

## **Overarching Privacy Notice for Children & Families Services (Education)**

(incorporating the following portfolio areas:- Behaviour Support; Business Intelligence; Early Help; Early Years Improvement; Early Years School Improvement; Educational Psychology; Home & Hospital Tuition (H3); Independent Travel Training; Learning & Achievement; Post 16 Learning and Skills; SEND Partnership; Sensory & Physical Impairment; Schools Admissions; Social Inclusion & Safeguarding; Special Educational Needs; Troubled Families; Virtual HT & LAC Education.)

### **Information held about you**

In order to make informed decisions regarding the safety and wellbeing of a child or young person and to make appropriate services available to you, it is necessary for us to collect and hold personal information about you. This information may relate to you, your family and any other persons in your household. Data will include:-

- basic details about you and your family such as address, telephone number, email address, NHS number and NI number (where relevant to early years settings in receipt of Early Years Pupil Premium and/or Free School Meals)
- where relevant personal sensitive information such as religion, ethnic origin; disability status; education; marital status; offences (including alleged offences); criminal record; parenting styles and behaviours; substance use; employment details
- where relevant, information relating to schools and further education and training providers attended and training provided to you (including apprenticeships).
- All additional support provided to you or your child in relation to your/their educational development
- All educational attendance; any exclusion history; future education & training plans (up to age 18 or 25 if have an EHCP)
- contact we have had with you, or your child such as home visits and meetings.
- assessments and reports and correspondence regarding you and your family both written by us and provided by third party agencies.

The third party agencies referred to above may include health professionals, police, educational establishments, advocacy services and any other organisation with whom you are currently or historically been involved with.

### **Who is processing my data?**

All personal data held, is processed in accordance with data protection law. The Data Controller for the information outlined in this privacy notice is Herefordshire Council.

Where joint Data Controllers are identified as part of providing services to you, you will be made aware of this.

Hoople Ltd are the Data Processors who will process your financial information on behalf of the council.

### **How will we use the information we hold about you?**

We will collect information about you, your family and those living in your home (where applicable) to make informed decisions regarding the safety and wellbeing of a child or young person; to provide a statutory service for provision of care for all children; to keep children safe and to meet the needs of the child; to identify and support children and young people in their educational and training setting.

## **What is the legal basis for us to process your data?**

The legal basis for processing the data is our legal obligation for social care provision, and the necessity for performance of a task carried out in the public interest or in the exercise of official authority vested in the social care department.

The statutory legal obligation is covered by a variety of legislation which includes the Children Act 1989, 1996, 2004 & 2006; Children & Families Act 2014; Education Act 1996 & 2011; Education & Skills Act 2008; Crime & Disorder Act 1998; Offender Management Act; School Discipline Regulations 2012; Regulations of Welfare Reform Act 2012; Localism Act 2011; Domestic Violence, Crime Victims Act 2004; LA Social Services Act 1970; Promoting the education of looked after children and previously looked after children. (Statutory guidance for local authorities February 2018); Schools Admissions code & the SEND code of practice.

Where the legal basis for processing information about you, your family and those who live in your home is by **consent**, you can withdraw this at any time by notifying us. If, however any **concerns are raised** to a significant level it will be necessary for us to apply our statutory legal obligation to your child and process information without your consent. Where possible you will be advised that our concerns have reached this level.

## **Who we will share your information with**

We may share information about you or your family with partner organisations where relevant and appropriate or where safeguarding concerns are raised. These organisations may include:-

- Health professionals such as GPs; school nurses; community nurses, hearing or visual impairment services; speech & language therapy (SALT). Where relevant this may also include specialist health professionals who may be currently involved with you, your family and any other person living in your home, or those to whom a referral is being made on your behalf. This may include specialist mental health services, psychologist etc
- Police may be approached for relevant information to enable appropriate decisions to be made about the safety and security of you, your family and any other person living in your home. This will include full disclosures of criminal history and sentencing. Sensitive information will only be shared if it is relevant.
- Educational establishments including nurseries, schools and further education and training providers such as colleges. Information gathered will include attendance and achievement records, wellbeing and behavioural issues and relationships with you, your family and any other person living in your home.
- Advocacy services where this is relevant to comply with our legal responsibility to ensure that your child is appropriately supported.
- If you tell us that you and your family are currently working with any other organisations we will approach them for information to ensure that we have a full picture of the current and historical situation for you and your family. This may include Youth Offending Teams, domestic violence services, National Society for the Prevention of Cruelty to Children (NSPCC) etc.
- All relevant departments within our own authority such as family support services, social care teams, adult services, educational psychology; hearing & visual impairment services; physical disability service. Some services may not be internal to the authority and may be completed under contract so information will be provided to the services to enable them to fulfil their contract and provide services to you. I.e. Hoople for finance services for the Council.

- Where your care provision requires relief or short break care, your details will be provided to ensure appropriate levels of service are maintained for you and your family.
- If there are any concerns of a safeguarding nature and you have moved from our area, we may be contacted by your new local authority and social work teams. We will share relevant information with them.
- Subject to strict agreements describing how it will be used, the information we gather may be shared with any of the multi-agency professionals working with you and your family or those to whom we make a referral on your behalf.
- Where appropriate your data will be used to produce performance statistics for the local authority and submitted in line with statutory guidelines.

If there are no safeguarding concerns, we will not normally share your information with organisations other than our partner organisations without your consent, however, there may be certain circumstances where we would share without consent such as where we are required to do so by law, to safeguard public safety, and in risk of harm or emergency situations. Any information which is shared will only be shared on a need to know basis, with appropriate individuals. Only the minimum information for the purpose will be shared.

### **How long do we keep your records**

We will only keep your information for the minimum period necessary. All information will be held securely and destroyed under confidential conditions. The information outlined in this privacy notice will be kept as detailed below. If the information held falls into more than one category, the file will be retained for the longer period.

<b>Educational Records</b>	
General Educational records	35 yrs
Hearing/Visual Impairment Service	35 yrs
Special Educational Needs	35 yrs
Early Years' Service	Age 25
Adult & community learning	See separate schedule
Preparing for adulthood tracker	Age 25
Independent travel trainers	6 years after case closure
<b>Educational Psychologists</b>	
General correspondence records with no casework	6 years
Casework records including assessments	75 years
Early Help Assessment (previously Common Assessment Framework CAF), Children Centre Services & Early Help Services	6 years after closure (unless family has contact with social care and the Early Help record then becomes part of the social care record)
<b>Children's Social Care Records</b>	
Children supported under Section 17 of the Children Act (no child protection issues)	10 years
Strategy Meetings and Child Protection records	40 years
Child with disabilities	75 years
Children in Care (looked after children)	75 years

<b>Fostering Records</b>	
Applications from foster carers (refused or withdrawn)	3 years
Child privately fostered	25 years
Approved foster carer records	10 years
Special Guardianship Orders	100 years
<b>Adoption Records</b>	
Adopted children including counselling documentation (Schedule 2)	100 years
Applications to adopt (Retention period will depend on the outcome of the application and will vary from 25-100 years. This will be clarified when the outcome is known.)	100 years
<b>Others</b>	
Notification of Schedule One allegations (offences against children) including discharge from prison	60 years

The entire record for the child or young person will be retained for the maximum retention period relevant for that file. If you would like further clarification on how retention periods are applied, please discuss this with your worker.

### **Your rights**

You have a number of rights under data protection law, including the right to request your information and to request that the information be amended or erased if incorrect. Mistakes can be rectified however where your opinion of the information held on record differs from that of the professional, this may be recorded as an addendum to the report. Your opinion will be shared whenever the report is shared, however the report can only be amended where there is a factual inaccuracy. To request an amendment or erasure of your information, please contact the author of the report in question or contact the Information Governance Team as detailed below.

To request your records, you will need to put your request in writing and provide proof of identification to the Information Governance Team, Herefordshire Council, Plough Lane, Hereford HR4 0LE or via email, [informationgovernance@herefordshire.gov.uk](mailto:informationgovernance@herefordshire.gov.uk)

You also have a right to make a complaint about our handling of your personal data to the Information Commissioner's Office <https://ico.org.uk/>

### **Providing accurate information**

It is important that we hold accurate and up to date information about you in order to assess your needs and deliver the appropriate services. If any of your details have changed, or change in the future, please ensure that you inform us as soon as possible so that we can update your records.

### **Further information**

If you have any questions or concerns about how your information is used, please contact the team in the first instance. You can also contact the Data Protection Officer, Carol Trachonitis, at Herefordshire Council, Plough Lane, Hereford HR4 0LE, telephone (01432) 260616, email: [informationgovernance@herefordshire.gov.uk](mailto:informationgovernance@herefordshire.gov.uk)

More information about data protection and how it applies to you can be found on the Information Commissioner's Office website at <https://ico.org.uk/>