SEN Specific Privacy Notice

Who we are

Rowley View Nursery School collects uses and is 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) and we are responsible as 'controller' of that personal information for the purposes of those laws. Our Data Protection Officer is Paul Withers.

The Special Education Needs and Disabilities (SEND) service 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. This service is run from Walsall Council. This includes information and advice sought for annual review, tracking information, disagreement resolution or mediation processes and processes relating to appeals to the Special Educational Need and Disability Tribunal (SENDT). The council also administer and approve 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 in WMBC and with partner organisations to ensure we deliver the best possible outcomes for children and young people with SEND in Walsall, and to ensure we are fully compliant with the Children and Families Act 2014 and associated regulations and Code of Practice.

Personal information we collect and use

We collect information from parents or carers for children and young people below and within statutory school age, and from young people themselves if they are aged 16 or over and no longer in compulsory education. This privacy notice is written for parents, carers, and their children.

Information collected by us

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, physiotherapists, Outreach Service, mental health services, doctors, school nurses and other NHS providers)
- 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 personal information

We use your personal information to:

- 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 conduct 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 provide 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
- assess for specialist equipment via the Outreach Service at Lindens.
- inform future commissioned services and educational placements requirements

How long your personal data will be kept

We keep children and young people's information from their date of birth until they reach the age of 25. Additionally, the SEND and Educational Psychology services keep information for 6 years after the date of last involvement, which will go beyond the age of 25 for those young people supported between the ages of 20 and 25. After this time the information is archived or securely destroyed.

Reasons we can collect and use your personal information

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 defense of legal claims whenever courts are acting in their judicial capacity.

Who we share your personal information with

- teams within WMBC working to improve outcomes for children and young people
- commissioned providers of local authority services (such as education or health services)
- schools, colleges and early years providers as well as wider education or training providers

- local multi-agency forums which provide SEND advice, support and guidance (such as Local Inclusion Forum Team (LIFT))
- educational Psychologists
- partner organisations signed up to the WMBC Information Sharing Agreement, where necessary, which may include NHS teams, health visitors, midwives, physiotherapists, 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.

Deleted:

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

Your rights

Under GDPR 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 our reason for using your information you may also be entitled 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.

If you would like to exercise a right, please contact the Data Protection Officer;
Nikky Gregory at Rowley View Nursery School.

Keeping your personal information secure

We have appropriate security measures in place to prevent personal information from being accidentally lost, or used or accessed in an unauthorized 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 authorized 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.

Contact

Paul Withers
Resources & Transformation Civic Centre 3rd Floor (HR Suite)
Walsall Council, Darwall Street, Walsall, WS1 1TP
Email: schoolsdpo@walsall.gov.uk
Contact Telephone Number: 01922 650970

Information Commissioners Office – ICO Helpline:

0303 123 1113