

Education - Children with Additional Needs Privacy Notice

Why we collect and use your information

Gloucestershire County Council (GCC) is the data controller for the personal information we collect from you. We collect, use, and are responsible for certain personal information about you. When we do so we are regulated under the General Data Protection Regulation (GDPR) which applies across the European Union (including in the United Kingdom).

This notice explains what personal data (information) we hold about you, how we collect, how we use and may share information about you. We are required to give you this information under data protection law.

The Additional Needs Service includes the following services:

- Access to Education Service
- Education, Health and Care Service
- Education Inclusion Service
- Educational Psychology Service
- Advisory Teaching Service
- Quality and Engagement in Education Service

The Children with Additional Needs Service is responsible for carrying out duties under the:

- Children and Families Act 2014, including the SEND Code of Practice (2015)
- Education Act 1996 (amended 2011)
- Special Educational Needs and Disability Act 2001 and Regulations 2014
- Education and Inspection Act 2006
- Equality Act 2010
- Care Act 2014
- Schools Standard and Framework Act 1998
- Mental Capacity Act 2005
- School Information Regulation 2002
- School Discipline (Pupil Exclusions and Reviews) Regulations 2012
- School Admission Code 2014
- School Admission Appeal Code 2012

In relation to statutory and non-statutory access and assessment processes, this includes the ongoing monitoring of children and young people who have Education, Health and Care needs. This includes information and advice sought for reviews, tracking information, disagreement resolution or mediation processes and processes relating to appeals to tribunals. We work in a coordinated way with other children and young people's services in and with partner organisations to ensure we deliver the best possible outcomes for children and young people with additional needs in Gloucestershire, and to ensure we are fully compliant with the Acts listed above and their associated Codes.

The Council will collect and use your personal information in order to support access to appropriate education and education support services.

The information we collect about you

Gloucestershire County Council will collect only the personal information we need to perform our functions in line with regulations and law. We collect information from parents or carers and from other public sector professionals for children and young people below and within statutory school age, and will request consent from young people themselves if they are aged 13 or over as long as they have capacity to provide this.

In the course of assessing and planning Children with Additional Needs support, and providing the most suitable educational provision, we collect the following personal information when you provide it to us:

- personal information (such as name, address, contact details, date of birth, parent/carer name(s) and contact details, gender);
- details of special educational needs and disabilities;
- ethnicity;
- information about physical or mental health of child and family.

We also obtain and hold personal information from the following other sources:

- other organisations or teams that can provide us with advice and information (such as Adult or Children's Social Services, mental health services, doctors, school nurses, other NHS providers and other Government agencies);
- schools or post-16 settings currently or previously attended;
- early education providers currently or previously attended (such as nurseries, pre-schools, childminders).

How we use your information

Gloucestershire County Council will use the information about you to:

- identify your child's educational needs;
- clarify the child or young person's needs;
- identify the support they require which will help them to achieve their outcomes and comply with our safeguarding duties;
- know who we need to speak to, so we can ask them to send us information and advice relating to your child;
- make decisions about whether to conduct a statutory needs assessment or issue an Education, Health and Care (EHC) Plan;
- make decisions about the content of EHC Plan including outcomes, placement and provision;
- support the ongoing monitoring of the provision specified in an EHC Plan where one is issued;
- inform EHC Plan annual review and monitor your child's progress;
- support disagreement resolution or mediation processes and processes relating to appeals and/or tribunals;
- make decisions about whether to provide additional funding to the setting where your child is educated (such as High Needs Funding and Early Years and Inclusion Funding);
- to provide travel assistance, Personal Travel Allowances and Independent Travel Training. We may also collect CCTV data for the purposes of detecting and preventing crime;
- help to resolve any disagreements;
- enable coordinated working with other teams and organisations;
- evaluate and quality assure the services we provide;
- inform future commissioned services and educational placements requirements.

We will also use your data to better understand the services we provide and to help us build those services for the future. We may also use your data to identify if our services are fulfilling our legal obligations.

How long we keep your information for

Gloucestershire County Council will keep personal data relating to young person or child from their date of birth until they reach the age of 25 and for a minimum of 6 years after the date of last involvement. Additionally the SEND and Educational Psychology services keep information for a minimum of up to 35 years of age, after this time the information is archived or securely destroyed.

We are required to keep this information for this long to comply with our legal obligations as outlined in the Children and Families Act 2014, and to carry out tasks in the public interest. If we need to collect special category (sensitive) personal information, we rely upon reasons of substantial public interest (equality of opportunity or treatment), for social security or social protection law, and for the establishment, exercise or defense of legal claims whenever courts are acting in their judicial capacity.

There may be a legal reason for us to keep it longer, such as Child Protection if legislation requires us to.

To find further information on how long we keep your information, you can read out retention and disposal schedule at www.gloucestershire.gov.uk/retention.

Who we share your information with

Gloucestershire County Council will share your information with teams working to improve outcomes for children and young people. These include:

- Commissioned providers of Local Authority services (such as education, health services or transport providers).
- Schools, Colleges and Early Years providers as well as wider education or training providers.
- Local multi-agency forums which provide advice, support and guidance (such as Local Inclusion Teams).
- Partner organisations signed up to Gloucestershire's Information Sharing Agreement, where necessary, which may include NHS Services, District Councils, Housing Providers, Police, Schools, Doctors, other Government agencies.
- Other Local Authorities and Social Care or Health providers outside of the Local Authority.
- Department of Education.
- Providers of independent advice and guidance (such as contracted SEND consultants).
- We may share digital or CCTV data with the relevant authorities for the purposes of legal proceedings.
- Independent school admission appeal panel members.
- Mediation services.
- We share information that we have gathered as part of a statutory needs assessment to identify the setting to be named in section I of a child or young person's EHC Plan (this includes consulting in accordance with parental or young person choice as well as with those providers we feel would be suitable). We share information to resolve disagreements as part of formal and informal processes in relation to mediation, Ways Forward meetings or formal appeals through the Special Educational Needs and Disability Tribunal.

Your personal data may also be shared with regulatory and statutory bodies who assess council performance and financial spend, as well as where required by law, such as to prevent and detect crime or fraudulent activity.

Your rights

Access to your information

You have the right to request a copy of the information we hold about you. If you would like a copy of some or all of your personal information, please visit our website using the link below:

<http://www.gloucestershire.gov.uk/council-and-democracy/data-protection/requesting-access-to-your-personal-information/>

Correction of inaccurate information

You have the right to request that the council correct information that you believe is inaccurate or incomplete. You may not always be able to change the information. However, we will correct factual inaccuracies and may include your comments in the records.

The right to be forgotten (erasure)

You have the right to request that the council delete your information when there is no compelling reason for us to continue using it. Please be aware that in certain situations we are still allowed to keep and use your information, even when you request that it should be erased.

The right to object

You have the right to object to us using your information if you feel we have used it outside the remit of our public tasks or when you have received marketing from us. Please be aware that in certain situations we are allowed to still use your information if there are compelling legitimate grounds to do so.

Using your rights

If you wish to use any of these rights, please contact us using one of the methods below:



Online:

<https://www.gloucestershire.gov.uk/council-and-democracy/data-protection/your-information-rights/>



In Writing:

Information Management Service
Gloucestershire County Council
First Floor, Block 4(a)
Shire Hall, Westgate Street
Gloucester, GL1 2TG



Email:

Managemyrequests@gloucestershire.gov.uk

How to contact us

Please contact us if you have any questions about this privacy notice:



By email: CwAN@gloucestershire.gov.uk



In writing: Children with Additional Needs Service
Gloucestershire County Council
Shire Hall, Westgate Street
Gloucester, GL1 2TP

You can contact the council's Data Protection Officer, via the Information Management Service, by emailing dpo@gloucestershire.gov.uk or by calling 01452 32 4000.

Making a complaint to the Information Commissioner

If you wish to make a complaint about how we use your personal data to the Information Commissioner's Office, you can contact them by visiting their website at <https://ico.org.uk/> or by calling 0303 123 1113.