



BARNSELEY MBC PRIVACY NOTICE

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At Barnsley MBC we are committed to protecting and respecting your privacy.

This Privacy Notice tells you what you can expect when the Council collects your personal information. This notice applies to information the Council collect in relation to the EHC Team.

Stage one: Who are we?

The Educational Health Care Team 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 Special Educational Need and Disability Tribunal. We also administer and approve 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 within BMBC and with partner organisations to ensure we deliver the best possible outcomes for children and young people with SEND in Barnsley District, and to ensure we are fully compliant with the Children and Families Act 2014 and associated regulations and Code of Practice.

Stage two: What type of information we will collect from you

We collect information from parents or carers for children and young people and from young people themselves if appropriate.

In the course of assessing and planning SEND support, and providing the most suitable educational provision, we collect the following personal information when you, an educational provider or partner agency 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
- protected characteristics (age, gender reassignment, being married or in a civil partnership, being pregnant or on maternity leave, disability, race including colour, nationality, ethnic or national origin, religion or belief, sex, sexual orientation)

We will not collect any information from you that we do not need to provide and oversee this service to you.

Stage three: Why do we need your personal information

We need your personal information to:

- identify your child's SEND needs
- clarify the child or young person's needs through assessment
- 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 conduct 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
- make decisions about whether to provide 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
- analyse service provision and effectiveness, and model patterns of service involvement to support future service delivery planning via the BMBC Children's Services Improvement and Quality Assurance Team
- assess for specialist equipment
- inform future commissioned services and educational placements requirements

Stage four: How we will collect your personal information

We obtain personal information from:

- teams within our organisation who can provide us with advice and information, e.g. adult or children's social services, educational psychologists, specialist teachers, virtual school, early help, youth offending service
- partners outside of our organisation, e.g. child and adolescent mental health services (CAMHS), GP's, paediatricians, school nurses, speech and language therapists, occupational therapists, audiologists and other NHS professionals within the local area clinical commissioning group (CCG)
- schools or post-16 settings currently or previously attended
- early education providers currently or previously attended (such as nurseries, pre-schools, childminders)
- Other local authorities where a child or young person has moved into the local area from

Stage five: Our Legal Basis for processing your information

We collect and use your information under:

Article 6 (1)(c) – Processing is necessary for compliance with a legal obligation

Article 9(2)(b) – 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 and social security and social protection law in so far as it is authorised by Union or Member State law or a collective agreement pursuant to Member State law providing for appropriate safeguards for the fundamental rights and the interests of the data subject

Part 3 - Children & Families Act, 2014

Stage six: Why we may need to share your information

We share information that we have gathered as part of a statutory needs assessment to identify the setting to be named in 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 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.

Stage seven: Who we may share your information with

Where there is a need identified, as outlined in section 6 above, your information will be shared with:

- teams within BMBC 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
- partner organisations signed up to Information Sharing Agreements, 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

Stage eight: How long will your information be kept?

As a minimum we keep children and young people's information from their date of birth until they reach the age of 25. Additionally, the SEND and Educational Psychology services keep information for 6 years after the date of last involvement, which will go beyond the age of 25 for those young people supported between the ages of 20 and 25. After this time the information is archived or securely destroyed. In some cases, data is not destroyed but sent to adult support services where required and ownership of the data transfers to that service.

Stage nine: What will happen if you fail to provide personal information?

As a local authority, we aim to work collaboratively with children, young people and their parents/carers. This includes co-production of education, health and care plans, which we value highly, as this provides the best outcome for children and young people with SEND. If data is not provided as part of this process, we may be unable to fully process an application, or complete an Education, Health and Care Plan at the level of quality that would benefit a child or young person. This, in turn, may affect the level of support provided for them.

Stage ten: How to access and control your personal information

The Council has a Data Protection framework in place to ensure the effective and secure processing of your information. For details on how your information is used, how we maintain the security of this and your rights to access the information we hold about you, please refer to the [Barnsley Metropolitan Borough Council privacy notice](#)

Should you need to contact the Council to discuss how we use your information, please contact our Customer Feedback and Improvement Team by email at informationrequests@barnsley.gov.uk or by telephone on 01226 773555 and ask to speak with the above Team. If you are not satisfied with our response you may contact our Data Protection Officer on DPO@barnsley.gov.uk.

If you are not satisfied with the way we have handled your information, the Information Commissioners Office (ICO) is the UK's independent authority upholding information rights in the public interest and can be contacted at www.ico.org.uk