



Tudhoe Learning Trust Privacy Notice for Children in Need & Children looked after

Last updated: November 2024

Tudhoe Learning Trust as an organisation seeks to ensure that personal data is collected, processed and retained in line with the Data Protection Act and General Data Protection Regulations 2018.

This notice explains what personal data our schools collect, how and why it is collected, how it is stored and used and with whom this data may be shared.

We may need to update this privacy notice periodically so we recommend that you revisit this information from time to time.

Trust schools will seek consent for the collection of personal data where this is required.

The type of personal information we collect

We currently collect and process the following pupil information:

- Personal information (such as name, date of birth and address)
- Characteristics (such as sex, ethnicity and disability)
- Episodes of being a child in need (such as referral information, assessment information, Section 47 information, Initial Child Protection Conference information, Child Protection Plan information, and Children in Need 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 pupil data to:

- Support pupil learning
- Monitor and report on pupil progress
- Provide them with the appropriate pastoral care
- Assess the quality of our services
- Comply with the law regarding data sharing
- Evaluate and improve our policies on children's social care

Under the General Data Protection Regulation (GDPR), the lawful bases we rely on for processing this information are:

- **Consent.** Consent has been given in order to process personal information for a specific purpose. Parents and guardians are able to remove consent where this is required at any time. You can do this by contacting the Head Teacher of the school.
- **Contract.** The processing of data is necessary to comply with a contractual obligation.
- **Legal Obligation.** We have a legal obligation to provide education to our pupils. Where we are required to deliver education remotely, it is the decision of the Trust School to decide how to meet this requirement.
- **Vital Interests.** The processing is necessary to protect someone's life.
- **Public Task.** The processing is necessary to perform a task in the public interest and to complete a function that is required by law.
- **Legitimate Interests.** The processing is necessary for the legitimate interest of the Trust and school or the legitimate interests of a third party unless there is a good reason to protect an individual's personal data which overrides those legitimate interests.

Collecting pupil information

Children in need and children looked after information is essential for the local authority's operational use. Whilst most of the personal information you provide to us is mandatory, some of it requested on a voluntary basis. To comply with UK GDPR, 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.

How we store your personal information

We hold pupil data securely for the set amount of time shown in our records retention schedule. For more information on our data retention schedule and how we keep your data safe, please visit the Trust Website at www.tudhoelearningtrust.co.uk

Who we share pupil information with

We routinely share pupil information as appropriate with:

- Schools that the pupils attend after leaving us
- Our local authority
- The Department for Education (DfE)
- Employees of Tudhoe Learning Trust (including Supply Staff and Volunteers as appropriate).
- School health professionals such as the nursing team
- Educational psychology
- Speech and language therapists
- SEND colleagues
- Multi-agency safeguarding hub/families first/first contact
- Peripatetic teaching organisations and coaches
- Police forces, youth offending team, courts and tribunals
- Our regulator (the organisation or "watchdog" that supervises us), Ofsted
- Suppliers and service providers such as Parent Mail/Arbor, OneIT, Chartwells catering company etc.

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.

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:

We share children in need and children looked after data with the Department for Education (DfE) on a statutory basis, under Section 83 of 1989 Children's Act, <http://www.legislation.gov.uk/ukpga/2008/23/section/7> and also under section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

All data is transferred securely and held by the Department for Education (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. For privacy information on the data the Department for Education collects and uses, please see: <https://www.gov.uk/government/publications/privacy-information-children-and-young-people-under-18/privacy-information-children-and-young-people-under-18>.

Your data protection rights

Requesting access to your personal data

The UK-GDPR gives parents and pupils certain rights about how their information is collected and used. To make a request for your personal information, or be given access to your child's educational record, in the first instance you should contact the Head Teacher of the school.

You also have the following rights:

- To be informed about the collection and use of your personal data - this is called 'right to be informed'.
- To ask us for copies of your personal information we have about you - this is called 'right of access', this is also known as a subject access request (SAR), data subject access request or right of access request.
- To ask us to change any information you think is not accurate or complete - this is called 'right to rectification'.
- To ask us to delete your personal information - this is called 'right to erasure'
- To ask us to stop using your information - this is called 'right to restriction of processing'.
- 'Object to processing' of your information, in certain circumstances
- rights in relation to automated decision making and profiling.
- To withdraw consent at any time (where relevant).
- To complain to the Information Commissioner if you feel we have not used your information in the right way.

There are legitimate reasons why we may refuse your information rights request, which depends on why we are processing it. For example, some rights will not apply:

- Right to erasure does not apply when the lawful basis for processing is legal obligation or public task.
- Right to portability does not apply when the lawful basis for processing is legal obligation, vital interests, public task or legitimate interests.
- Right to object does not apply when the lawful basis for processing is contract, legal obligation or vital interests. And if the lawful basis is consent, you don't have the right to object, but you have the right to withdraw consent.

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 raise a concern with ICO.

For further information on how to request access to personal information held centrally by the Department for Education (DfE), please see the 'How Government uses your data' section of this notice.

You are not required to pay any charge for exercising your rights. If you make a request, we have one month to respond to you.

Please contact the Head Teacher of the school in the first instance if you wish to make a request.

Withdrawal of consent and the right to lodge a complaint

Where we are processing your personal data with your consent, you have the right to withdraw that consent. If you change your mind, or you are unhappy with our use of your personal data, please let us know by contacting the Head Teacher of the school.

How to raise a concern

If you would like to discuss any information contained within this Privacy Notice or have any concerns about our use of your personal information, you may contact the Trust Data Protection Officer directly via dpo@tudhoelearningtrust.co.uk

Alternative, you may raise a concern directly to the ICO if you are unhappy with how we have used your data.

Helpline number: 0303 123 1113

ICO website: <https://www.ico.org.uk>

How Government uses your data

The pupil data that we lawfully share with the Department for Education (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 (DfE) (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 (DfE) and contains information about pupils in schools in England. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.

The data in the NPD is provided as part of the operation of the education system and is used for research and statistical purposes to improve, and promote, the education and well-being of children in England.

The evidence and data provide DfE, education providers, Parliament and the wider public with a clear picture of how the education and children’s services sectors are working in order to better target, and evaluate, policy interventions to help ensure all children are kept safe from harm and receive the best possible education. To find out more about the NPD, go to <https://www.gov.uk/government/publications/national-pupil-database-mpd-privacy-notice/national-pupil-database-mpd-privacy-notice>

Sharing by the Department for Education (DfE)

DfE will only share pupils’ personal data where it is lawful, secure and ethical to do so. Where these conditions are met, the law allows the Department for Education (DfE) to share pupils’ personal data with certain third parties, including:

- Schools and local authorities
- Researchers
- Organisations connected with promoting the education or wellbeing of children in England
- Other government departments and agencies
- Organisations fighting or identifying crime

For more information about the Department for Education’s (DfE) NPD data sharing process, please visit: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

Organisations fighting or identifying crime may use their legal powers to contact the Department for Education (DfE) to request access to individual level information relevant to detecting that crime.

For information about which organisations the Department for Education (DfE) has provided pupil information, (and for which project) or to access a monthly breakdown of data share volumes with Home Office and the Police please visit the following website: <https://www.gov.uk/government/publications/dfe-external-data-shares>

How to find out what personal information the Department for Education (DfE) holds about you

Under the terms of the UK GDPR, you are entitled to ask the Department for Education (DfE):

- If they are processing your personal data
- For a description of the data they hold about you
- The reasons they're holding it and any recipient it may be disclosed to
- For a copy of your personal data and any details of its source

If you want to see the personal data held about you by the Department for Education (DfE), you should make a 'subject access request'. Further information on how to do this can be found within the Department for Education's (DfE) personal information charter that is published at the address below:

<https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter>

or <https://www.gov.uk/government/publications/requesting-your-personal-information/requesting-your-personal-information#your-rights>

To contact the Department for Education (DfE): <https://www.gov.uk/contact-dfe>