



The Winterton Federation

Children in Need and Looked After Children Privacy Notice



Privacy Notice Published September 2022

Personal data of pupils, employees, parents or visitors to the Federation may be shared with the NHS/Public Health Agencies, where relevant to the COVID pandemic.

How we use Children in Need and Looked After Children information

You have a legal right to be informed about how our Federation uses any personal information that we hold about you. To comply with this, we provide a 'privacy notice' to individuals where we are processing your personal data.

The Winterton Federation collects and holds data on looked after children that enables the Federation to provide education services that meets their needs. The information supports the tracking of pupil attainment and progress, attendance and behaviour, Pastoral, curriculum, examination and timetabling decisions are based on the data we collect and ensure the appropriate support is given to specific groups of pupils.

We, The Winterton Federation, are the 'data controller' for the purposes of data protection law. Our data protection officer is Mr Tim Pinto (see 'Contact us' below).

The categories of the information that we collect, process, hold and share include, but is not restricted to:

- Personal information (such as name, date of birth and address);
- Characteristics (such as gender, ethnicity and disability);
- Episodes of being a child in need (such as referral information, assessment information, Section 47 information, Initial Child Protection information and Child Protection Plan information);
- 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).

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.

The lawful basis on which we use this information

Under the General Data Protection Regulation (GDPR UK), we collect and process information about children in our care and children to whom we provide services under section 537A of the Education Act 1996, and section 83 of the Children Act 1989. We also comply with:

GDPR UK Article 6(1)(c); where *processing is necessary for **compliance with a legal obligation** to which the controller is subject.*



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and
GDPR UK Article 9(2)(b); *processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject.*

Collecting this information

Children in Need and Looked After Children information is essential for the Local Authority's operational use. Whilst the majority of information you provide to us is mandatory, some of it is requested on a voluntary basis. In order to comply with the GDPR UK, we will inform you at the point of collection, whether you are required to provide certain information to us or if you have a choice in this.

Storing personal data

We hold children in need and children looked after data securely, from date of birth of the pupil plus 25 years in line with our data retention schedule.

Who we share this information with

We routinely share this information with:

- The Department for Education (DfE);
- Our local authority to meet our legal obligations to share certain information with it, such as safeguarding concerns and exclusions;
- Ofsted (our regulator);
- Health professionals;
- Services which support pupil pastoral care (for example, counsellors);
- Services which support safeguarding (for example, CPOMS, Children's Services);
- Schools that pupils move to after leaving us or transition from KS2 to KS3;
- Police forces, courts, tribunals;
- Services which support parental communication (for example, Welfare Call, ScholarPack, Piota);
- Services which support pupil learning;
- Contracted IT support service provider (Adept);
- Other external agencies who we ensure comply with GDPR UK regulations.

The Department for Education (DfE)

The DfE collects personal data from educational settings and Local Authorities via various statutory data collections. This data sharing helps to develop national policies, manage local authority performance, administer and allocate funding and identify and encourage good practice. 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. All data is transferred securely and held by DfE under a combination of software and hardware controls which meet the current government security policy framework.



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We do not share information about our children in need or looked after children 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 that 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;
- 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>



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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 Mrs Cheryl Baxter, via the Contact us section on the Federation website.

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;
- Seek redress, either through the ICO, or through the courts.

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 us

If you would like to discuss anything in this privacy notice, please contact Mr Tim Pinto via tpinto@esafetyoffice.co.uk