposes of the Data Protection Act. Further information is available about the third party organisations to which DfE also passes Child data, as the law allows.

Children, as data subjects, have certain rights under the Data Protection Act, including a general right of access to personal data held on them. Their parents exercise this right on their behalf if they are too young (under 12) to do so themselves. If you wish to access the personal data which DfE holds about your child, then please contact the Department:

Public Communications Unit
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT
Website: www.education.gov.uk
Email: info@education.gsi.gov.uk
Telephone: 0870 000 2288

Annex 1

Information provided by the school to the Local Authority and post 16 providers is intended to help overcome barriers to participation and help the young person to access the appropriate support in their transition from Y11 to Post 16 education or training.

However, parents, or the pupils themselves if aged 16 or over, can ask that no information beyond name and address (for pupils and parents) be passed on to Post 16 providers. If as a parent, or as a pupil aged 16 or over, you wish to **opt-out** and do not want Post 16 providers to receive from the school information beyond name and address, then please contact your school.

The information which will be shared is detailed below:

- Young person's full name
- Unique Learner Number / Unique Pupil Number
- Full address, including postcode
- Contact telephone numbers
- Academic attainment
- Ethnicity
- Looked After/In Care
- Caring for own child
- Refugee/Asylum Seeker
- Carer not own child
- Care Leaver
- Pregnancy / father to be
- Parent
- Teenage Parent
- Learning Difficulties and/or Disabilities
- Behavioural, Emotional and Social Difficulties
- English as an Additional Language
- Attendance data
- Exclusion data
- Pre-16 Early Intervention database rating
- Has been or is receiving support via the Team Around the School (Lead Professional, Common Assessment Framework (CAF), Team Around the Child (TAC))*
- Risk of NEET Indicator (NEET= Not in Education, Employment or Training)

*This information will only be disclosed if the young person has given consent through the CAF process

Data sharing between local authorities and Post 16 providers

1. The legislation local authorities should take into account when considering local information sharing arrangements for the implementation of RPA for 16 and 17 year-olds. The two relevant legislative provisions for data sharing are sections 68 and 77 of the Education and Skills Act 2008. These are set out in Annex 3. Section 77 allows a local authority to supply information about young people to an organisation that is providing services under section 68.
2. The Department for Education considers that by putting in place a written agreement on how they will work with the providers, local authorities will be entering into arrangements with those providers for the provision of section 68 services. This allows the local authority to provide details of eligible young people to the providers in their area. It would also allow the local authority to confirm the status of young people who have been identified independently by the provider.
3. In keeping with normal practice, both providers and local authorities will want to ensure that the use of young peoples' data is consistent with their Data Controller registrations and privacy notices prior to sharing data.
4. In addition local authorities and providers must comply with the Data Protection Act, applying the normal data protection principles that relate to processing personal data. Explicit consent to share is not essential provided that "the processing is necessary for compliance with any legal obligation" (i.e. the section 68 duty). Again both parties should satisfy themselves that they are compliant. The Information Commissioner's Office data sharing code of practice³ should help in this regard. Local authorities may also want to consider updating their consent forms with details of relevant organisations involved.

Legislative provision governing data sharing by a local authority

1. Section 68 of the Education and Skills Act 2008 (Support Services: Provision by local education authorities), states that:

(1) A local education authority in England must make available to young persons and relevant young adults for whom it is responsible such services as it considers appropriate to encourage, enable or assist the effective participation of those persons in education or training.

(2) Subsection (1) is subject to any direction given by the Secretary of State under section 69.

(3) For the purposes of this section and section 69, a local education authority makes services available if it:

- (a) provides them, or
- (b) makes arrangements with another local education authority or another person for their provision.

2. Section 77 of the Education and Skills Act 2008 (Supply of information by public bodies), states that:

(1) Any of the persons or bodies mentioned in subsection (2) may supply information about a young person or relevant young adult to any person or body involved in the provision of services in pursuance of section 68 or 70(1)(b) for the purpose of the provision of those services.

(2) Those persons and bodies are:

- (a) a local authority,
- (b) the Secretary of State (includes the Education Funding Agency),
- (c) a Primary Care Trust,
- (d) a Strategic Health Authority,
- (e) a chief officer of police,
- (f) a provider of probation services,
- (g) a local probation board, and
- (h) a youth offending team.