

INFORMATION SHARING AGREEMENT

BETWEEN

THORNHILL PRIMARY SCHOOL

AND

**ROTHERHAM METROPOLITAN BOROUGH
COUNCIL (RMBC)**

Information Sharing Agreement (ISA)

1. Policy Statements and Purpose of this Information Sharing Agreement

This Information Sharing Agreement (ISA) has been drawn up as a result of the commitment to work together in accordance with the Rotherham Metropolitan Borough Council Data Sharing Protocol, this also covers the information shared between schools in Rotherham

Data is shared:

- As part of government social inclusion agenda, to ensure that young people don't become 'lost'; or go missing from education and where this does occur, to conduct rigorous investigations to try and locate them and initiate re-entry into education. This falls within the remit of Children Missing Education and enables appropriate and necessary checks to take place.
- 'Working Together (2015) outlines the importance of supporting children and families as issues begin to emerge in order to avoid problems from getting worse. These cases are identified via the Early Help Triage Team which is the single front door for early intervention identification in Rotherham.
- To ensure that the local authority knows which children are on roll at which school.
- To provide identification and understanding of children who are not attending school full-time and those who fail to attend regularly in order to ensure these children are appropriately safeguarded and that they receive an appropriate education. This also includes sharing information with strategic groups that are tasked to oversee this work.
- To ensure that the school and young people receive the appropriate level of support from a range of services that are most appropriate to their needs, including, but not limited to, those on part-time timetables, looked after children, those excluded from school, those that are displaying risk factors or evidence of requiring family support and those with special educational needs.
- To support the moderation of submission of statutory key stage data collections

The above is achieved through collection of the following information from school:

- All Key Stage statutory assessments (where undertaken by school)
- Annual pupils on-roll lists in the autumn term and regular updates when pupils join/leave the school
- Regular (at least termly) updates of children who are not attending school full-time either through an arranged part-time timetable or who have failed to attend regularly.
- Regular (weekly, monthly, termly, annually), as-and-when required and ad hoc data requests
- Fixed term and permanent exclusion data and supporting documentation
- Documentation relating to the education health care plan assessment process
- Service level agreements and referral documentation for LA support services (Inclusion)
- Referrals (with consent) from schools regarding children with additional need. This triggers secure and proportionate checks across council systems to ascertain if there are other concerns about the child/family or if the family is open to a service.
- Through the Early Help Assessment Process where school assess needs and develop a plan alongside the family and submit this to the Local Authority. This enables important visibility and information sharing to ensure that concerns held about children are visible to appropriate professionals. This process is consented to by the parent/carer.

1.1 Aim

To provide clear guidance to help us share information safely and in compliance with the law, whilst respecting the young person's right to privacy and confidentiality.

1.2 Objectives

- To establish a mechanism for the exchange of information between partners.

NOTE – if you have any safeguarding or child protection concerns please follow the normal processes:

If the child is in immediate danger contact the police on 999 (in an emergency only)

Call the Police on 999 

If the child is not in immediate danger contact Rotherham Children's Social Care Services to report your concerns and share information in the usual way in line with the Children Act 1989

Call MASH on 01709 336080 

2. Legal Basis for Data Exchange

This ISA has been developed to achieve the aim and objectives above. It is the intention that all aspects of information sharing and disclosure relating to this exchange agreement shall comply with relevant legislation that protects personal data.

We also have the appropriate Data Protection Registration notification with the Information Commissioner, which will be kept up to date, and we will share data in accordance with the provisions of this.

There are various legal requirements that underpin this agreement:

From 2007 there has been a statutory duty on all local authorities in England and Wales under section 436A of the Education Act 1996 to make arrangements to identify, as far as it is possible to do so, children missing education (CME). The local authority maintains records of the education provision of all children in the Borough known to education services.

With regards to children for whom there are attendance concerns or where they have been removed from roll, circumstances under which the school has been required to share information with the LA have previously been restricted to cases where a child has:

- failed to attend regularly or
- who has had 10 or more consecutive days of unauthorised absence or
- who has been removed from roll for the reason of:
 - home education,
 - having moved and no longer being ordinarily resident
 - being certified by the medical officer as being unlikely to be in a fit state of health to attend before ceasing to be of compulsory school age (and parent has not indicated a plan for them to return in year 12)
 - being detained for more than 4 months and no likely return on release
 - permanent exclusion.

The above duties prescribed in The Education (Pupil Registration) (England) Regulations 2006 are extended by the September 2016 amendments; the relevant statutory guidance has recently been updated: Children Missing Education; statutory guidance for local authorities (September 2016) and is available on the Gov.uk website.

In addition to advising the LA about any child who has failed to attend regularly and/or who has had 10 or more consecutive days of unauthorised absence, the effect of the amendment to the regulations is that all schools are now required to share details of all planned deletions from roll with the LA and to work jointly with the LA to ascertain the whereabouts of any child where this is not known.

Ofsted takes the view that there is an obligation for all schools to notify the local authority of any part-time education arrangements for their pupils. This obligation was detailed for the first time in the Ofsted report Pupils Missing Out on Education in November 2013. This includes all schools and relates to children who are not attending a registered school or alternative provision for a part of the school week. Schools should inform the local authority of children who are on part-time timetables

The Assessment and Reporting Arrangements (ARA) Early Years Foundation Stage – this states that schools have a statutory duty to submit EYFS Profile data to their geographic local authority. The LA then has a corresponding duty to submit that information to the Department. The ARA is issued by the Department for Education based for the following legal status:

- Section 39(1)(a) of The Childcare Act 2006 stipulates that Early Years providers must secure that their provision meets the learning and development requirements as specified in the EYFS (Learning and Development Requirements) Order 2007 (S.I. 2007/1772) (amended in 2012). The Act states that this Order can specify the arrangements which are required for assessing children for the purpose of ascertaining what they have achieved in relation to the ELGs.
- All English local authorities must have regard to any guidance given by the STA in exercising their function under the EYFS (Learning and Development Requirements) Order 2007, article 4.2. The learning and development requirements are given legal force by an Order made under section 39 (1)(a) of the Childcare Act 2006.
- All schools are required to implement the requirements of the EYFS as set out in section 40 of the Childcare Act 2006 and must comply with local authority moderation requirements. All registered Early Years providers are required to complete the EYFS assessment for any children in the final year of the EYFS and to participate in moderation. This includes an academy providing for children in the final year of the EYFS.

The ARAs are reviewed annually and this agreement covers the current Arrangements at the time of the data collection request.

Rotherham NHS Foundation Trust use information about pupils for a range of school delivered child health services such as inoculation programmes. They also use information about pupils for data research and statistical purposes, to monitor the performance of local health services and to evaluate and develop those services. Statistics are used in such a way that individual pupils cannot be identified. Information on the height and weight of individual pupils may however be provided to children and their parents and this will require Rotherham NHS Foundation Trust to maintain details of pupils' names for this purpose for a period designated by the Department of Health following the weighing and measuring process. Rotherham NHS Foundation Trust may also provide individual schools and LAs with summary information on pupils' height and weight but will do in a way that means that individual pupils cannot be identified.

Exclusion from maintained schools, academies and pupil referral units in England
Statutory guidance for those with legal responsibilities in relation to exclusion September 2017 identifies the following:

The head teacher must, without delay, notify the governing board and the local authority of:

- any permanent exclusion (including where a fixed-period exclusion is followed by a decision to permanently exclude the pupil);
- any exclusion which would result in the pupil being excluded for a total of more than five school days (or more than ten lunchtimes) in a term; and
- any exclusion which would result in the pupil missing a public examination or national curriculum test.

The head teacher must also notify the local authority and governing board once per term of any other exclusions not already notified.

3. Data to be shared

3.1 With the Local authority

- School roll, including movements on and off roll
- Basic pupil details (forename, surname, date of birth, gender, NCY, UPN)

- Extended pupil details (address, postcode, ethnicity, home language, home religion)
- Parent/Carer details including parent/carers contact details and date when child moves to live with this parent/carers
- Attendance
- Details of children on part-time timetables
- Special Educational Needs (status, need, category)
- Data pertaining to permanent and fixed term exclusion
- Key Stage results data (e.g. Early Years Foundation Stage Profile)
- Looked After Children details (e.g. status, LA responsible)

3.2 By the Local authority with schools

There may be occasions where the school would require assistance from the Local authority to provide data on children who were at the school or who are new to the school. This includes (but is not restricted to):

- Basic pupil details (forename, surname, date of birth, gender, NCY, UPN)
- Extended pupil details (address, postcode, ethnicity, home language, home religion)
- Attendance
- Exclusions
- Special Educational Needs (status, need, category)
- Key Stage results data (e.g. English Teacher Assessment level for KS2)
- Free School Meals eligibility (including dates)

3.3 How will you keep a record of what information has been shared?

The ONE Database at RMBC retains a log of all files received. This is updated automatically as files are transmitted from the school to the local authority using the secure file transfer mechanism of Business to Business (B2B)

3.4 How is this information going to be shared?

a) B2B (business to business)

B2B is a secure data encryption and transmission software package manufactured by Capita Education Services. It is designed to capture student data from the school information management system (SIMS) in a school and transmit this securely into the ONE database held by the local authority. This option enables automated transfer of data.

Although the data is transmitted across the internet, powerful encryption ensures that if the data were to be intercepted, nothing meaningful in terms of children's records could be extracted. Transfer is scheduled from the management information system which controls the type and frequency of data transferred to the LA.

For those schools that do not use SIMS, the alternative method to B2B is the production of a common transfer file (CTF) from their schools management information system.

Schools may also submit data to the LA via completing the relevant proforma provided as part of the protocol.

All data to be transferred to the LA using the secure file transfer mechanism

b) School Census Return (Pupil level)- LA Maintained Schools only

The school census is a statutory census that takes place during the autumn, spring, and summer terms and holds pupil level data on pupils on roll in Schools.

<https://www.gov.uk/guidance/school-census>

Academies are responsible for submitting and approving their own census data.

c) School Workforce Census Return (Staff level return) – LA Maintained Schools only

The school Workforce Census is a statutory census that takes place during the autumn term and collects data on all teaching and support staff in regular employment, including those working for:

- local authorities on central contracts
- local-authority-maintained schools
- academies
- free schools, including:
 - studio schools
 - university technical colleges
- pupil referral units (local authority establishments that provide education for children who can't attend a mainstream school)

Local authorities are responsible for:

- co-ordinating and approving the submission of census data from all their maintained schools
- submitting data for centrally employed school staff

Academies are responsible for submitting and approving their own census data.

d) Attainment Data – LA Maintained Schools and Academies

Early Years Foundation Stage Profile , Phonics and Key Stage1 teacher assessments should continue to be submitted to the LA for onward submission to the DfE/STA (where appropriate). All such data to be transferred to the LA using the secure email file transfer (CTF file)

The Assessment and Reporting Arrangements (ARA) documentations are reviewed annually and this agreement covers the current Arrangements at the time of the data collection required.

e) Other regular and ongoing data requests and ad hoc data requests

In order to fulfil our duties as an LA for all pupils living or studying in our area we may need to ask for extra information from the school, including, but not limited to: information relating to looked after children (as and when required); details of children with safeguarding issues and other non-statutory data requests. All data to be transferred to the LA using the secure file transfer mechanisms

3.5 Who will have access to this data and what may they use it for?

Access to the data is restricted to those employees of RMBC who are engaged in the delivery of statutory children's and other lawful services duties and who as a result utilise the Capita ONE database.

The data received by RMBC will be used for matching and updating records on the Capita ONE database and for the purposes of delivering a range of services, for example Education welfare issues and school admissions co-ordination.

The Local Authority wants to be able to provide appropriate, timely and effective services - it is important to us that we co-ordinate what we do for you properly. To do this, we share basic information such as name and address between services within the Local Authority. This is so that we can keep our information as up-to-date as possible and so that we can improve our services to you. Even though our systems are joined-up, we ensure that staff within the council can only access the information they need to do their job and fulfil the Council's lawful obligations.

3.6 How securely does the information need to be stored?

Each school signing this ISA agrees to adhere to the standards of security below. If there is a security breach in which data received from another party under this ISA is compromised, the originator will be notified within 24 hours of identification.

1. Unauthorised staff and other individuals are prevented from gaining access to personal data
2. Visitors are received and supervised at all times in areas where personal data is stored
3. All computer systems that contain personal data are password-protected, and mobile devices encrypted. The level of security should depend on the type of data held, but only those who need to use the data have access.
4. Workstation/PCs are locked or signed off when not in use.
5. Disks, tapes or printouts are locked away when not in use.
6. Caution is exercised in relation to email content and recipient(s).
7. Paper files are stored in secure locations and only accessed by those who need to use them.
8. Personal data is not disclosed to anyone other than the Data Subject unless the Data Subject's consent is given, or it is a registered disclosure, required by law, or permitted by a Data Protection exemption or relevant conditions from article 6 and article 9 of the General Data Protection Regulations. .
9. Personal information is not left on public display in any form. Printers are checked regularly and all desks are cleared of sensitive material when left unattended and also at the end of each day and it is locked away safely.

3.7 How long are you going to keep the data?

Data will be retained on the Council's ONE database until young people reach the age of 25. Retention periods are longer for children and young people with an education, health and care plan and those who at any point have been in local authority care.

Schools should refer to the IRMS guidance (<http://www.irms.org.uk/groups/public-sector/resources/134-records-management-toolkit-for-schools>) for guidance for their own retention periods.

This is in accordance with standard practice surrounding children and young people's records and relates directly to the legal timeframe within which litigation may be brought against a local authority for failure to deliver appropriate services to a child.

3.8 Further Use of Information

RMBC will not use the Data for purposes other than defined in this agreement without a valid and lawful reason on a case-by-case basis or with the express agreement of the School in which latter case the details will be documented as a dated addendum to this ISA.

4 Breach of confidentiality

Any breaches of this agreement by a partner or a third party organisation processing data for a partner must be reported. Both requesting and providing partners must carry out a full investigation, with the assistance of an independent agency if required.

Disciplinary action must be taken against any member of staff found to have been responsible for the breach, with the Information Commissioner's Office being notified of the action taken if the breach is serious.

5 Indemnity

Each partner will keep the other indemnified against any expenses and claims arising out of any breach of this agreement and in particular, but without limitation, the unauthorised or unlawful access, loss, theft, use, destruction or disclosure by the offending partner or its sub-contractors, employees, agents or any other person within the control of the offending partner of any data obtained in connection with this agreement.

6 Review of Information Sharing Agreement

This Information Sharing Agreement will be reviewed every 2 years from date of signature and then annually (or sooner subject to the Department for Education changing requirements).

7 Closure/termination of agreement

Any partner organisation can suspend this ISA for 45 days if security has been seriously breached. This should be in writing and concerns be evidenced.

Termination of this Information Sharing Agreement should be in writing to all other Partner Organisations giving at least 30 days' notice.

8 Requests for Disclosure of Information received under this ISA

All recorded information held by public sector agencies is subject to the provisions of the Freedom of Information Act 2000 and the General Data Protection Regulations. While there is no requirement to consult with third parties under FOIA, the parties to this ISA will consult the party from whom the information originated and will consider their views to inform the decision making process.

9 Appropriate Signatories

Each Partner should identify who is the most appropriate post holder within their agency to sign the ISA having taken account of their organisational policy and the fact that the signatory must have delegated responsibility to commit their organisation to the indemnity. It is the responsibility of the individuals identified at 3.2 to ensure that copies of the ISA are made available as necessary to ensure adherence to the ISA.

I confirm that this ISA has been prepared in consultation with the DPO for each organisation.

Appendix A

LEGAL CONTEXT.

The General Data Protection Regulations (GDPR)

Data Protection legislation governs the standards for the processing of personal data including the collection, use of and disclosure of such information. The legislation requires data controllers and data processors meet certain obligations. It also give individuals or 'data subjects' certain rights with regard to their own personal data. The main standard for processing personal data is compliance with the 6 data protection principles summarised as follows:

- i) processed lawfully, fairly and in a transparent manner in relation to individuals;
- ii) collected for specified, explicit and legitimate purposes and not further processed in a manner that is incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes;
- iii) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed;
- iv) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay;
- v) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes subject to implementation of the appropriate technical and organisational measures required by the GDPR in order to safeguard the rights and freedoms of individuals; and
- vi) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures.”

vii)

The most significant principle is the first principle which states that personal data shall be processed fairly and lawfully and shall not be processed unless at least one condition in Article 6 and in the case of 'sensitive personal data', at least one condition in Article 9 is also met.

The type of information being disclosed for the purposes of this ISA will include 'sensitive personal data' which means that at least one of both Article 6 and Article 9 conditions must be satisfied.

The most relevant aspects of the GDPR to enable us to share data in this ISA are:

Article 6(f)

(e) The processing is necessary for the purposes of legitimate interests pursued by the data controller or by the third party except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

Article 9b

The processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject in the field of employment, social security and social protection law in so far as it is authorised by member state law providing for appropriate safeguards for the fundamental rights and the interests of the data subject.

Access to data is restricted to authorised personnel, security measures are in place, data subjects have a right to see data held on them.

EDUCATION AND INSPECTIONS ACT 2006

Under the Education and Inspections Act (2006) section 436a, a local education authority must make arrangements to enable them to establish (so far as it is possible to do so) the identities of children in their area who are of compulsory school age but (a) are not registered pupils at a school, and (b) are not receiving suitable education otherwise than at a school. The Children not receiving education statutory guidance issued by the DfES in February 2007 is based on the Education & Inspections Act 2006. Here it is stated that local authorities will need to put in place arrangements for joint working and appropriate information sharing with other local authorities and relevant partner agencies which come into contact with families and children.

Section 436A of the Education & Inspections Act 2006 places a duty on all schools and local authorities to make arrangements to identify children not receiving education. Also relevant are the Education (Pupil Registration) (England) Regulations 2006 which govern the circumstances in which a pupil may be placed on or removed from a school register.

EDUCATION (PUPIL REGISTRATION) (ENGLAND) REGULATIONS 2006

The 2016 amendment to the Education (pupil Registration) (England) Regulations 2006 which requires all schools within an LA to share changes to the school roll with the relevant LA. This enables the school and the local authority to ensure that all children are in receipt of suitable education.

The duty to share information with the LA on children with irregular attendance is stated in section 12 of the Education (Pupil Registration) (England) Regulations 2006. With regards to children on part-time timetables, Ofsted takes the view that there is an obligation for all schools to notify the local authority of any such arrangements for their pupils. This obligation was detailed for the first time in the Ofsted report Pupils Missing Out on Education in November 2013. This includes all schools including both maintained and independent Schools.

From 2007 there has been a statutory duty on all Local Authorities in England and Wales to have systems and procedures in place to monitor Children Missing Education (*DCSF Statutory Guidance for Local Authorities in England to Identify Children Not Receiving Education – February 2007*). Since this point, the local authority has maintained records of the education provision of all children in the city known to Education services. Work has been undertaken by schools, the Education Welfare Service and CME Information Officers with the aim of ensuring that all children who leave our schools safely enter the education system in their new location. This guidance continues to be updated by the DFE and the most recent iteration can be found [online](#). The LA protocol has been developed in line with this guidance and provides details of the working arrangements for all schools.

CHILDREN'S ACT 2004

Under the Children not receiving education agenda instigated by The Children Act (2004), each authority has a duty to make arrangements to: ensure that pupils continue

to receive the education they are entitled to; and that pupils who stop attending a school without satisfactory explanation are suitably accounted for.

CHILDCARE ACT 2006

Under the Childcare Act (2006) Early Years providers must secure that their provision meets the learning and development requirements as specified in the EYFS (Learning and Development Requirements) Order 2007 (S.I. 2007/1772) (amended in 2012). The Act states that this Order can specify the arrangements which are required for assessing children for the purpose of ascertaining what they have achieved in relation to the ELGs.

EDUCATION ACT 2002

Under the Education Act 2002 Section 87, together with the Orders and SI require schools and/or local authorities to provide and implement National Curriculum according to the Secretary of State as detailed within the Assessment and Arrangement Reporting document for each key stage.

LOCAL GOVERNMENT ACT 2000

Under the Local Government Act 2000 Section 2, the local authority is required to promote the economic, social and environmental wellbeing of any person within Rotherham.

CHILDREN ACT 1989

Under the Children Act 1989 the local authority is required to provide services for children and families (Section 17 and 27), including providing for children who are at risk or likely to be at risk of significant harm (Section 47).