



# Bethersden Primary School

**Dedicated to Excellence**

## **DATA SHARING AGREEMENT**

**November 2017**



## **1. Privacy Notice (How we use pupil information)**

The data will be used to complete statutory and legal responsibilities of the Local Authority (LA) as detailed in Appendix A. Information will also be used to inform provision of LA Services to individual children to ensure their well-being and safety. It will be used to help identify children missing from education and to target intervention and support through monitoring of key indicators such as attendance and exclusions. There may be other opportunities that arise during the year that the LA will make Education Providers aware of, seeking permission where needed.

## **2. Why do we collect and use pupil information?**

Education providers are required to co-ordinate admissions with the LA at either First Time Admissions or Secondary Transfer stages. Regular submissions of student record updates to the LA are necessary to ensure that admissions process runs smoothly. This relates especially to the need for letters generated to parents to be based on accurate information and to ensure that accurate and upto-date information is available when admissions decisions are made to ensure that all pupils and families are treated as equitably as possible and that the relevant admissions policy and Education Providers Admissions Code of Practice are complied with.

### **Education Act 2002 2.3.1.**

Section 175 of this Act places a duty on both the Education Provider and the LA to safeguard and promote the welfare of children. The LA's ability to fulfil this role is dependent on ongoing receipt of core pupil data from Education Providers to ensure properly informed decisions are reached. Without this the LA would have to make decisions and allocate resources based on an incomplete pupil dataset. This would lead to inefficiencies and pose an obvious increased risk to vulnerable children and young people.

### **Education Act 1996 2.4.1.**

Section 436A imposes a duty on the LA to identify and monitor children missing education. This was further clarified by Ofsted's report 'Pupils Missing out on Education' Nov 13. The LA's ability to perform its duties effectively is reliant on the regular transmission of electronic pupil updates from all Education Providers in Kent.



Section 14 (1) requires the LA to conduct school place planning. This is dependent on regular pupil updates being received from Education Providers. (However, Personal Identifiable data at individual level is not be used for planning purposes).

Section 444 places responsibilities on the LA in terms of enforcing pupil attendance. Electronic updates from the Education Providers with regard to pupil attendance are required to support this.

## **Exclusions**

Education Providers are obliged by its funding agreement to follow current law and DfE advice on Exclusions. Exclusions will be reported to the LA by the Education Provider electronically from the school MIS system.

## **Other Legislation**

Other legislation relevant to these procedures and under which information may be shared includes:

- Academies Act 2010
- The Children Act 2004
- The Learning and Skills Act 2000 (S 117)
- The Data Protection Act 1998
- The General Data Protection Regulation
- Crime and Disorder Act 1998
- Equality Act 2010
- Education and Inspections Act 2006
- Education Act 2011
- Family and Children's Act 2014

These procedures reflect the requirements of the Protocol on Data Sharing and rationalisation in the Schools Sector (DfES, rev.

2005).<https://www.gov.uk/education/data-collection-and-censuses-for-schools>]



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

### **3. The categories of pupil information that we collect, hold and share include:**

- Personal information (such as name, unique pupil number and address)
- 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
- Medical information relevant to the child whilst in school
- Information regarding any Special Educational Needs and/or Disabilities
- Behaviour records including exclusion information

### **4. 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.

### **5. Storing pupil data**

We hold pupil data for up to 25 years.



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## 6. Who do we share pupil information with?

We routinely share pupil information with:

- schools that the pupil's attend after leaving us
- our local authority
- the Department for Education (DfE)

This list is not exhaustive and the organisations we share with is subject to change.

## 7. 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.

## 8. 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>.

## 9. 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>

## 10. 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 the Headteacher.

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:

Mr. Stuart Gawthorpe, Headteacher in writing at the following address:

Mr. Stuart Gawthorpe  
Headteacher  
Bethersden Primary School  
School Road  
Bethersden  
Ashford  
Kent  
TN26 3AH



## Appendix A

	Data Description	Purpose	From	To	Statutory/Support	Timescales	Mechanism
<b>Processes</b>							
1	Student Core Data (as per above)	Supports Statutory Duties	Education Providers	Local Authority	Supports LA Statutory Function	Daily/Weekly/Termly/Annually	B2B from SIMS, or alternative School system
2	School Census	Statutory Requirement from DfE for LA Education Providers	Education Providers	Local Authority	Statutory/Supports LA Statutory Function	Termly	SIMS (file export or B2B) or alternative School system
3	Early Years Foundation Stage (EYFS)	Statutory Requirement from DfE	Education Providers	Local Authority	Statutory	Annually	SIMS (file export or B2B) or alternative School system
4	Phonics Screening Check	Statutory Requirement from DfE	Education Providers	Local Authority	Statutory	Annually	SIMS (file export or B2B) or alternative School system
5	Key Stage 1 (KS1)	Statutory Requirement from DfE	Education Providers	Local Authority	Statutory	Annually	SIMS (file export or B2B) or alternative School system
6	Key Stage 2 (KS2)	Supports Reporting to LA and Education Providers	DfE	Local Authority	Supports LA Statutory Function	Annually	DfE via NCA Tools
7	Key Stage 4 (KS4)	Supports Reporting to LA and Education Providers	DfE	Local Authority	Supports LA Statutory Function	Annually	DfE via EPAS Online, NCER, Key to Success
8	GCSE Results Day	Supports Reporting to LA and Education Providers	Education Providers	Local Authority	Supports LA Statutory Function	Annually	SIMS (file export or B2B) or alternative School system
9	A Level Results Day	Supports Reporting to LA and Education Providers	Education Providers	Local Authority	Supports LA Statutory Function	Annually	SIMS (file export or B2B) or alternative School system
10	FFT Aspire	Supports Target Setting and Self Evaluation in Education Providers	FFT (formally Fischer Family Trust)	LA/ Education Providers	Supports LA Statutory Function	Updated Throughout Year	FFT Aspire Online Portal
11	ALPs and LPUK post 16 Data	Supports Target Setting and Self Evaluation in Education Providers	Alkemygold Ltd and Learning Plus UK	LA/Post 16 Education Providers	Supports LA Statutory Function	Updated Throughout Year	ALP and LPUK Dashboards