Special Educational Needs & Disabilities (SEND) Privacy Notice

Special educational needs and disabilities (SEND) can affect a child or young person's ability to learn. They can affect their:

- behaviour or ability to socialise, for example they struggle to make friends
- reading and writing, for example because they have a specific learning difficulty (SpLD)
- ability to understand things
- concentration levels, for example because they have Attention Deficit Hyperactivity Disorder (ADHD)
- physical ability

Additional support is available which includes:

- SEN support - https://www.gov.uk/children-with-special-educational-needs/special-educational-needs-support
- Education, health and care (EHC) plan - https://www.gov.uk/children-with-special-educational-needs/extra-SEN-help

We need to use personal information to support young people with SEND. For example:

- Name of young person
- Home address of young person
- Date of birth and year group of young person
- Name of guardian
- Contact telephone numbers and email address of parent/carer/guardian
- Date the pupil started or left
- Needs Assessment
- Relevant educational, health and care history
- Details of other relevant professionals and agencies involved with the young person and family
- Entitlement to free school meal information and Pupil Premium Grant
- Gender
- Language spoken at home
- Appropriate Key Stage test results and current levels
- National assessment data if relevant
- Needs & Actions taken to support SEN

We also use some special category (more sensitive) personal information, for example:

- Health information
- Ethnicity
- Religion

© Essex County Council

This information is provided by parent/carers, the local education authority, health agencies, and any previous education settings. It is used to deliver our statutory education duties and supporting those with additional needs.

The school is the Data Controller for this information. Our legal basis for using personal data for this purpose is Legal Obligation and A Task in the Public Interest. Our legal basis for processing special category personal data is Substantial Public Interest (Data Protection Act 2018 Schedule 1, Part 2, section 6 (2) (a) and section 18 (1) (b) (i)). The underpinning legislation and statutory guidance are set out below:

- The Special Educational Needs and Disability Regulations
- SEND Code of Practice Jan
- Section 20 and Section 66 of the Children & Families Act
- Keeping Children Safe in Education
- Requirements of Ofsted framework and evaluation schedule
- Working Together to Safeguard Children
- Statutory Advice for parents - https://www.gov.uk/children-with-special-educational-needs

We may need to share information to support a young person's additional needs. In some cases the law requires us to share information. Sharing is supported by an Information Sharing Protocol or contract. Please note we only share the minimum information required for each purpose. We may share information with:

- Department for Education for statutory purposes - https://www.gov.uk/guidance/data-protection-how-we-collect-and-share-research-data
- Local Education Authority for statutory purposes – please see their website for privacy information
- Health Providers to identify and support needs
- Other Education Providers to ensure the right support is in place when young people move educational setting
- Regulatory Bodies, e.g. Ofsted, The Information Commissioners Office for compliance purposes.

This information will be held by the current school until the young person changes their compulsory education setting, in which case the SEN record moves with them. The previous school may retain limited information to meet statutory returns obligations. The last education setting attended will retain the information for a minimum of for 25 years from the date of birth of the student, in line with the Limitations Act.

To manage our records we use technology systems. Our technology suppliers are subject to contractual obligations to assure the security of the information in the system.

No personal information is routinely available outside of the UK. Should a transfer of personal information be necessary we will only do so where it is permitted by law and where appropriate safeguards are in place.

For information about your rights in relation to this use of your personal information please see section 5 of our online overarching privacy notice.

© Essex County Council