

# **Privacy notice relating to the processing of personal data by the school, for the purpose of managing Pupil Behaviour & Exclusions**

**(Version 1.1 – wef 21.02.2023)**



**MAE EICH DATA O BWYS**

**YOUR DATA MATTERS**

Mae'r ddogfen hon ar gael yn Gymraeg / This document is also available in Welsh

## About this privacy notice

This privacy notice applies to the processing of personal data by primary, secondary and through schools within Rhondda Cynon Taf (RCT) that are maintained by the local authority (Rhondda Cynon Taf County Borough Council or RCTCBC). It also applies to the processing of personal data by faith schools within RCT that are voluntary funded.

Click [here](#) for a full list of schools covered by this privacy notice.

This privacy notice is provided by RCTCBC for and on behalf of schools under a data protection Service Level Agreement.

## Introduction

This privacy notice is intended to provide information about how the school will use (or 'process') personal data about individuals including its current, past and prospective pupils and their parents, carers or guardians (referred to in the notice as 'parents') for the purpose of managing pupil Behaviour & Exclusions.

Whilst we have tried to make this privacy notice as clear and concise as possible, the categories of personal data we process may vary depending on the pupil's behaviour and exclusions. Should you require further information relating to a specific claim please do not hesitate to contact the Data Protection Lead.

When processing the personal data, we process only the minimum amount necessary in relation to the purpose.

This notice should be read in conjunction with the school's;

- General Privacy Notice
- Positive Relationships and Behaviour Policy

## **The Data Controller**

The school is the data controller for the personal data we process, unless otherwise stated. This includes the personal data processed by the Governing Body, head teacher, individual governors, teachers, teaching assistants and support staff etc.

The school is registered with the Information Commissioner's Office (ICO) as a controller.

## **How to contact us for data protection matters or concerns**

The school's Data Protection Lead is the main point of contact for data protection matters. The Data Protection Lead can be contacted using our normal contact methods, by telephone, email, post and in person at the school.

Click [here](#) for the school's contact information.

## **The Data Protection Officer**

RCTCBC provides a data protection support service to the school under a Service Level Agreement, including the provision of a Data Protection Officer (DPO).

The DPO can be contacted in relation to data protection matters. However, we encourage you to contact the school in the first instance. Should you have the need to contact the Data Protection Officer directly you can do so via email to the following email address;

- [Information.management@rctcbc.gov.uk](mailto:Information.management@rctcbc.gov.uk)

We recommend that, when contacting the DPO, that you send a copy of the correspondence to the school as the data controller.

## **The personal data we process**

We may process the following categories of personal data for the purpose of managing pupil behaviour and exclusions;

### **Pupil personal data**

- Personal identifiers - such as name, address, age, date of birth, class year etc.
- Characteristics - such as race, ethnic origin, sexual orientation, religion, statement of Special Educational Needs, Child Looked After status etc.
- Behavioural information in general - positive and negative.
- Incident information – such as date/time of incident, nature of incident, persons involved, location of incident, investigation undertaken, action taken, evidence, witness statements, outcome etc.
- Exclusion information – such as dates, length of exclusion, reason for exclusion, type of exclusion, arrangements for returning to school following exclusion.
- Information relating to exclusion appeals.

### **Parent/carer personal data**

- Personal identifiers - such as name, address, contact details etc.
- Correspondence / contact relating to pupil behaviour and exclusions.
- Information relating to exclusion appeals.

## Why we process the personal data

We process the personal data in order to undertake our statutory functions relating to pupil behaviour and exclusions. This may include but is not limited to the following activities;

- recording details of positive or negative behaviour, awarding merit/demerit points
- monitoring behaviour
- statutory and internal reporting
- investigating and recording 'incidents' of negative behaviours.
- where appropriate, referring serious incidents of negative behaviour to other agencies such as the Police.
- assessing and deciding on appropriate action to manage negative behaviour
- referring an exclusion to the Pupil Discipline Committee
- recording exclusions
- informing parents/carers (relevant persons) about an exclusion
- managing the exclusion e.g. set working, arranging educational support during the period of the exclusion, transitioning back to school learning following a period of exclusion
- arranging relevant support services for the pupil - for example from the Local Authority Access and Inclusion service e.g. Education Psychology, Behaviour Support, or partner agencies and services e.g. Eye to Eye Counselling
- managing exclusion appeals

## Our lawful basis for processing the personal data

Under the General Data Protection Regulation (GDPR), our lawful basis for processing the personal data personal data to undertake our statutory functions relating to behaviour and exclusions is;

- **Legal Obligation** Article (c) – processing is necessary for compliance with a legal obligation to which the controller is subject.
- **Public Task** - Article 6 (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.
- **Substantial public interest** - Article 9 (2) (g) - processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

The primary legislation, regulations and guidance that supports this includes but is not limited to;

- Education Act 2002 Section 52(4)
- Education (Pupil Exclusions and Appeals) (Maintained Schools) (Wales) Regulation 2003
- Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (Wales) Regulations 2003
- Education (Pupil Exclusions and Appeals) (Wales) (Miscellaneous Amendments) Regulations 2004
- Education (Reintegration Interview) (Wales) Regulations 2010
- Welsh Government Guidance for Effective Managed Moves

## Who and where we get the personal data from

We may receive the personal data from the following individuals or organisations depending on pupils' behaviour, the support required to manage the behaviour and the agencies involved;

- Pupil
- Parents/carers
- School staff
- Governing Body
- Pupil Discipline Committee (PDC)
- Independent Appeals Panel (IAP)
- Local Authority support services – such as Exclusion Prevention and Intervention Teacher (EPIT), Education other than at School service (EOTAS), Children's Services, Governors Support, Resilient Families Service
- External support services and agencies – Police, Children and Adolescent Mental Health Services (CAMHS), ACT
- Special Educational Needs Tribunal for Wales (SENTW)

## Who we share personal data with

We may share personal data with the following key organisations to manage pupil behaviour and exclusions.

When sharing the personal data, we only share the minimum amount necessary in relation to the purpose. The information shared and who it is shared with will depend on the pupil's behaviour, the support required to manage the behaviour and the agencies involved.

Who	Purpose
<p>Local Authority (RCTCBC) – Support Services</p>	<p><b>Exclusion Prevention and Intervention Teacher (EPIT)</b></p> <p>EPIT whose role is to guide schools in managing exclusions appropriately and to support schools in seeking to reduce both the number and length of exclusions.</p> <p>The head teacher will provide a report containing personal data and other relevant information to the PDC relating to the exclusion.</p> <p><b>Education other than at School (EOTAS)</b></p> <p>The EOTAS service supports schools in providing appropriate provision for learners excluded for individual periods longer than 15 days including permanent exclusions.</p> <p>Personal data will be shared with the EOTAS service where a pupil is excluded for a such period of time or permanently.</p> <p><b>Governors Support</b></p> <p>Personal data will be shared with Governors Support to facilitate the appeals process where a parent/carer wishes to dispute the decision of the PDC.</p>
<p>External support services and agencies</p>	<p>Support services will vary depending on the support/intervention required to manage pupil behaviour and exclusions but may include support from organisations such as;</p> <ul style="list-style-type: none"> <li>• Children and Adolescent Mental Health Services (CAMHS)</li> </ul>



	Should you have a specific query relating to the services that are involved with you child contact the school.
Pupil Discipline Committee (PDC)	<p>The head teacher will provide a report that contains personal data to the PDC relating to the exclusion.</p> <p>The PDC will meet to discuss the exclusion and ratify the decision of the head teacher.</p>
Independent Appeals Panel (IAP)	Personal data will be shared with the IAP to facilitate the appeals process where a parent/carer wishes to dispute the decision of the Pupil Discipline Committee.
Special Educational Needs Tribunal for Wales (SENTW)	Personal data will be shared with the tribunal where a claim of disability discrimination has been made.
Other Schools	In order to facilitate a managed move as a result of behaviour/exclusions.
Police	<p>Personal data will be shared with the Police in relation to a serious incident of negative behaviour that may necessitate Police involvement (e.g. criminal activity).</p> <p>In some cases, a Police Liaison Officer may be asked to support your school in addressing specific behavioural issues. This may involve discussions with the pupil and/or parents/carers.</p>
Local Authority (RCTCBC) - Data Team Central South Consortium Welsh Government	<ul style="list-style-type: none"> <li>• Statutory returns/reporting</li> <li>• School improvement</li> </ul>

## Data Processors

A data processor is a company or organisation that processes personal data on behalf of a controller. The school uses data processors that provide services to us. The category of data processors that the school uses in relation to managing pupil behaviour and exclusions is;

- IT system suppliers / service providers

Our data processors act only upon our instruction. They cannot do anything with the personal data unless we instruct them to do so. They will not share the personal data with any organisation apart from us or use it for their own purposes. They will hold it securely and retain it for the period we instruct.

Should you have a specific query relating to our data processors, please contact the Data Protection Lead.

## How long we retain the personal data

We retain the personal data contained within behaviour and exclusion records as follows.

Record	Statutory Provision	Retention period
Behaviour file	N/A	Current year + 1 year
Record of sanctions imposed upon pupils for serious misbehaviour	N/A	3 years after the date of the entry
Exclusions (fixed or permanent) form part of the pupil's educational record	The Pupil Information (Wales) Regulations 2011	Until 25 <sup>th</sup> birthday  To be transferred from junior to secondary school if appropriate
Exclusions - Duty to inform. May be delivered by hand or by first class post	Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (Wales) Regulations 2003	Until 25 <sup>th</sup> birthday  To be transferred from junior to secondary school if appropriate
Provision of information to the local education authority	Education (Pupil Exclusions and Appeals) (Pupil Referral Units) (Wales) Regulations 2003	Until 25 <sup>th</sup> birthday  To be transferred from junior to secondary school if appropriate

In keeping with the General Data Protection Regulation storage limitation principle, records are periodically reviewed. Not all personal data is retained. Only personal data that is relevant to the record is retained for the entire retention period. Information that has no long term or evidential value is routinely destroyed in the normal course of business.

## **Your data protection rights**

Under data protection law, you have rights we need to make you aware of. The rights available to you depend on our reason for processing your personal data.

### **Your right of access**

You have the right to ask us for copies of your personal data. This right always applies. There are some exemptions, which means you may not always receive all the data we process. [You can read more about this right on the ICO's website.](#)

### **Your right to get your data corrected**

You have the right to ask us to rectify personal data you think is inaccurate. You also have the right to ask us to complete data you think is incomplete. This right always applies. [You can read more about this right on the ICO's website.](#)

### **Your right to get your data deleted**

You have the right to ask us to erase your personal data in certain circumstances. [You can read more about this right on the ICO's website.](#)

### **Your right to limit how organisations use your data**

You have the right to ask us to restrict the processing of your personal data in certain circumstances. [You can read more about this right on the ICO's website.](#)

### **Your right to object to the use of your data**

You have the right to object to us processing your personal data in certain circumstances. [You can read more about this right on the ICO's website.](#)

### **Your right to data portability**

This only applies to personal data you have given us. You have the right to ask that we transfer the personal data you gave us from one organisation to another or give it to you. This right only applies if we are processing the personal data based on your consent or under, or in talks about entering a contract and the processing is automated. [You can read more about this right on the ICO's website.](#)

You are not required to pay any charge for exercising your rights. We have one month to respond to your request from the date your request is validated. We may extend this period by a further two months if the request is complex or we receive a number of requests from you.

For more information on your rights and how to exercise them please refer to the '[Your Information Rights](#)' section of the Council's website.

### **Your right to make a data protection complaint to the school**

You have the right to complain to the Council if you believe we have not handled your personal data responsibly and in line with good practice.

If you have a concern, we encourage you to contact us in the first instance. Most concerns can be resolved relatively quickly through a simple phone call or email. Should you wish to make a formal complaint you can do so via our [Comments, Compliments and Complaints Policy](#).

### **Your right to make a data protection complaint to the ICO**

You can also complain to the ICO if you are unhappy with how we have used your data, but we encourage you to contact us first.

The ICO's contact information is:

- Address: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
- Helpline number: 0303 123 1113
- Website: <https://www.ico.org.uk>

## Version Control

<b>Version no</b>	<b>Valid From</b>	<b>Valid To</b>	<b>Comments</b>
1.0	10.08.2022	21.02.2023	Document creation. Final document.
1.1	21.02.2023		Amended to included availability of Welsh version