



Data Protection

**We are committed to reviewing our policy and good practice annually.
This policy was last reviewed on: 15th February 2023**

The categories of information that we process may include:

- personal identifiers, contacts and characteristics (such as name, contact details and address)
- family contacts and characteristics (as above)
- other relevant professionals' contacts and roles
- characteristics (such as ethnicity, language, and free school meal eligibility)
- safeguarding information (such as court orders and professional involvement)
- special educational needs (including the needs and ranking)
- medical and administration (such as doctors information, child health, dental health, allergies, medication and dietary requirements)
- attendance (such as sessions attended, number of absences, absence reasons and any previous schools attended)
- relevant assessment and attainment (such as key stage 1 and phonics results)
- behavioural information (such as exclusions and any relevant alternative provision put in place)

Why we collect and use this information

The personal data collected is essential, in order for The Switch Project to fulfil its functions and meet the expected requirements of our users and clients (schools and the Local Authority).

We collect and use information for the following purposes:

- a) to identify that we are the most appropriate place for the young person to attend and ensure that we can meet their needs
- b) to plan appropriate and high quality provision for the individual young person referred to us
- c) to monitor and report on the young person's progress during and at the end of their placement with us

- d) to provide appropriate pastoral care
- e) to assess the quality of our services

- f) to keep children safe (food allergies, or emergency contact details)
- g) to meet the expectations placed upon us

Under the General Data Protection Regulation (GDPR), the lawful bases we rely on for processing pupil information are:

- for the purposes of **(a), (b), (c) & (d)** in accordance with the legal basis of Public task: collecting the data is necessary to perform tasks that schools are required to perform as part of their statutory function. Schools (or the Local Authority) then contract the performance of these tasks to us for the duration of the placement, whilst retaining overall responsibility for the Young Person as they are still on their role. Collecting the data is necessary for us to ensure that we provide high quality and appropriate tailored provision for every young person given a place at The Switch Project Ltd. It is also necessary for us to be able to report progress to our clients and users and provide high quality information to future professionals working with the Young People in question in order to effectively support individuals' futures
- for the purposes of **(f)** in accordance with the legal basis of Vital interests: to keep children safe (food allergies, or medical conditions)
- for the purposes of **(g)** in accordance with the legal basis of Legal obligation: data collected for local or national government (or their representative bodies)

- Section 537A of the Education Act 1996
- the Education Act 1996 s29(3)
- the Education (School Performance Information)(England) Regulations 2007
- regulations5and8SchoolInformation(England)Regulations2008
- the Education (Pupil Registration) (England) (Amendment) Regulations 2013

In addition, concerning any special category data: conditions a, b, c and d of GDPR - Article 9

Collecting information

We obtain information about young people and their families via referral forms completed by schools or the Local Authority prior to offering any Young Person a place at The Switch Project Ltd. In addition, we are sometimes sent additional information from other professional organisations that have worked with the young person or the family containing relevant information.

Information is essential for The Switch Projects' operational use. Whilst the majority of information provided to us is mandatory, some of it has been provided to the school or Local Authority on a voluntary basis before being passed to us. Young People or their parents/carers may also provide additional information to us on a voluntary basis. In order to comply with GDPR, schools will inform you at the point of collection, whether you are required to provide them with certain pupil information or if you have a choice in this. Once we have offered a Young Person a place at The Switch Project Ltd, we will contact the parent/guardian and regain consent to hold and use the information originally provided to the school/Local Authority. It is the school/Local Authority's responsibility to gain the consent of the parent/guardian to pass information to us initially. Once we have regained consent then we are responsible for holding that data in a manner which complies with GDPR.

Storing data

We hold data securely for the set amount of time shown in our data retention schedule.

Who we share information with

We may routinely share pupil information with:

- school(s) that the pupil attends both before and after leaving us
- our local authority and any future local authority that has a legitimate interest in the young person (and their family)
- professional bodies or persons with a legitimate interest in the young person (and their family) such as family support workers, medical professionals, the courts, police and other support agencies
- local and national government (or their representative bodies such as Ofsted or The Children's Commissioner)

Why we routinely share information

We do not share information about our young people or their families with anyone without consent unless the law and our policies allow us to do so.

Schools: schools make referrals to us when they feel that one of their students needs support that they can't provide. Whilst the young person is on placement with us, they remain on the school's role and, therefore, the school retains legal responsibility for that young person. As such, they need to receive any information relating to that Young Persons current or future education (including information that may impact on their ability to engage with education, such as health and wellbeing or family matters) in order to comply with carrying out their public task.

Local Authority (referrals): when a Local Authority makes a referral to us, they are doing so because the young person is not on role at a school (perhaps because of a permanent exclusion or having just moved into the area). The Local Authority needs to receive the same information that a school would for the same reasons.

The Local Authority may also be interested in the young person and/or their family for other legitimate reasons (such as Social Care or Safeguarding) and, as such, it is necessary for them to receive information from in accordance with the legal basis of Vital interests: to keep children safe (food allergies, or medical conditions) or in accordance with the legal basis of Legal obligation: data collected for local or national government (or their representative bodies).

Professional bodies or persons with a legitimate interest in the young person (and their family) such as family support workers, medical professionals, the courts, police and other support agencies: The nature of our work is supporting vulnerable young people and, as such, many of our users have significant needs and come with, or need to be referred to, a number of professionals working with them or their families. In order to provide effective support for young people and their families, it is important that all professionals communicate with each other and avoid duplication or, more importantly, making the assumption that someone else is addressing an issue. We will share any information that is necessary for other professionals to provide effective support to the young person or there family. We endeavour to always gain consent to do this, but occasionally we may share information without consent in accordance with the legal basis of Vital interests: to keep children safe. Organisations fighting or identifying crime may use their legal powers to contact us to request access to individual level information relevant to detecting that crime.

Local and national government (or their representative bodies such as OfSted or The Children's Commissioner): Whilst we are not directly subject to oversight by government or their representative bodies, the sectors within which we work are public and all our clients are delivering public tasks. We are also contractors to public bodies and, as such, may at some future date be required to provide information in the same manner that education, health and social care organisations are required to report. Should legitimate information covered by legal basis be requested then we will provide it.

Requesting access to your personal data

Under GDPR, parents and young people have the right to request access to information about them that we hold. To make a request for your personal information, or be given access to your child's record, contact Mrs Caroline Erskine-Murphy on 01902552288 or email caroline@switchmidlands.com

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; and
- a right to seek redress, either through the ICO, or through the courts

If you have a concern about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>