



## Privacy Notice for Special Educational Needs and Disabilities

Attain Academy Partnership (herein referred to as the 'Trust') comprises the following academies: Bocking Primary School, Cressing Primary School, de Vere Primary School, Elm Hall Primary School, Gosfield Community Primary School, Newlands Spring Primary & Nursery School and Rayne Primary & Nursery School (herein referred to as the 'Academy').

### 1. Introduction

Under data protection law, individuals have a right to be informed about the personal data we hold about them, and how we collect, how we use and may share information personal data held about them. We comply with this right by providing privacy notices to individuals where we are processing their personal data.

Attain Academy Partnership, is the 'data controller' for the purposes of data protection law. This privacy notice explains how we collect, store and use personal data about individuals with SEND in our Trust. We take the security of your data seriously. We have internal policies and controls in place to ensure that your data is not lost, accidentally destroyed, misused or disclosed and is not accessed except by its employees and service providers in the performance of their duties. Please see below for details of our Data Protection Officer.

Special Education Needs and Disabilities (SEND) support in schools is responsible for carrying out duties under the Children and Families Act 2014 in relation to statutory assessment processes, and the ongoing monitoring of children and young people who have Education, Health and Care (EHC) Plans or other SEN support needs. This includes information and advice sought for annual review, tracking information, disagreement resolution or mediation processes and processes relating to appeals to the SEN tribunal and mediation service at Essex County Council. We also prepare and submit additional high needs funding applications for children and young people in relation to the special educational provision they may require across early years, school and post compulsory settings. We work in a coordinated way with other children and young people's services at Essex County Council, and with partner organisations to ensure we deliver the best possible outcomes for children and young people with SEND, and to ensure we are fully compliant with the Children and Families Act 2014 and associated regulations and Code of Practice.

The headteacher / head of school in each school is responsible for ensuring that their Academy complies with Trust's policies and procedures in relation to Data Protection This policy has been written with consideration given to working practices. By adopting this policy, a reduction in workload has been facilitated by reducing the need for individual academies to interpret the policy locally

### 2. The categories of information that we process include:

We collect information from parents or carers for children and young people below and within statutory school age.

In the course of assessing and planning SEND 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

We also obtain 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, educational psychologists, mental health services, doctors, school nurses and other NHS providers)
- schools currently or previously attended
- early education providers currently or previously attended (such as nurseries, preschools, childminders)

This list is not exhaustive.

### **3. How we use your personal information**

The purpose of processing this data is to help us:

- identify your child's SEND needs
- clarify the child or young person's needs
- identify the support they require which will help them to achieve their outcomes
- 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 request a statutory needs assessment or issue an Education, Health and Care (EHC) Plan
- make decisions about the content of an 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 to the Special Educational Need and Disability Tribunal (SENDT)
- make decisions about whether to request additional funding to the setting where your child is educated (such as High Needs Funding and Early Years SEN Inclusion Funding)
- 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

### **4. The lawful basis on which we process this information**

We only collect and use personal information about you when the law allows us to.

We collect and use pupil information 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 defence of legal claims whenever courts are acting in their judicial capacity. In situations where the safety and protection of the individual are of paramount importance, we will share information under the lawful basis of vital interests.



## **5. How long will your personal data be kept**

We keep children and young people's information from their date of birth until they reach the age of 25, as outlined in the Trust's Data Retention Policy. After this time the information is archived or securely destroyed. Information shared with partner agencies will be held in accordance with their Data Retention schedules.

We have put in place appropriate security measures to prevent your personal information from being accidentally lost, used or accessed in an unauthorised way, altered or disclosed.

## **6. Who we share your personal information with**

We do not share information about you without your consent unless the law and our policies allow us to do so.

Where it is legally required, or necessary (and it complies with data protection law), we may share personal information about you with:

- teams within the Attain Academy Trust and the local authority working to improve outcomes for children and young people
- commissioned providers of local authority services (such as education or health services)
- schools and early years providers as well as wider education or training providers
- local multi-agency forums which provide SEND advice, support and guidance
- educational psychologists
- partner organisations where necessary, which may include NHS teams, health visitors, midwives, district councils, housing providers, police, school nurses, doctors and mental health workers
- 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)
- 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.

We will share personal information with law enforcement or other authorities if required by applicable law.

## **7. Transfer of personal information outside of the EU**

Where we transfer personal data to a country or territory outside of the EU we will do so in accordance with data protection law.

## **8. Use of your personal data in automated decision making and profiling**

We do not currently process any personal data through automated decision making or profiling. If this changes in the future, we will amend any relevant privacy notices in order to explain the processing to you, including your right to object to it.

## 9. Keeping your personal information secure

Personal data is stored in a range of different places, including your Trust personnel file, single central records, SIMS and in other IT systems, including CPOMS and the Trust's email system).

We have appropriate security measures in place to prevent personal information from being accidentally lost, or used or accessed in an unauthorised way. We limit access to your personal information to those who have a genuine business need to know it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality.

We also have procedures in place to deal with any suspected data security breach. We will notify you and any applicable regulator of a suspected data security breach where we are legally required to do so.

## 10. Requesting access to your personal data

Under data protection legislation, you have the right to request access to information about you that we hold. You can ask for a copy of the data we hold about you by making a 'subject access request'. If you would like to make a request for your personal information, please submit a request in writing, either by letter or email to the Data Protection Officer (see contact details below), including:

- Name of individual
- Correspondence address
- Contact number and email address
- Details of the information requested

Under data protection legislation, you have rights which you can exercise free of charge which allow you to:

- know what we are doing with your information and why we are doing it
- ask to see what information we hold about you (subject access request)
- ask us to correct any mistakes in the information we hold about you
- object to direct marketing
- make a complaint to the Information Commissioners Office
- withdraw consent at any time (if applicable)

Depending on the lawful basis for using your personal information, you may also have the right to:

- ask us to delete information we hold about you
- have your information transferred electronically to yourself or to another organisation
- object to decisions being made that significantly affect you
- object to how we are using your information
- stop us using your information in certain ways

We will always seek to comply with your request however we may be required to hold or use your information to comply with legal duties. Please note, your request may delay or prevent us delivering a service to you.



For further information about your rights, including the circumstances in which they apply, see the [guidance from the UK Information Commissioner's Office \(ICO\) on individuals' rights under GDPR](#).

## 11. 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 [dpo@attain.essex.sch.uk](mailto:dpo@attain.essex.sch.uk).

## 12. 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 concern about our data processing, we ask that you raise your concern with us in the first instance. To make a complaint, please contact our data protection officer. (See contact details below).

Alternatively, you can make a complaint to the Information Commissioner's Office:

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

## 13. Contact

If you would like to discuss anything in this privacy notice, exercise any of your rights or if you have a complaint about why your information has been collected, how it has been used or how long we have kept it for please contact the Data Protection officer:

<b>Data Protection Officer</b>	Mrs Ellwood
<b>Postal Address</b>	Attain Academy Partnership, c/o Newlands Spring Primary and Nursery School, Dickens Place, Chelmsford CM1 4UU
<b>Email</b>	<a href="mailto:DPO@attain.essex.sch.uk">DPO@attain.essex.sch.uk</a>

Please ensure you include the name of the Academy in all correspondence with the DPO

## 14. Last updated

We may need to update the privacy notice periodically so we recommend that you revisit this information from time to time. This version was last updated on 25 January 2022