



Privacy Notice - School Workforce

May 2018

This privacy notice explains how we collect, process and manage information for the school workforce. This includes employed members of staff, volunteers, governors, trainee teachers, apprentices and work experience/workplace placements.

The categories of school workforce information that we collect, process, hold and share include:

- personal information (such as name, date of birth, employee or teacher number, national insurance number)
- special categories of data including characteristics information (such as gender, age, ethnic group)
- contract information (such as start dates, hours worked, post, roles and salary information)
- work absence information (such as number of absences and reasons)
- qualifications (and, where relevant, subjects taught)
- relevant medical information
- other personal information (such as references)

We use and share information to comply with statutory, regulatory, practice and contractual obligations. These may include, but are not limited to:

- improving the management of workforce data across the sector
- enabling development of a comprehensive picture of the workforce and how it is deployed
- pay (salaries and pension contributions)
- informing the development of recruitment and retention policies
- allowing better financial modelling and planning
- enabling ethnicity and disability monitoring
- supporting the work of the School Teachers' Review Body
- complying with guidance such as 'Working Together' and safeguarding obligations
- facilitating good governance
- internal reviews and quality monitoring
- CPD and staffing issues

If we are required to comply with other legal obligations not listed above we will share data only when it is lawful to do so.

The lawful basis on which we collect and process this information

We must make sure that information we collect and use about our workforce is in line with the GDPR and Data Protection Act. This means that we must have a lawful reason to collect the data and that, if we share that with another organisation or individual, we must have a legal basis to do so.

The lawful basis for schools collecting and processing information comes from a variety of sources, such as Article 6 and Article 9 of the GDPR, the Safeguarding of Vulnerable Groups Act 2006. We also have obligations to organisations such as HMRC and the Department of Work and Pensions.

Collecting this information

Whilst the majority of information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with data protection legislation, we will inform you whether you are required to provide certain school workforce information to us or if you have a choice in this.

Storing this information

We hold school workforce data in accordance with our HR and Retention Policy

Who we share this information with

We may share this information with organisations such as:

- our local authority
- the Department for Education (DfE)
- Safeguarding and protection for children and vulnerable adults
- Payroll services
- Legal Advisers
- Insurance providers
- HMRC
- Teacher Pension Scheme and the Local Government Pension Scheme (and other pension providers)
- Health professionals

Why we share school workforce information

We do not share information about workforce members with anyone without consent unless the law and our policies allow us to do so.

Local Authority

We are required to share information about our workforce members with our local authority (LA) under Section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

Department for Education (DfE)

We share personal data with the Department for Education (DfE) on a statutory basis. This data sharing underpins workforce policy monitoring, evaluation, and links to school funding / expenditure and the assessment of educational attainment.

We are required to share information about our school employees with our local authority (LA) and the Department for Education (DfE) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

Data collection requirements

The DfE collects and processes personal data relating to those employed by schools (including Multi Academy Trusts) and local authorities that work in state funded schools (including all maintained schools, all academies and free schools and all special schools including Pupil Referral Units and Alternative Provision). All state funded schools are required to make a census submission because it is a statutory return under sections 113 and 114 of the Education Act 2005.

To find out more about the data collection requirements placed on us by the Department for Education, including the data that we share with them, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

The DfE may share information about school employees with third parties who promote the education or well-being of children or the effective deployment of school staff in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The DfE has robust processes in place to ensure that the confidentiality of personal data is maintained and there are stringent controls in place regarding access to it and its use. Decisions on whether DfE releases personal data to third parties are subject to a strict approval process and 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 securely store and handle the data

To be granted access to school workforce information, organisations must comply with its strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the DfE's data sharing process, please visit:

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

To contact the DfE: <https://www.gov.uk/contact-dfe>

Requesting access to your personal data

Under data protection legislation, you have the right to request access to information about you that we hold. To make a request for your personal information, contact the school's Headteacher for a Subject Access Request form (SAR).

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed
- claim compensation for damages caused by a breach of the Data Protection regulations

More details about how we use and manage data can be found in the 'Data Processing Notices – Common Principles and Processes', the General Data Protection Regulation (GDPR) Policy and other relevant policies for the School Workforce on our website.

Contacts

If you have any enquiries in relation to this privacy notice, please contact the Headteacher.

Our Data Protection Officer is J. A. Walker, Solicitor, info@jawalker.co.uk

COVID 19 Addendum – June 2020

Test and Trace

Schools are in a very difficult situation. The tracing process of 'Test and Trace' is made more difficult as schools are public authorities. They have a legal duty to protect and promote the welfare of pupils and a duty of care to staff. It is hoped that additional government guidance will be provided for schools.

As a private individual, compliance with the scheme is optional, you cannot at the present time be forced to provide details. As a school it is more complicated.

If a person in a school has Covid 19 or symptoms they will be sent home as will other people in school who have had contact and who may be at risk.

In school it would be most unusual for any one person to know the details of everyone else who may be affected. It is only the school that will have that data. We would notify individuals about a risk, and in many instances that will be sufficient.

However, the Department of Education Guidance does say:

'As part of the national test and trace programme, if other cases are detected within the child or young person's cohort (Bubble) or in the wider education or childcare setting, Public Health England's local Health Protection Teams will conduct a rapid investigation and will advise schools and other settings on the most appropriate action to take.'

In this situation it is not a matter of giving consent to share data, there is a Public Duty to do so. As a school we will co-operate with such requests. Schools are under an obligation to share data

At no point we will we share data without a sound legal basis, but please be aware that we will share data where necessary.