



THE ST. BART'S
ACADEMY
TRUST



Education Data Sharing Agreement Park Hall Academy

March 2018

The St. Bart's Academy Trust
Park Hall Academy
Education Data Sharing Agreement

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| Produced: | March 2018 |
| Approved by: | G Frost and Local Governing Body |
| Last reviewed on: | March 2018 |
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1. Parties to this agreement

| | |
|--------------------------|---|
| Academy Name | Park Hall Academy |
| Address | Carberry Way, Weston Coyney, Stoke-on-Trent, Staffordshire, ST3 5QU |
| Lead Contact | Mrs G Frost |
| Contact Details | Park Hall Academy - 01782 312384 |
| Source/Recipient? | Both |

| | |
|---------------------------|--|
| Organisations Name | St Bart's Multi-Academy Trust |
| Address | St. Bart's Multi-Academy Trust c/o Belgrave St. Bartholomew's Academy, Sussex Place, Longton, Stoke-on-Trent, Staffordshire, ST3 4TP |
| Lead Contact | Lisa Sarikaya |
| Contact Details | 01782 235523 |
| Source/Recipient? | Both |

| | |
|--------------------------|------------|
| Date of Agreement | March 2018 |
|--------------------------|------------|

2. Specific purpose for which the data sharing is required

One of the five priorities for St Bart's MAT is to provide a great start and good schools for all our children. This agreement supports this ambition by enabling the effective and necessary sharing of information. Good information is necessary for promoting the wellbeing of children and young people and to ensure that statutory responsibilities to safeguard and promote the welfare of children are fulfilled.

Sharing information helps mitigate risks to vulnerable children and young people. Appropriate and timely sharing aids the effective identification of need and facilitates integrated responses to the address these needs. This is relevant to individual cases and in terms of how we respond as a city to shared challenges.

Schools are at the heart of our partnership efforts. . The administrative effort will be a consideration in all requests and we will continue, especially around the use of secure technology, to minimise the effort needed to share information.

The purpose of this information sharing agreement is to enable St Bart's to fulfil its statutory duties for all children and schools within the trust. Paramount amongst these duties is the need to meet the Trust's safeguarding requirements, and to enhance the ability of partner organisations to support the learning and welfare of children and young people through the exchange of data and use of information where there is a statutory requirement to do so. There is statutory duty on St Bart's to promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential.

Sharing information between St Bart's and schools will:

- Enable St Bart's to carry out and conduct its statutory and core services for all children and schools
- Improve the outcomes for all children, especially the vulnerable
- Promote the welfare of the child and family and to safeguard the most vulnerable through the timely identification of need and targeting of integrated support.
- Continue to provide high quality services to children, including high quality education provision
- Provide complete key stage outcome data for comparison purposes
- Reduce administrative burden on schools avoiding duplication and ensure systems are accurate and up to date
- Assist in the improvement, where necessary, of the quality of data held by schools
- Assist in the support and challenge of schools in the MAT
- Information will be managed in line with St Bart's policy and guidelines on the safe and secure management and use of information.

3. Type and status of data shared

| | |
|---|-----|
| Is the data 'person identifiable'? | Yes |
| Has explicit consent been given and recorded? | No |
| Has implied consent been recorded? | No |
| Is the subject aware that sharing will take place? | Yes |
| Is the data anonymised? | No |

4. Legal basis for sharing where no consent is given

Under the General Data Protection Regulation (GDPR) the parties to the agreement are defined as data controllers and therefore must comply fully with the GDPR and must be registered with the Information Commissioner.

General Data Protection Regulation (GDPR)

Under the GDPR Personal Data may be shared without a Data Subject's consent where one of the following lawful processing conditions set out in Article 6(1) is met

- 6(1)(a) – Consent of the data subject
- 6(1)(b) – Processing is necessary for the performance of a contract with the data subject or to take steps to enter into a contract
- 6(1)(c) – Processing is necessary for compliance with a legal obligation
- 6(1)(d) – Processing is necessary to protect the vital interests of a data subject or another person
- 6(1)(e) – 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

The GDPR refers to sensitive personal data as special categories of data and the conditions for special categories of data are set out in Article 9(2)

Conditions for special categories of data

- 9(2)(a) – Explicit consent of the data subject, unless reliance on consent is prohibited by EU or Member State law
- 9(2)(b) – Processing is necessary for carrying out obligations under employment, social security or social protection law, or a collective agreement
- 9(2)(c) – Processing is necessary to protect the vital interests of a data subject or another individual where the data subject is physically or legally incapable of giving consent
- 9(2)(d) – Processing carried out by a not-for-profit body with a political, philosophical, religious or trade union aim provided the processing relates only to members or former members (or those who have regular contact with it in connection with those purposes) and provided there is no disclosure to a third party without consent
- 9(2)(e) – Processing relates to personal data manifestly made public by the data subject
- 9(2)(f) – Processing is necessary for the establishment, exercise or defence of legal claims or where courts are acting in their judicial capacity
- 9(2)(g) – Processing is necessary for reasons of substantial public interest on the basis of Union or Member State law which is proportionate to the aim pursued and which contains appropriate safeguards
- 9(2)(h) – Processing is necessary for the purposes of preventative or occupational medicine, for assessing the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or management of health or social care systems and services on the basis of Union or Member State law or a contract with a health professional
- 9(2)(i) – Processing is necessary for reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of healthcare and of medicinal products or medical devices
- 9(2)(j) – Processing is necessary for archiving purposes in the public interest, or scientific and historical research purposes or statistical purposes in accordance with Article 89(1)

In addition the sharing can be justified for the following purposes in accordance with the following legal gateways:

Section 10 of the Children Act 2004

This requires Children's Service Authorities and their relevant partners to cooperate in order to improve the well-being of children and young people in relation to the following:

- physical and mental health and emotional well-being
- protection from harm and neglect
- education, training and recreation
- the contribution made by them to society
- social and economic well-being

Section 11 of the Children Act 2004

Duty on key persons and bodies to make arrangements to ensure their functions are discharged with regard to the need to safeguard and promote the welfare of children.

Section 47 Children Act 1989

Section 47 places a duty on local authorities to make enquiries where they have reasonable cause to suspect that a child in their area may be at risk of suffering significant harm. Local authorities shall make, or cause to be made, such enquiries as they consider necessary to enable them to decide whether they should take any action to safeguard or promote the child's welfare.

Section 17 Children Act 1989

Local authorities have duties to safeguard and promote the welfare of children within their area who are in need and so far as is consistent with that duty, to promote the upbringing of such children by their families by providing a range and level of services appropriate to those children's needs.

Working together to safeguard children 2013

This statutory guidance sets out how inter-agency organisations and individuals should work together to safeguard and promote the welfare of children.

St Bart's may from time to time share information with third party organisations where there is an appropriate legal gateway or a statutory requirement to do so.

5. Data Items shared

| Service User Data | Information Required |
|---|--|
| Core Learner Data | Basic details on the children and young people in St Bart's schools |
| Attendance including exclusions and alternative provision | To support safeguarding, we know where our children are, and to help ensure all children are getting their full learning entitlement. Will provide a basis for more targeted work around attendance at various levels. |
| Children looked after | Sharing pupil details with the corporate parent to ensure looked after children are in appropriate education and attending and then are making good progress in their learning |
| Statutory | To submit returns to the DfE e.g. school census, end of key stage tests/assessments, school workforce census |
| Locally Required | Information to support shared trust priorities e.g. Provisional KS1 and 2 examination results |

A more detailed breakdown of the data that is collected from schools is included in Appendix 1.

The information collected from schools is processed by St Bart's, and the following information is shared with schools:

- Contextual Analysis
- End of Key Stage Assessment Performance
- Pupil Progress
- Attendance
- Core Pupil Data

6. Protective Marking

| | |
|---|-----|
| Is Protective marking/Classification relevant to this information? | No |
| If Yes, to what level | |
| 1. Top Secret | No |
| 2. Secret | No |
| 3. Confidential | Yes |

7. Data Transfer Method

All parties to this agreement are responsible for ensuring that appropriate security and confidentiality procedures are in place to protect the transfer, storage and use of the shared, person identifiable data.

Each partner will make sure that personal data shall be processed in a manner that ensures appropriate security of the personal data including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage using appropriate technical or organisational measures in accordance with Article 5(1)(f) of the GDPR. St Bart's and all academies must make sure they have procedures in place to prevent:

- *Accidental compromise or damage during storage, handling, use, processing, transmission or transport;*
- *Deliberate compromise or opportunist attack;*
- *Unauthorised disposal or destruction of the data;*
- *Unauthorised access;*
- *Accidental loss of personal data should be avoided through the implementation of appropriate security procedures.*

Where St Bart's requests information from schools we will ensure we prescribe the manner of the delivery in an appropriate secure method. The data transfer method may change depending on the information to be provided, however St Bart's will provide a secure alternative where necessary. St Bart's will ensure information is collected and maintained in a secure manner compliant with the GDPR obligations.

Give full details of how the transfer will be made and what security measures will be in place e.g. encryption, business secure mail or recorded signed for etc.

| | |
|----------------------------------|--|
| Face to face | |
| Telephone | <ul style="list-style-type: none"> • Named point of contact at St Bart's and school |
| Secure E Mail | <ul style="list-style-type: none"> • Encrypted or password protected Email |
| Secure Mail | |
| Secure Courier | |
| Encrypted Removable Media | Very occasionally |

| | |
|--|-----|
| Has a risk assessment been carried out on the chosen methods of transfer? | Yes |
|--|-----|

| | |
|---------------------------------------|--|
| What are the identified risks? | Slight due to encrypted method of data transfer. |
|---------------------------------------|--|

8. Audit and Review

| | |
|---------------------------|---|
| Organisations Name | St Bart's Multi-Academy Trust |
| Address | St. Bart's Multi-Academy Trust c/o Belgrave St. Bartholomew's Academy, Sussex Place, Longton, Stoke-on-Trent, Staffordshire, ST3 4TP |
| Lead Contact | |
| Contact number | 01782 235524 |
| Review Date | |

INCIDENTS

Any incidents occurring as a result of this agreement should be reported to the signatories of all affected organisations. They will then pass on the information in accordance with incident reporting procedures within their own organisation if appropriate. Organisations will agree to share information in order to help investigate any such incidents

9. Subject Access Requests

| | |
|---|---|
| Subject Access Requests Will Be Directed To | Mrs G Frost |
| Special Arrangements For Subject Access Requests | Schools and St Bart's will answer any requests they receive and ensure all subject access requests are handled in line with GDPR. |

10. Retention and Disposal

| | |
|----------------------------------|--|
| Retention Period For Data | DOB of the pupil + 25 years |
| Disposal Method For Data | Secure disposal - Electronic Database Management |

Appendix 1: Table of collections

| Data Required | Data detail | Statutory | Regularity |
|------------------------------|--|---|---|
| Core Learner Data | <p>Source School Information – School Number and Name</p> <p>Pupil Data – UPN, Forename & Surname, DOB o Gender, UPN</p> <p>Pupil Data - Basic Pupil Details - Preferred Names, NCY, Ethnicity & Ethnicity Source, FSM Eligible, Entry Date (Original Start Date), Medical, First Language</p> <p>Pupil Data - Looked After Child - In Care Indicators, Care Authority (Identifies which LA has pupil registered in care)</p> <p>Pupil Data - Address - Current Address Information</p> <p>School Information - School Name, Entry date (Most current), Last School Indictors (This indicates if pupil has left and returned), Enrol Status</p> <p>SEN - SEN Start Date, SEN Provision status, SEN Needs, SEN Type</p> <p>FSM - FSM Start Date, FSM End Date</p> <p>Support Information - Service Child Indicator, Mode of Travel</p> <p>Attendance</p> <p>Exclusion Data - Category and Reason of exclusion, Start and End date, Emergency contact details</p> <p>Leavers Information- Leaving Date, Leaving Reason</p> | Yes | Weekly |
| Attendance | <p>Sessional attendance data</p> <p>Learner level data for off-site provision</p> <p>Elective home education referrals</p> <p>Children missing education referrals</p> <p>Children missing out (< 25 hours/ week)</p> <p>Exclusions – fixed and permanent</p> | <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> | <p>Weekly</p> <p>Termly</p> <p>Event-driven</p> <p>Event-driven</p> <p>Termly</p> <p>Event-driven</p> |
| Children looked after | <p><input type="checkbox"/> The relevant LA as corporate parent require all information relating to the educational progress and outcomes of CLA.</p> <p><input type="checkbox"/> Attendance for CLA is collected from those out of authority CLA children.</p> | <p>Yes</p> <p>Yes</p> | <p>Termly</p> <p>Weekly</p> |

| Data Required | Data detail | Statutory | Regularity |
|----------------------|--|------------------|-----------------------------|
| Admissions | The details and outcome of every application, made directly to the school, including appeals outcomes, for Reception to Year 6 | Yes | Weekly |
| | The on roll date of new starters | Yes | Weekly |
| SEN | Pupils at school Support | Yes | Annually |
| | Pupils with an EHCP | Yes | Annually |
| | Annual Review information | Yes | Within statutory timescales |
| Transport | Pupil name Pupil age Home address Distance from home to school and route Additional/Special needs/Education Health & Care Plans/Statements of Special Educational Needs Income status of family Entitlement under the Council's transport policies Mode of transport Routes Ticketing arrangements/authority to travel Control measures put in place to ensure a suitable travel arrangement Transport timings | Yes | Weekly |

| | | | |
|-------------------------|---|-------------------|--------------------------------|
| Statutory | Statutory data returns including: <ul style="list-style-type: none"> • school census, • end of key stage tests, assessments and examinations • school workforce census | Yes Yes Yes | Termly Annually Annually |
| Locally required | <ul style="list-style-type: none"> • Provisional Foundation Stage. Year 1 Phonics, KS2 & KS2 examination results at an institution level • Nominated data contact | No No | Annually Annually |





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