



**Birkett House School**

**Privacy Notice**

**(How we use Pupil information)**

**Created: May 2018**

**(On school website since inception may 2018)**

**Updated: October 2020**

## **The categories of pupil information that we process include:**

- personal identifiers and contacts (such as name, unique pupil number, contact details and address)
- characteristics (such as ethnicity, language, and free school meal eligibility)
- safeguarding information (such as court orders and professional involvement)
- special educational needs
- relevant medical information
- attendance (such as sessions attended, number of absences, absence reasons and any previous schools attended)
- Transport to school
- School meals information
- Emergency contact details for parents & carers
- Assessment information
- Pupil curricular records
- Safe guarding information
- Details of any support received including care packages, plan & support providers
- Photographs & videos
- Photographs and other media to support exam/accreditation entries
- Exclusion information

We may also hold data about pupils that we have received from other organisations, including other schools, local authorities & the department of education.

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

We collect and use pupil information, for the following purposes:

- a) to support pupil learning
- b) to monitor and report on pupil progress
- c) to provide appropriate pastoral care
- d) to assess the quality of our services
- e) to keep children safe (food allergies, or emergency contact details)
- f) administer admissions and ECHP plans for admission.
- g) protect pupil welfare

## **How we collect pupil information**

We collect pupil information via the pupil registration form initially. We then check back with parents/carers on an annual basis to ensure we have the correct information and the latest information particularly with regard to consent, medication, etc.

We also get pupil information via a secure system called Common Transfer File (CTF) which is used between schools nationally. This is typically used by schools to transfer pupil information when the pupil moves school.

Pupil data is essential for the schools' operational use. Whilst the majority of pupil information you provide to us is mandatory, some of it requested on a voluntary basis. In order to comply with the data protection legislation, we will inform you at the point of collection, whether you are required to provide certain pupil information to us or if you have

a choice in this.

### **How we store pupil data**

We keep personal information whilst the pupil attends Birkett House School or is seeking a placement.

We hold pupil data securely for the set amount of time shown in our data retention schedule. For more information on our data retention schedule and how we keep your data safe, please visit the school website: [www.birkettthouse.leics.sch.uk](http://www.birkettthouse.leics.sch.uk),/Key information/policies.

### **Who we share pupil information with**

We routinely share pupil information with:

- schools/colleges that the pupils attend after leaving us
- our local authority
- youth support services (pupils aged 13+)
- the Department for Education (DfE)
- health & social welfare professionals
- safeguarding concerns and exclusions
- pupils family & representatives
- our regulator, ie Ofsted
- our auditors
- examination boards
- learning records service
- careers advice services
- contract service providers

### **Why we regularly 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 pupil data with the department of education 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 the DfE under regulation 5 of the Education (Information about Individual Pupils) (England) Regulations 2013.

### **Data Collection requirement**

We are required to provide information about pupils to the Department for Education as part of statutory data collections such as the school census and early years census. Some of this information is then stored in the National Pupil Databases which is owned and managed by the department of education and provides evidence on school performance to inform research. For more information see the departments website on how it collects and shares research data: <https://www.gov.uk/guidance/data-protection-how-we-collect-and-share-research-data>

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

## Youth support services

### Pupils aged 13+

Once our pupils reach the age of 13, we also pass pupil information to our local authority and / or provider of youth support services as they have responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996.

This enables them to provide services as follows:

- youth support services
- careers advisers

A parent or guardian can request that **only** their child's name, address and date of birth is passed to their local authority or provider of youth service by informing us. This right is transferred to the child/pupil once s/he reaches the age of 16 unless determined under the Mental Capacity Act they lack the capacity for this right.

The information shared is limited to the child's name, address and date of birth. However where a parent or guardian provides their consent, other information relevant to the provision of youth support services will be shared. This right is transferred to the child / pupil once they reach the age 16.

### Pupils aged 16+

We will also share certain information about pupils aged 16+ with our local authority and / or provider of youth support services as they have responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996.

This enables them to provide services as follows:

- post-16 education and training providers
- youth support services
- careers advisers

For more information about services for young people, please visit our local authority website.

## Department for Education

The Department for Education (DfE) collects personal data from educational settings and local authorities via various statutory data collections. We are required to share information about our pupils with the Department for Education (DfE) either directly or via our local authority for the purpose of those data collections, under:

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](#).

For more information, please see 'How Government uses your data' section.

## Parents & Pupils Requesting Rights to their 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 Head Teacher in the first instance.

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
- a right to seek redress, either through the ICO, or through the courts

If you have a concern or complaint 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 Head Teacher in the first instance.

## How Government uses your data

The pupil data that we lawfully share with the DfE through data collections:

- underpins school funding, which is calculated based upon the numbers of children and their characteristics in each school.
- informs 'short term' education policy monitoring and school accountability and intervention (for example, school GCSE results or Pupil Progress measures).
- supports 'longer term' research and monitoring of educational policy (for example how certain subject choices go on to affect education or earnings beyond school)

## 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 NPD, go to

<https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>

### **Parents and Pupils' rights regarding personal data**

Under data protection legislation, parents and pupils have the right to request access to information about them that we hold – a '**subject access request**'. Parents/carers can make a request with respect to their child's data where the child is not considered mature enough to understand their rights over their own data (usually under the age of 13), or where the child has provided consent.

Parents also have the right to make a subject access request with respect to any personal data the school holds about them.

If you make a subject access request, and it we do hold information about you or your child, we will:

- give you a description of it
- tell you why we are holding and processing it, and how long we will keep it for
- explain where we got it from, if not from you or your child.
- tell you who it has been, or will be, shared with
- let you know whether any automated decision-making is being applied to the data, and any consequences of this
- give you a copy of the information in an intelligible form

Individuals also have the right for their personal information to be transmitted electronically to another organisation in certain circumstances.

To make a request for your personal information, or to be given access to your child's educational record, please contact our business manager ([SBM@birketthouse.leics.sch.uk](mailto:SBM@birketthouse.leics.sch.uk))

You also have the right to:

- Object to processing of personal data that is likely to cause, or is causing, damage or distress
- Prevent it being used for the purpose of direct marketing
- Object to decisions being taken by automated means (by a computer or machine, rather than a person)
- In certain circumstances, have inaccurate personal data rectified, erased or destroyed or restrict processing; 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 by contacting our business manager ([SBM@birketthouse.leics.sch.uk](mailto:SBM@birketthouse.leics.sch.uk)) Alternatively, you can contact the Information Commissioners Office at <https://ico.org.uk/concerns/>

## Complaints

We take any complaints about our collection and use of personal information very seriously.

If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other complaint, please contact our business manager ([SBM@birketthouse.leics.sch.uk](mailto:SBM@birketthouse.leics.sch.uk)).

Alternatively, you can make a complaint to the Information Commissioners Officer:

- Report a concern online at <https://ico.org.uk/concerns/>
- Call 0303 123 1113
- Or write to: Information Commission's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF