



## GDPR Policy

All policies will be shared with learners prior to the beginning of their learning or course with The Positive Impact Foundation. This will include the contact details of relevant people.

Designated Data Protection Lead: David Strong

### **Privacy Notice - Data Protection Act 1998**

We (**The Positive Impact Foundation**) are a data controller for the purposes of the Data Protection Act. We collect information from you and may receive information about you from your previous school and the Learning Records Service. We hold this personal data and use it to:

- Support your teaching and learning.
- Monitor and report on your progress.
- Provide appropriate pastoral care.
- Support you in your transition to a post 16 provider of education or training and,
- Assess how well your school is doing.

This information includes your contact details, national curriculum assessment results, attendance information and personal characteristics such as your ethnic group, any special educational needs, free school meal eligibility and any relevant medical information. If you are enrolling for post 14 qualifications we will be provided with your unique learner number (ULN) by the Learning Records Service and may also obtain from them details of any learning or qualifications you have undertaken.

The information you supply will be used by the Skills Funding Agency, an executive agency of the Department for Education (DfE), to issue you with a Unique Learner Number (ULN), and to create your Personal Learning Record. For more information about how your information is processed and shared refer to the Extended Privacy Notice available on Gov.UK.

***For Secondary phase schools and academies***

Once you are aged 13 or over, we are required by law to pass on certain information to providers of information, advice and guidance services in your area. We must provide both your and your parent's/s' name(s), address and your date of birth, and any further relevant information that we hold about you. This relevant information may include details as listed in Appendix 1 on page 4.

This is to enable the support service to contact young people directly to promote their effective participation in education and training. The information will be used to put in place support arrangements for those young people identified as not participating in education or training.

However, if you are over 16, you can ask that no information beyond names, address and your date of birth be passed to the support service or if you are under 16 your parent(s) can ask that no information beyond name and address (for pupils and parents) and your date of birth be passed onto the support service. To do this, please inform the Director. For more information about young people's' services, please go to the DirectGov Education and Learning page at <https://www.gov.uk/browse/education>.

### ***Raising of the Participation Age (RPA)***

Any provider of education or training must by law inform the Local Authority (LA) of any young person who "drops out" from post 16 education or training from their institution. It is the duty of the LA to promote the effective participation in education or training of all 16 and 17 year olds resident in their area; and make arrangements to identify young people resident in their area who are not participating.

If at any point a young person, by law, should be participating and they are either not in education, employment or training (NEET) or it is not known what they are doing, the LA and/or the services commissioned to provide information, advice and guidance in your area will pass on the young persons details to providers of education, training or support who will be able to assist the young person to participate.

Information will only be shared when it allows the young person to fulfil their statutory duty to participate.

### ***Post 16 Providers attended by Warwickshire Learners***

The Positive Impact Foundation may share your details (as listed in Appendix 1 page 4) with post 16 providers to support successful transitions. Information will also be shared as part of the

September Guarantee Process which is a statutory obligation for Warwickshire Local Authority to ensure that all young people are offered appropriate learning and training opportunities.

To publicise the availability of post 14 and post 16 choices and maximise opportunities that are available to young people like yourself, the agency commissioned by Warwickshire Local Authority to deliver information, advice and guidance services for careers guidance may, on behalf of schools, colleges and training providers, contact you at your home address. This is to ensure that every young person has access to the information they need to make informed decisions and successful transitions into further education, employment and training.

However, if you are over 16, you can ask that no information beyond names, address and your date of birth be passed to the providers or if you are under 16 your parent(s) can ask that no information beyond your name, address and date of birth be passed on to the providers. If as a parent, or as a pupil aged 16 or over, you wish to opt-out and do not want Post 16 providers to receive from our school/academy, information beyond name, address and date of birth, then please contact your school administrator: Mrs Batchelor, PA to the Headmaster.

### ***Data sharing between local authorities and Post 16 providers***

1. There are two pieces of legislation local authorities will take into account when considering local information sharing arrangements for the implementation of RPA for 16 and 17 year-olds. The two relevant legislative provisions for data sharing are sections 68 and 77 of the Education and Skills Act 2008. Section 77 allows a local authority to supply information about young people to an organisation that is providing services under section 68.

2. The Department for Education (DfE) considers that by putting in place a written agreement on how they will work with the providers, local authorities will be entering into arrangements with those providers for the provision of section 68 services. This allows the local authority to provide details of eligible young people to the providers in their area. It would also allow the local authority to confirm the status of young people who have been identified independently by the provider.

3. In keeping with normal practice, both providers and local authorities will ensure that the use of young people's' data is consistent with their Data Controller and data sharing registrations and privacy notices prior to sharing data.

4. In addition, local authorities and providers must comply with the Data Protection Act, applying the normal data protection principles that relate to processing personal data.

***We will not give information about you to anyone outside the school without your consent unless the law and our rules allow us to or as envisaged by this privacy notice***

We are required by law to pass some information about you to the Local Authority and the Department for Education (DfE). This sharing of information also applies to agencies that are prescribed in law, such as, Ofsted, the Education Funding Agency (EFA), the Department of Health (DoH) and Skills Funding Agency that require access to data for the Learner Records Service. All these agencies are data controllers in respect of the data they receive and are subject to the same legal constraints by law in how they deal with the data.

We are required by law to pass some information about you to the Department for Education (DfE) and, in turn, this will be available for the use(s) of the Local Authority. If you want to see a copy of the information about you that we hold and/or share, please contact Mrs Batchelor, PA to the Headmaster.

### **How the Local Authority (LA) and Department for Education (DfE) use your information**

The DfE may share pupil level personal data with third parties. This will only take place where legislation allows it to do so and it is in compliance with the Data Protection Act 1998.

Decisions on whether the DfE releases personal data to third parties are subject to a robust approval process and are based on a detailed assessment of who is requesting the data, the purpose for which it is required, the level and sensitivity of data requested and the arrangements in place to store and handle the data. To be granted access to pupil level data, requestors must comply with strict terms and conditions covering the confidentiality and handling of data, security arrangements and retention and use of the data.

For more information on how this sharing process works, please visit:

<https://www.gov.uk/guidance/national-pupil-database-apply-for-a-data-extract>

For information on which third party organisations (and for which project) pupil level data has been provided to, please visit:

<https://www.gov.uk/government/publications/national-pupil-database-requests-received>

If you require more information about how the Local Authority (LA) and/or DfE store and use your information, then please go to the following websites:

<http://www.warwickshire.gov.uk/schoolprivacynotices> and

<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

If you are unable to access these websites a copy of the information can be sent to you. Please contact the LA or DfE as follows:

Business and Commissioning Intelligence Service

Performance Business Unit

Resources Group

Saltisford Office Park

Ansell Way, Warwick, CV34 4UL

Website: <http://www.warwickshire.gov.uk/schoolprivacynotices>

Email: [businessintelligence@warwickshire.gov.uk](mailto:businessintelligence@warwickshire.gov.uk)

Public Communications Unit

Department for Education

Sanctuary Buildings

Great Smith Street

London

SW1P 3BT

Website: [www.education.gov.uk](http://www.education.gov.uk)

email: <http://www.education.gov.uk/help/contactus>

Telephone: 0370 000 2288

***Appendix 1 – Personal Information that may be shared with local Information, Advice and Guidance Services and Post 16 providers***

- Full name (surname and forename),
- Unique Pupil Number (UPN),

- Date of Birth,
- Address including Postcode,
- Telephone number,
- E-mail address,
- Establishment/school name,
- Programme and level of study,
- Start and Leave date
- Destination
- Looked after child status
- Pupil premium status
- Special Education Need status
- Free School Meal eligibility

Policy Document GDPR Policy

Updated: J Armson/L Grant

Date: April 2024 - to be reviewed April 2025

Signed by Director

*J Armson*

James Armson