

Privacy Notice for Special Educational Needs and Disabilities

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1.0	18 October 2018	N McDermott	First Published Version
1.1	23 October 2020	N McDermott	Reviewed no changes
1.2	03 March 2022	J Coundon	Updated 'Your rights' section. Changed 'contact' Section to 'complaints' and added additional details. General formatting changes.

Special Educational Needs and Disabilities Privacy Notice

This notice explains what personal data (information) we hold about you, how we collect, how we use and may share information about you. We are required to give you this information under data protection law.

Special Education Needs and Disabilities (SEND) support in schools 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 includes information and advice sought for annual review, tracking information, disagreement resolution or mediation processes and processes relating to appeals to the SEN Tribunal and Mediation Service at Devon County Council.

We also prepare and submit 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 at Devon County Council, and with partner organisations to ensure we deliver the best possible outcomes for children and young people with SEND, 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.

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, 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 request 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 request 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
- 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. After this time the information is archived or securely destroyed. Information shared with partner agencies will be held in accordance with their Data Retention schedules.

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 defence of legal claims whenever courts are acting in their judicial capacity. In situations where the safety and protection of the individual are of paramount importance, we will share information under the lawful basis of vital interests.

Who we share your personal information with

- teams within the Dartmoor Multi Academy Trust and the local authority 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
- educational Psychologists
- partner organisations where necessary, which may include NHS teams, health visitors, midwives, 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 as part of formal and informal processes in relation to mediation, Ways Forward meetings or formal appeals through the Special Educational Needs and Disability Tribunal

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

Your rights

You also have the right to:

- be informed about the collection and use of your personal data
- rectification, i.e., to have inaccurate personal data rectified, or completed if it is incomplete
- erasure, often known as the 'right to be forgotten'; however this does not apply where, amongst other things, processing is necessary to comply with a legal obligation

- restrict processing, although, as above this is a limited right.
- object; though other than for marketing purposes, this is also limited as above.
- object to decisions being taken by automated means, although these are not currently relevant
- Where we rely on your consent to process your data, you have the right to revoke that consent
- a right to seek redress, either through the ICO, or through the courts

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.

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 unauthorised 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 authorised 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.

Complaints

We take any complaints about our collection and use of personal information very seriously.

If you think that our collection or use of personal information is unfair, misleading or inappropriate, or have any other concern about our data processing, please raise this with us in the first instance.

To make a complaint, you can contact our data protection officer on:

Email dpo@dmatschools.org.uk

Phone: 01629 532888

Room 396,
North Block,
County Hall,
Smedley Street,
Matlock,
Derbyshire,
DE4 3AG

For DfE:

Public Communications Unit,
Department for Education,
Sanctuary Buildings,
Great Smith Street,
London, SW1P 3BT
Website: www.gov.uk/contact-dfe
Telephone: 0370 000 2288

If, however you are dissatisfied with our response to your concerns you can of course contact the ICO quoting our ICO registration number ZA362232 and stating that the Data Controller is Dartmoor Multi Academy Trust

Information Commissioners' Office

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 0303 123 1113 (local rate) or 01625 545 745 if you prefer to use a national rate