

Education and Young People's Services



Information Sharing Protocol between Kent County Council and Kent Schools (including Academies)

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Parties to this Protocol

- Kent County Council (Education and Young People's Services Directorate)
- Schools listed as current signatories to the Kent and Medway Information Sharing Agreement (all types of state-funded schools including academies and free schools)
- Schools who agree to be bound by the terms and conditions of this protocol
- Agencies, organisations, charities and commissioned service providers that provide support services, including health bodies where appropriate.

Reasons for Sharing Information

This protocol describes the sharing of children and young people's personal information when being educated in schools in Kent. This may include information about their parents, guardians and carers as well as employees and others associated with the activities of a school.

Information is shared for the following purposes:

- **Early Help and Preventative Services** – focus on supporting children and families with the right help at the right time, promoting safeguarding and good health and wellbeing, educational success and participation in a wide range of opportunities. These ensure children and young people are school ready, work ready and life ready for successful transition to an economically independent and responsible adulthood. Services are delivered through Early Help Units, Youth Hubs, Children's Centres and other settings.
- **Pupil Referral Units (PRUs), Inclusion and Attendance Service (PIAS)** – reducing exclusions, improving pupil attendance and commissioning good quality PRUs/alternative provision for those who would otherwise not be able to attend schools due to exclusion or health needs.
- **Youth Justice** – responsible for assessing, planning and intervening with those aged 10 – 17 years who have come to the attention of the Police and received either an Out of Court disposal or a sentence. This document relates only to the sharing of information with the relevant School or Academy. Sharing of information between five statutory partners: Police, National Probation Service, Health Service and Local Authority Education and Children's Social Care, is covered in other documentation.
- **Early Years and Childcare** – provision of high-quality early education (free entitlement for all 3 and 4 year olds and eligible 2 year olds) and/or childcare through a diverse market of maintained (schools), private, voluntary and independent providers (including childminders).
- **Standards and School Improvement** – provision of improvement advice and consultancy to support standards and school improvement.
- **Provision Planning** – meeting demand for school places, including the commissioning of new schools and expansions of existing schools.
- **Fair Access** – managing school admissions and establishing eligibility for home to school transport.

- **Information and Intelligence** – using statutory school data collections (School Census*, School Workforce Census (SWC)** and key stage collections***) to support Education and Young People’s Services managers so they can make sound, well informed decisions that improve their services. Working closely with schools to provide management information, working to support improvements to all Early Help services, and managing the Early Help Triage process, the council’s ‘front door’ for intensive Early Help support.
- **Special Educational Needs (SEN) Assessment and Placement** – meeting the Council’s statutory duties under the Children and Families Act 2014 to assess Special Educational Needs within statutory timescales and issuing and maintaining Education, Health and Care Plans (EHCP). This includes an impartial Information and Advice Service for parents (IASK) to support parents understanding of Education, Health and Care assessments. The Service commissions specialist educational places including ‘out of county placements’ and provision for complex (excluded) pupils. Two specialist teams are jointly funded by NHS and Social Care; the Communication Assistive Technology team (CAT), and Portage, home teaching to support pre-school children and their families.
- **Kent Educational Psychology Service** – applying psychological practice to improve outcomes for vulnerable children, young people and their families that are the result of special educational needs or other barriers to learning and development.
- **Skills and Employability** – raising attainment and skill levels, improving vocational education, training and apprenticeships, increasing participation and employment and targeted support to disadvantaged and vulnerable young people and adults. Kent Choices 4U is a third party portal that contains information on all the post 16 courses run at Kent sixth forms and FE colleges. It is used by Year 11 learners to apply, track applications and receive offers from these providers.

*School Census is statutory and takes place during the autumn, spring, and summer terms. The census collects information about individual pupils and about the schools themselves. (Academies, Free Schools, UTCs, Studio Schools and non-maintained Special Schools submit directly to the DfE but may by agreement provide data to the Local Authority).

**School Workforce Census (SWC) is statutory (introduced in 2010 by the DfE). It is a collection of data about each member of teaching and support staff working in local authority-maintained schools and academies.

***Key Stage collections take place every summer and collect pupil level results for Foundation Stage Profile, Phonics, Key Stage One and Key Stage Two teacher assessments. The LA is the statutory collection agency for all state-funded schools.

The following Specialist Children’s Services **are excluded** from the scope of this document.

- **Central Referral Unit** – handling all child contacts with robust and consistent management of thresholds. Includes representatives of Police, Health and Adult Services and provides and Out-of-Hours emergency response service.

- **Family Support Teams** – delivering frontline services to children and families, including multi-agency Child In Need and Child Protection.
- **Integrated Children in Care Service** – supporting children in care and care leavers.
- **Fostering Service** – providing foster care placements.
- **Adoption Service** – providing the social work service required by the Adoption and Children Act (2002).
- **Safeguarding and Quality Assurance** – ensuring services for vulnerable children are compliant with national performance standards.
- **Local Authority Designated Officer (LADO)** service - oversees and advises on allegations against those working with children and young people.
- **Virtual School Kent** – improving educational outcomes for Children in Care and Young Care Leavers.
- Centralised recording of notifications of other local authority children placed in Kent, persons who pose a risk to children, children’s disability register, and notifications to other local authorities when vulnerable children go missing.

What Personal Information May be Shared

- Names, addresses, contact details, date of birth associated with pupils and employees of Kent schools
- Parent, Guardian, Carer and siblings of pupils
- Family details that may include the name(s) and age(s) of individuals living at the same address and/or close relatives living at other addresses
- Lifestyle and social circumstances and activity
- Case file information
- Notes recording an individual’s appearance and/or behaviour(s)
- Student and pupil records
- Housing needs
- Employment and/or educational details
- National and local identifiers, (e.g. NHS Number, National Insurance Number, Unique Pupil Number)

What Sensitive Personal Data may be shared?

- Physical / Mental Health
- Racial / Ethnic origin

- Special Educational Need and Disability Status
- Children in Need/Child Protection/Looked After Children
- Adoption and Fostering details
- Offences (including alleged offences, criminal proceedings, outcomes and sentences)

Legal Basis

Each School is a Data Controller for the personal information held in relation to its activities.

The Local Authority is a Data Controller for personal information held in relation to its activities.

The following Data Protection Act 1998 'legitimising conditions' apply to information sharing for the purposes described:

- The individual(s) whom the personal data is about has consented, or where a child below the age of competence (Gillick competence 1985), a parent has given consent on their behalf.

Or

- The processing is necessary for administering justice, or for exercising statutory, governmental, or other public functions.

One or more of the following "legitimising conditions" are met before sharing sensitive personal data.

- The individual(s) whom the personal data is about has **explicitly** consented and their consent has been recorded, or where a child below the age of competence, a parent has given consent on their behalf.
- The processing is necessary to protect the vital interests of an individual (where the individual's consent cannot be given or reasonably obtained).
- The processing is necessary for administering justice, or for exercising statutory or governmental functions.
- The processing is necessary for medical purposes, and is undertaken by a health professional or by someone who is subject to an equivalent duty of confidentiality.
- The processing is necessary for monitoring equality of opportunity, and is carried out with appropriate safeguards for the rights of individuals.

The Data Protection Act 1998 s33 allows further processing of personal information for 'research purposes'.

Whose information may be shared?

Students and pupils educated in Kent Schools and:

- Individuals associated with, or related to, the above
- Parents, Guardians, Carers of the above or their representatives
- Complainants, enquirers or their representatives

- Employees of Kent Schools
- Offenders and suspected offenders

Circumstances when information may be shared

- In pursuance of statutory returns and the Local Authorities obligations and responsibilities (outlined above)
- LA and School or Academy professionals, practitioners and case handlers involved in the education or support of an individual or family
- To improve or monitor educational provision and services
- To meet the identified needs of families and individuals and manage risks

How information may be shared

- Controlled access (i.e. access only to those authorised) to personal data held on the following shared IT Systems:
 - Perspective Lite (for submission of data to the LA)
 - School Management Information Systems (SIMS etc.)
 - DfE COLLECT (for management of statutory returns to the DfE)
 - Capita One (core pupil system)
 - Care Director Youth (Youth Offending System)
 - CACI Impulse (system for SEND, Educational Psychology, Exclusions)
 - Admissions System
 - Learner Records Service (LRS)
 - Integrated Youth Support System (IYSS)
 - RAISE Online
 - Thrive
 - Liberi (Specialist Children's Services) - Early Help Module
- Individual information recorded on education and case records
- Formal meetings (may include use of telephone or video conferencing)
- Email (e.g. KPSN, KLZ, GCSX, CJSM, PNN, Egress etc.). (See Secure Email guidance in [Information Security Guidance for Schools](#))
- Paper records or files
- Password protected files and documents
- Encrypted memory sticks

Description of business processes

- Information sharing with schools is managed through the LA's Education and Young People's Services Management Information team, part of the Information and Intelligence service.
- The following services business processes are described in detail at the links given:
 - [Early Help and Preventative Services](#)
 - [Early Years and Childcare](#)
 - [School Improvement](#)
 - [Provision Planning](#)
 - [Kent Educational Psychology Service](#)
 - [Fair Access](#)
 - [Information and Intelligence](#)
 - [Special Educational Needs \(SEN\)](#)
 - [Skills and Employability](#)

Terms and Conditions

Participating schools agree to:

- Use council secure data transfer services where provided
- Co-operate with the LA in respect of any safeguarding issues or concerns
- Provide individual performance data (not already covered by other data collections) for vulnerable groups of pupils in pursuance of the LA's statutory obligations for these pupils
- Ensure that all personal data relating to children and young people's social care is protected in accordance with the Data Protection Act 1998
- Observe relevant retention schedules for data received from the council which might include returning records to the LA
- Notify data subjects of which organisations their personal data may be shared with using Privacy (Fair Processing) Notices
- Ensure data security and adhere to the 'Information Security Guidance for Schools'

Maintained Schools agree to:

- LA Maintained Schools are legally required to send their census returns to the LA for approval.

Participating Academies agree to:

- Complete, approve and submit their census returns to the DfE and provide a copy of their electronic data file to the LA for each census at the time of submission to the DfE (this will include any subsequent re submissions of data or changes to data agreed directly with the DfE).

Kent County Council agrees to:

- Follow its information security policy and related policies with regard to personal information it receives from Schools in relation to its functions.
- Secure its email communications in accordance with its secure email policy.
- Notify the School if they become aware of any inaccuracies or discrepancies in the data they receive to ensure that data held by both parties is accurate and up to date
- Use School summative data to produce regular statistical information about all Kent Schools which are of mutual benefit.

All parties agree to:

- Confirm which individuals are authorised information sharing contacts for their organisations and ensure that any change is notified promptly to enable records to be kept up to date.
- Ensure that all of its contacts are fully conversant with the provisions of this protocol and Data Protection principles.

Incident Management (Information Security)

- Kent County Council is responsible for ensuring that information security incidents related to personal information it shares under this protocol are appropriately resolved.
- Each School Data Controller is responsible for ensuring that information security incidents that occur whilst personal information is in their custody is appropriately resolved, and where this has been provided by the council, that it is notified in a timely manner.

Further Information

If an individual wishes to make an enquiry or complaint about this information sharing protocol they should be directed to Katherine Atkinson, Head of Information and Intelligence, Kent County Council at katherine.atkinson@kent.gov.uk.