




EDUCATION DATA SHARING AGREEMENT

1. Parties to this Agreement

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|---|---|
| School Name | Elsecar Holy Trinity CE Primary School |
| School Address <i>(including telephone number)</i> | Church Street, Elsecar, Barnsley, S74 8HS |
| Responsible Manager <i>(person in the school responsible for ensuring the responsibilities are fulfilled)</i> | Steven Silverwood |
| Email Address of Responsible Manager | s.silverwood@smat.org.uk |
| Information Commissioner's Office (ICO) Registration Number | ZA144835 |
| Authorised Signatory <i>(Caldicott Guardian, SIRO, Chief Executive, Director etc).</i> |  Joanne Hudson (Jun 9, 2021 16:14 GMT+1) |

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|---|--|
| Organisation Name | Barnsley Metropolitan Borough Council |
| Address | PO Box 680, Barnsley, S70 9JF |
| Responsible Manager | Nina Sleight |
| Contact Details | 01226 773211 |
| Information Commissioner's Office (ICO) Registration Number | Z5121328 |
| Authorised Signatory/Date <i>(Caldicott Guardian, SIRO, Chief Executive, Executive Director etc).</i> | Mel John-Ross  |

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| Date of Agreement | Jun 9, 2021 |
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2. Specific purpose for which the data sharing is required

One of Barnsley Metropolitan Borough Council's (BMBC) key priorities is to ensure that people achieve their full potential. This Agreement supports this ambition by enabling the effective and necessary sharing of information between Barnsley schools and BMBC. Good information governance is vital for promoting the wellbeing of children and young people and to ensure that statutory responsibilities to safeguard and promote the welfare of children are fulfilled.

Sharing information helps mitigate risks to vulnerable children and young people. Appropriate and timely sharing aids the effective identification of need, facilitates integrated responses to address these needs, prevent problems escalating and increase the chance of achieving a positive outcome.

Schools are at the heart of our partnership efforts and success for children and young people is dependent upon effective partnership working and appropriate information sharing between partners. This Agreement relates to information sharing between schools and BMBC. We will endeavour to keep any administrative effort to a minimum in relation to any requests and will continue, especially around the use of secure technology solutions, to minimise the effort needed to share information.

The sharing of personal data will meet statutory requirements and facilitate the provision of accurate and more detailed management information to:

- Measure the impact of provided services
- Measure effectiveness of policy and associated changes
- Inform planning processes for future service provision

The purpose of this Data Sharing Agreement ('Agreement') is to enable BMBC to fulfil its statutory duties for all children and schools in the borough of Barnsley. Paramount to these duties is the need to meet our safeguarding requirements, and to enhance the ability of partner organisations to support the learning and welfare of children and young people through the exchange of data and use of information where there is a statutory requirement to do so. There is a statutory duty on BMBC to ensure there are sufficient school places in the area, promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. BMBC must also promote diversity and increase parental choice.

Sharing information between BMBC and schools will:

- Enable BMBC to carry out and conduct its statutory and core services for all children and schools including its preventative services / provisions
- Improve the outcomes for all children, especially the vulnerable
- Promote the welfare of the child and family and to safeguard the most vulnerable through timely support
- Contribute to a shared understanding of need across the borough
- Continue to provide high quality services to children, including high quality educational provision
- Provide complete key stage outcome data for comparison purposes
- Reduce administrative burden on schools, avoiding duplication and ensuring systems are accurate and up to date
- Assist in the improvement, where necessary, of the quality of data held by schools
- Assist in the support and challenge of schools in the borough.

Information will be managed in line with BMBC policy and guidelines on the safe and secure management and use of information.

3. Type and status of data shared

The following data processing requirements must be completed:

(delete as required)

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| Is the data 'person identifiable'? | Yes |
| Has explicit consent been given and recorded? | No |
| Has implied consent been recorded? | No |
| Is the subject aware that sharing will take place? | Yes |
| Has a Privacy Notice been issued as appropriate | Yes/No Yes |
| Is the data anonymised? | No |

4. Legal basis for sharing where no consent is given

Under the Data Protection Act 2018 (DPA) and the UK General Data Protection Regulation (GDPR), the parties to this DSA are defined as Data Controllers and therefore must comply fully with the DPA/GDPR and must be registered with the Information Commissioner (<http://www.ico.gov.uk/>). In addition, schools must notify parents and young people of the reasons why information is processed by the school, which is called a privacy notice.

Article 6(1) (c) and Article 9(2) (b) of the GDPR provide the legal basis' for sharing information, with the following statutes being relevant for the purposes set out:

Education Act 1996 (2002 & 2011)

- Section 14 of the Education Act 1996 requires local authorities to provide sufficient schools and equipment for pupils of all different ages, abilities and aptitudes and for the different periods for which they may be expected to stay at school. Provision must include practical instruction and training appropriate to the pupils' different needs and must secure diversity in the provision of school and to increase opportunities for parental choice.
- Section 15 of the Education Act 1996 requires local authorities to provide the provision for their area of education suitable to the requirements of persons over compulsory school age who have not attained the age of 19.

School Standards and Framework Act 1988

- Section 5 of the School Standards and Framework Act 1998 requires local authorities to promote high standards in primary and secondary education.

Education & Skills Act 2008

- Section 10 of the Education & Skills Act 2008 requires local authorities in England to ensure that its functions are exercised so as to promote the effective participation in education or training of persons belonging to its area.

In addition, the sharing can be justified for the following purposes in accordance with the following legal gateways:

Section 10 of the Children Act 2004

This requires Children's Service Authorities and their relevant partners to cooperate in order to improve the well-being of children and young people in relation to the following:

- Physical and mental health and emotional well-being
- Protection from harm and neglect
- Education, training and recreation
- The contribution made by them to society
- Social and economic well-being

Section 11 of the Children Act 2004

Duty on key persons and bodies to make arrangements to ensure their functions are discharged with regard to the need to safeguard and promote the welfare of children.

Section 47 Children Act 1989

Section 47 places a duty on local authorities to make enquiries where they have reasonable cause to suspect that a child in their area may be at risk of suffering significant harm. Local authorities shall make, or cause to be made, such enquiries as they consider necessary to enable them to decide whether they should take any action to safeguard or promote the child's welfare.

Section 17 Children Act 1989

Local authorities have duties to safeguard and promote the welfare of children within their area who are in need and so far as is consistent with that duty, to promote the upbringing of such children by their families by providing a range and level of services appropriate to those children's needs.

Working together to safeguard children 2013

This statutory guidance sets out how inter-agency organisations and individuals should work together to safeguard and promote the welfare of children.

BMBC may from time to time share information with third party organisations where there is an appropriate legal gateway or a statutory requirement to do so. For example BMBC may share your data with The Barnsley Teaching School in order to secure funding for your school or where BMBC would benefit from the legal gateway of the School Standards and Framework Act 1998 or with the Supporting Families Programme to promote access to public services for families with multiple disadvantages in line with the provisions of Part 5 in the Digital Economy Act 2017.

Information will only be shared in accordance with school privacy notices, the governing legislation and government requirements.

5. Data Items shared

A more detailed breakdown of the data that is collected by BMBC from schools is included in Appendix A but the list below gives an overview of the key areas of data.

| Service User Data | Information Required |
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| Core daily data | Basic details on the children and young people in Barnsley schools (where daily collection is not practical this will be half termly/termly as appropriate) |
| Attendance data including exclusions and alternative provision | To support safeguarding, we know where our children are and to help ensure all children are getting their full learning entitlement. The data will provide a basis for more targeted work around attendance at various levels. |
| Post 16 including destinations | To help ensure Barnsley's young people are participating in learning post 16. |
| Children looked after | Sharing pupil details with the corporate parent to ensure looked after children are in appropriate education, attending and making good progress in their learning. |
| Statutory | To submit returns to the DfE e.g. school census, end of key stage tests/assessments, school workforce census |
| Locally required | Information to support shared Barnsley and Barnsley Alliance priorities e.g. provisional key stage outcomes |

The information collected from schools is processed by BMBC, and the following aggregated information is shared with schools and partners in such a way that individual children cannot be identified from them:

- Contextual analysis
- End of key stage assessment performance and predictions
- Pupil progress
- Attendance and exclusions
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6. Protective Marking

| (delete as required) | |
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| Is Protective marking/Classification relevant to this information? | Yes |
| If Yes, to what level | |
| 1. Top Secret | No |
| 2. Secret | No |
| 3. Confidential | Yes |

7. Data Transfer Method

The parties to this Agreement are responsible for ensuring that appropriate security and confidentiality procedures are in place to protect the transfer, storage and use of the shared, person identifiable data.

Each party will make sure that personal data shall be 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 solutions or organisational measures in accordance with principle 7 of the DPA/Article 5(1)(f) of the GDPR. BMBC and schools must make sure they have procedures in place to prevent:

- Accidental compromise or damage during storage, handling, use, processing, transmission or transport;
- Deliberate compromise or opportunist attack;
- Unauthorised disposal or destruction of the data;
- Unauthorised access;
- Accidental loss of personal data should be avoided through the implementation of appropriate security procedures.

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| Regular flow (specify frequency) | See Appendix A |
| Ad hoc | |
| More than 21 items per flow | Yes |
| Less than 21 items per flow | |

Give full details of how the transfer will be made and what security measures will be in place e.g. encryption, business secure mail or recorded signed for etc.

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| Face to face | Named point of contact at BMBC and school |
| Telephone | |
| Electronically (state method) | Perspective Lite Secure File Transfer (Angel Solutions) |
| Secure E Mail | Yes – Egress, 7zip, password protected |
| Secure Mail | |
| Secure Courier | |
| Encrypted Removable Media | |
| Other | Synergy – Servelec (Orchestra) |

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| Has a risk assessment been carried out on the chosen methods of transfer? | Yes – BMBC Information Security Team |
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| What are the identified risks? | Email is sent to the wrong email address – training provided to all staff – access to email can be revoked. |
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8. Audit and Review

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|----------------------------|---------------------------------------|
| Organisations Name | Barnsley Metropolitan Borough Council |
| Address | PO Box 680, Barnsley, S70 9JF |
| Responsible Manager | Nina Sleight |
| Contact number | 01226 773211 |
| Review Date | 2 years from date of agreement |

INCIDENTS

Any incidents occurring as a result of this Agreement should be reported to the signatories of all affected organisations. They will then pass on the information in accordance with incident reporting procedures within their own organisation if appropriate. Organisations will agree to share information in order to help investigate any such incidents

For the avoidance of doubt the parties acknowledge that whilst this is an Agreement between a local authority and a School nonetheless each party will hold harmless and indemnify the other or its employees and agents against liability for and from the costs of defending or paying all fines, claims and proceedings for breach of the DPA together with any related claims for legal costs and expenses brought against them by any other person or body for claims howsoever arising out of or in relation to the provision of this Agreement.

9.

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| Subject Access Requests Will Be Directed To | <i>Customer Feedback, Information and Improvement Team (BMBC processed data) Headteacher (school processed data)</i> |
| Special Arrangements For Subject Access Requests | As above |

10.

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| Retention Period For Data | In line with BMBC retention schedule |
| Disposal Method For Data | In line with BMBC disposal policy |

IN WITNESS WHEREOF the Parties have signed this Agreement on the date shown below

SIGNED for and on behalf of Elsecar Holy Trinity
[The NAME OF School]

Authorised Signatory

Signature: 
Joanne Hudson (Jun 9, 2021 16:14 GMT+1)

Name: Joanne Hudson

Position: Head of HR, Projects and Data (Data Protection Officer)

Date: Jun 9, 2021

Appendix A

Schedule of Data Items and Transfer

As at [May 2018] the school will provide the following data:

| Item | Data | Transfer Time | Transfer method to council |
|--------------------------|---|-----------------------------|--|
| A. Core Dataset | UPN details (Unique Pupil Number) ULN (Unique Learner Number) Legal Surname Legal Forename Date of Birth Gender Preferred Surname Preferred Forename Middle Names Former UPN NCY (National Curriculum Year) Ethnicity Ethnicity Source First Language Home Language EAL Connexions Address details SEN Provision including start and end dates SEN Need data Attendance Exclusions Enrolment status Current establishment details (Start date, end date and reason for leaving) Previous establishment details Medical flag Mode of travel National identity Registration group FSM history Student looked after details Student service family Student traveller family history Source school information – name and DfE number | Daily/weekly | Orchestra for Synergy Servelec, SIMS users or other agreed secure method of transfer |
| B. SEN Data | SEN details and alternative provision if applicable. Annual Review information | As per service requirements | Agreed secure transfer method |
| C. Looked After Children | <u>Virtual schools</u> Pupil Identifiers Pupil Characteristics Teacher Assessments (current and final) and end of Key Stage outcomes Attendance data Exclusions data | As per service requirements | Agreed secure transfer method |
| D. Attainment Data | <u>Early Years Foundation Stage</u> Pupil Identifiers Date of Birth Gender Pupil Characteristics assessment outcomes | End Jun/ early Jul | Agreed secure transfer method |
| | <u>Key Stage 1</u> Pupil Identifiers Date of Birth | End June | Agreed secure |

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| | Gender Pupil Characteristics Teacher assessments for each subject | | transfer method |
| | <u>Year 1 and 2 Phonics screening</u> Pupil Identifiers Pupil Characteristics Screening results | End June | Agreed secure transfer method |
| | <u>Key Stage 2</u> Pupil identifiers Pupil Characteristics Predicted outcomes and teacher assessments | As per service requirements | Agreed secure transfer method |
| | <u>Key Stage 4</u> Pupil identifiers Pupil Characteristics Predicted outcomes Actual outcomes Exams calculator output at pupil and school level | As per service requirements | Agreed secure transfer method |
| | <u>Key Stage 5</u> Pupil identifiers Pupil Characteristics Postcode Actual outcomes at pupil and school level | Mid-August | Agreed secure transfer method |
| E. School Census and School Workforce Census | School, pupil and staff details as required by the Department for Education and listed in their guidance. | Termly for School Census Annually for School Workforce Census | Agreed secure transfer method |
| F. Reduced Provision Data | UPN Forename Surname Gender Date of Birth NCY (National Curriculum Year) SEN Provision Pupil Premium status Looked After Children status Safeguarding concerns Type of reduced provision Reduced provision provider Number of hours Reason for reduced provision (may involve health information) Start/end/review dates Actions being taken Attendance Exclusions data Attainment information | Once per term | Agreed secure transfer method |
| G. Post 16 including destination data | Pupil identifiers Pupil Characteristics Pupil Address and contact details Destination details – intended and actual September Guarantee Information Qualifications achieved Data relating to NEET categorisation (not in education, employment or training) | As per service requirements | Agreed secure transfer method |
| H. Attendance | Sessional details Reason for absence category Elective Home Education data Children Missing Education data Learner level data for offsite provision | | Agreed secure transfer method |

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|---------------|---|-----------------------------|-------------------------------|
| I. Exclusions | Category Reason Description Pupil Details Dates and length of exclusion | | Agreed secure transfer method |
| J. Contacts | Nominated data contacts Chosen MIS and MIS support Provider | Annually/when changes occur | Agreed secure transfer method |