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Service Area:	Education and Lifelong Learning
Work Area:	Education Welfare Service
Contact Details:	01443 866603 leiadmin@caerphilly.gov.uk
Privacy Notice Name:	Education Welfare Service (EWS) - referrals for intervention and children not registered at a school and /or are not receiving a suitable education.
Description of Privacy Notice:	This privacy notice will explain how Caerphilly County Borough Council's (CCBC) Education Welfare Service will use the information provided in processing referrals for intervention and establishing the identities of children who are not registered at a school and /or are not receiving a suitable education.

How we will use your information

Source and type of information being processed

Schools must refer and provide returns to the Local Authority (LA), giving the names and addresses of every registered pupil of compulsory school age who fails to attend school regularly, are absent unauthorised, deemed missing from education or whose parents have elected to withdraw their child from school to home educate (EHE). The term 'school' also relates to an alternative education programme as agreed or arranged by the school or LA. The returns will also include a record of school based intervention in relation to school attendance. Schools have a legal obligation to do this under the Education (Pupil Registration) (Wales) Regulations 2010 and The Education (Penalty Notices) (Wales) Regulations 2013.

This information, together with any additional information received from the relevant pupil, parents and other organisations, would be processed by the Education Welfare Service (EWS) which is the department within Caerphilly County Borough Council (CCBC) who holds the statutory responsibility for school attendance and welfare.

To establish the identities of children who are not registered at a school and /or are not receiving a suitable education, we will receive live birth data from Aneurin Bevan Health Board. Inquiries may also be made to other local authorities / schools within other boroughs to establish if the child may be registered there.

Purpose and legal basis for using your information

Purpose of processing

The information received will be recorded on our systems and may be processed for the following purposes:

1. To assess and offer the right support to meet your needs. Any further information for this purpose will be collated on a Joint Assessment Framework (JAFF) form. We may need to share your information with another CCBC service or other organisation that have the expertise to offer the right support to meet those needs under this process but this will be explained to you. Further on how your information will be used under this process is available [here](#).
2. To establish the identities of children who are not registered at a school and /or are not receiving a suitable education, if relevant. The purpose of the duty is to ensure that children missing from education (CME) are identified quickly and that effective tracking and enquiry systems are in place to locate them. If therefore you move to another LA within the UK and we establish that you have not made suitable arrangements for a school place for your child or children, we will pass your details to the receiving LA to ensure that your child or children gains access to the most appropriate education as quickly as possible. We will receive live birth data from Aneurin Bevan Health Board to assist with this process and we may make enquiries may with other local authorities / schools within other boroughs to establish if the child may be registered there.

LA's in Wales have a legal obligation to carry out this function under Section 436A of The Education & Inspections Act 2006; The Education Act 1996; The Children's Act 1989 and 2004.

3. To provide evidence in Magistrate's or Family Courts, for offences under provisions of The Education Act 1996 if required.

LA's have a legal obligation to carry out this function under Sections 444 1, 444 1a and 444 ZA of The Education Act 1996 and The Education (Penalty Notices) (Wales) Regulations 2013.

4. If it is believed that during the period of our intervention, a child may be at risk of significant harm, the All Wales Child Protection procedures will be followed, which may result in a formal investigation and assessment. This may involve several agencies such as children's services, police or health. This process will be explained further to you if relevant.

LA's have a legal obligation to carry out this function under The Children Act 1989.

Legal basis for processing

In order for the processing of personal data to be lawful under the General Data Protection Regulations 2016, a valid condition from Article 6 of the Regulations must be identified, which is outlined below:

Where the processing is carried out due to a legal obligation placed on CCBC, the required Article 6 condition will be:

- 1e. processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;

Data Protection legislation provides extra protection for certain classes of information called 'special category personal data'. If any information falls within the definition of special category personal data then an additional condition from Article 9 of the Regulations must be identified, as outlined below:

Where the processing is carried out due to a legal obligation placed on CCBC, the required Schedule 3 condition will be:

Data Protection Act 2018 – Schedule 1 / Part 2

- 6 (1) This condition is met if the processing—
 - (a) is necessary for a purpose listed in sub-paragraph (2), and
 - (b) is necessary for reasons of substantial public interest.
- (2) Those purposes are—
 - (a) the exercise of a function conferred on a person by an enactment or rule of law;
 - (b) the exercise of a function of the Crown, a Minister of the Crown or a government department.

Who will have access to your information

Identity of Data Controller and Data Protection Officer

The Data Controller for your information is Caerphilly County Borough Council. The Data Protection Officer is:

Ms Joanne Jones
Corporate Information Governance Manager / Data Protection Officer
Email: dataprotection@caerphilly.gov.uk
Tel: 01443 864322

Other Data Controllers may also be responsible for your information, depending on the specific circumstances. Please contact the Service Area for further information.

Details of main users of your information

The main user of your information will be CCBC's Education Welfare Service.

Access to your information will be controlled, allowing practitioners from the Education Welfare Service access to the information they need to support you. Records of Education Welfare Service intervention will be centrally stored on our pupil records data base and shared with the referring schools.

Records of intervention will only be shared with other support services if we have consent to do so, or enquiries are being made under the All Wales Child Protection Procedures.

Other organisations may have access to your information as indicated in the Purpose of processing section.

Requests for information

All recorded information held by Caerphilly County Borough Council may be subject to requests under the Freedom of Information Act 2000, Environmental Information Regulations 2004 and Data Protection legislation.

If the information you provide is subject to such a request, where possible Caerphilly County Borough Council will consult with you on its release. If you object to the release of your information we will withhold your information if the relevant legislation allows.

How long will we retain your information

Details of retention period

How long Caerphilly County Borough Council retains information is determined through statutory requirements or best practice.

Educational records are retained until the child in question reaches his 25th birthday as recommended by The Pupil Information (Wales) Regulations 2011.

Your Rights (Inc Complaints Procedure)

Data Protection gives data subjects (those who the information is about) a number of rights:

- The right of subject access – Application forms for this process are available on our website: [SAR Form](#)
- The right to be informed
- The right of rectification
- The right to erasure
- The right to restrict processing
- The right to object
- The right to data portability
- Rights in relation to automated decision making and profiling.

Further information on your rights is available from: www.ico.org.uk.

To enact your rights please contact the service area detailed on the top of this form.

Complaints Procedure

If you are unhappy with the way that Caerphilly County Borough Council has handled your request / information, you have the right of complaint. Please contact the Service Area detailed at the top of this document outlining your issues.

If you remain unhappy you also have a right of complaint to the Information Commissioner's Office. Please follow this link for further information on the complaints process.

www.caerphilly.gov.uk/My-Council/Data-protection-and-freedom-of-information/Questions-and-complaints

Summary Privacy Notice

How we will use your information

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OR

To establish the identities of children who are not registered at a school and /or are not receiving a suitable education, we may receive live birth data from Aneurin Bevan Health Board to assist with this process and we may make enquiries with other local authorities / schools within other boroughs to establish if the child may be registered there.

This information, together with any additional information received from the relevant pupil, parents and other organisations, would be processed by the Education Welfare Service (EWS) which is the department within Caerphilly County Borough Council (CCBC) who holds the statutory responsibility for school attendance and welfare.

Information will be retained until the child in question reaches his 25th birthday and may be shared with others.

You have a number of rights in relation to the information including the right of access to information we hold about you and the right of complaint if you are unhappy with the way your information is being processed.

For further information on how we process your information and your rights please click the following link:

[{Hyperlink to Full Privacy Notice on our website}](#)