Dear [HEADTEACHER]

**Sharing your data with the Local Authority**

There have been recent changes to legislation and statutory guidance about children on roll at all schools within a local authority (LA) area and you were sent information about this in October 2016.

The agreement is to be considered together with the ‘LA and independent schools protocol on managing CME’ (available in Appendix A). This agreement sets out the responsibilities and expectations of Leicester City Council and [School Name]. It covers sharing data relating to pupils and describes the requirements, expectations and system for information to be collected and transferred securely to the local authority to enable both schools and the LA to know the educational provision of all children.

Benefits of sharing your data with us:

* Access to LA support with the statutory key stage return (Early Years Foundation Stage Profile).
* Enable you to work with the LA to carry out and conduct the core services for all children and all schools, including our statutory duties such as the requirement to ensure that all children in the city are in receipt of suitable education.
* Assist in the improvement, where requested, of the quality of data held by [School Name].
* Reduce administrative burden on independent schools – data will only be input once but used many times for the benefit of improving outcomes for children.
* Ensuring appropriate access to information to provide better services to children
* Providing data to enable any LA traded services that you choose to buy into, to support [SCHOOL NAME].

We hope that you will continue to work with us and agree to share your data in line with this agreement in order that we can both fulfil our statutory obligations.

If, after consideration, you agree to this Information Sharing Agreement as it stands, please print and sign the attached agreement and return to me as soon as possible. I will then get the signature for Leicester City Council added and send a copy back to you for your records.

If there is anything within the agreement you wish to change, please edit the Word document, showing clearly the change. It would also be helpful if you can include a comment giving your reasons for the change. I’d appreciate your response as soon as possible.

If you have any further questions about this, please don’t hesitate to ask me or Sue Welford.

Yours sincerely,



Lez Bullwer

Information Management & Reporting Manager

Education & Children’s Services Information Team

# INFORMATION SHARING AGREEMENT

**BETWEEN**

**[SCHOOL NAME]**

**AND**

**LEICESTER CITY COUNCIL**

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 Leicestershire Data Sharing Protocol and the LA and Independent Schools Protocol on the Management of Children Missing Education (Appendix A).

Data is shared:

* As part of government social inclusion agenda, to ensure 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.
* To ensure that the local authority knows which children are on roll at which school.
* To provide an 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.
* To ensure that the school and young people receive the level of support from a range of services most appropriate to their needs, including, but not limited to, those on part-time timetables, looked after children, those excluded from school and those with special educational needs.
* To provide a data validation service, including submitting results to the Department for Education/Standards and Testing Agency as appropriate. (Subject to traded services agreement.)
* To support the moderation of submission of statutory key stage data collections

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

* Early Years Foundation Stage Profile
* Key stage 1 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

## 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. **Objectives**
* To establish a mechanism for the exchange of information between partners.
* To share specific data itemised in 3.1-2/Appendix C-D

1. **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 - see Appendix B.

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:

### On/Off Roll

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). Since 2007, the local authority has maintained records of the education provision of all children in the city known to education services. As education services have identified children believed to be living in the city, this has regularly led to requests to independent schools for **confirmation that individual children are on roll**. Some independent schools have very helpfully shared their rolls with the LA and this has greatly assisted in ensuring that children who are or may be missing from education have been identified and the necessary actions have then been undertaken. **All independent schools are now required to share details of pupil registrations with the LA within 5 days of adding them to the register.**

With regards to children who have attended independent schools 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)*](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/550416/Children_Missing_Education_-_statutory_guidance.pdf) 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 independent 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.** The prescribed reasons for deleting a child’s name from the register are listed in Annex A.

### 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

### Key Stage Data Collections

The Assessment and Reporting Arrangements (ARA) Early Years Foundation Stage – this states that independent 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.

### Other statutory data for providing services

Leicestershire Partnership NHS 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 Leicestershire Partnership NHS 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. Leicestershire Partnership NHS 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.

* 1. **Data to be exchanged**

See section 3.6 for frequency of exchange.

* + 1. **Data to be shared by the [School Name] 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/carer contact details and date when child moves to live with this parent/carer
* Attendance
* Details of children on part-time timetables
* Special Educational Needs (status, need, category)
* Key Stage results data (e.g. Early Years Foundation Stage Profile)
* Looked After Children details (e.g. status, LA responsible)

A full listing is supplied in Appendix C

* + 1. **Data to be shared by the Local authority with [School Name]**

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)
  1. **Who is going to be responsible for sharing this information and ensuring information is accurate?**

|  |  |
| --- | --- |
| Information Management & Reporting Manager  Education & Children’s Services  Leicester City Council  Bosworth House  9-15 Princess Road West  Leicester  LE1 6TH  0116 454 1130 | [Name]  [School name]  [School address]  Leicester  [Post code] |

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

The ONE Database at Leicester City Council 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 Anycomms+.

* 1. **How is this information going to be shared?**

1. B2B (business to business) or CTF Data Transfer

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 of Anycomms+.

1. Attainment Data

Early Years Foundation Stage Profile and Key Stage1 teacher assessments (where agreed with the school) 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 file transfer mechanism of Anycomms+.

All data to be transferred to the LA using the secure file transfer mechanism of Anycomms+.

1. 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 mechanism of Anycomms+.

Anycomms+ is a secure website (https) used for transferring data between schools and Leicester City Council. Access requires at a username and password and secondary authentication and has limited login attempts.

* 1. **Who will have access to this data and what may they use it for?**

Access to the data is restricted to those employees of Leicester City Council 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 Leicester City Council will be used for matching and updating records on the Leicester City Council ONE database and for the purposes of delivering a range of services, for example Education welfare Service 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.

Connexions services pass on some of the information they collect to the Department for Education (DfE) to enable them to determine the destinations of young people after they have left compulsory education.

**3.6 Timescales**

* Basic and regular data updates will be exchanged on a termly basis.
* For arrivals to school – all independent schools are now required to share details of pupil registrations with the LA within 5 days of adding them to the register.
* For deletions from school roll (other than at the end of final year of education in this school) – all independent schools are now required to share details with the LA and to work jointly with the LA to ascertain the whereabouts of any child where this is not known. Off-roll details to be provided as soon as the grounds for deletion is met (no later than the time when the pupil’s name is taken off the current register).
* For children who have completed their final year of education in this school – off-roll details to be provided annually at the end of the school year
* For children who fail to attend regularly and/or who have had 10 or more consecutive days of unauthorised absence – details to be sent to LA at least termly
* Attainment data will be exchanged on an annual basis.
* For children who are on part-time timetables – details to be sent to LA when arrangement is agreed and half-termly from then on.
* Information about looked after children – as and when required

**3.7** **How securely does the information need to be stored?**

Each partner signing this ISA and any individual signing the confidentiality agreement 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 at the earliest opportunity via the postholder identified at 3.2 who must forward details to the Information Security Section. Information Security Standards are listed in Appendix G.

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. 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. New software and disks are virus-checked prior to loading onto an Authority machine.
7. Caution is exercised in relation to email content and recipient(s). Personal data is not sent by email to external parties (including sending information to the local authority or to other schools).
8. Check that the intended recipient of a fax containing personal data is aware that it is being sent and can ensure security on delivery.
9. Paper files are stored in secure locations and only accessed by those who need to use them.
10. 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 Act 1998 exemption or relevant conditions from Schedules 2 and 3 of the Data Protection Act.
11. 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.

**3.8 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 a statement of special educational needs 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.

**3.9 Further Use of Information**

Leicester City Council 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 Name], 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 to the providing partner contact in 3.2. 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 being notified of the action taken if the breach is serious.

**5 Indemnity**

Each partner will keep the other fully indemnified against any and all costs, 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 Individuals who can not be covered by the Indemnity**

The parties to this ISA understand that if the information in 3.1 is discussed at any meeting where individuals not covered in 5 are present, they are not likely to be covered by the indemnity. Therefore, it is recommended that those individuals sign a separate confidentiality agreement as in Appendix E the first time they attend such a meeting. This is to ensure that the data controllers who are supplying personal information to the meeting fulfil their duties under Data Protection Act 1998 and that the principles are complied with.

**7 Review of Information Sharing Agreement**

This Information Sharing Agreement will be a year from date of signature and then annually (or sooner subject to the Department for Education changing requirements) by those in 3.2 and amended if necessary. The review will be documented and signed. See Appendix F for review guidelines.

**8 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.

Any suspension will be subject to a Risk Assessment and Resolution meeting, the panel of which will be made up of the signatories of this agreement, or their nominated representative. This meeting will take place within 14 days of any suspension.

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

1. **Freedom of Information Act 2000 (FOIA)**

It is intended that each Partner Organisation (PO) shall publish this ISA on its website and refer to it within its Publication Scheme.

If a PO wishes to withhold all or part of the ISA from publication it shall inform the other PO’s as soon as reasonably possible. Partner organisations shall then endeavour to reach a collective decision as to whether information is to be withheld from publication or not.

Information shall only be withheld where, should an application for that information be made under FOIA 2000 it is likely that the information would be exempt from disclosure and the public interest lie in favour of withholding.

1. **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 Data Protection Act 1998. 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.

**11 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 signatory.**

**Name**

**Role**

**Signature**

**Organisation** [School Name]

**Date**

**Name** Frances Craven

**Role** Strategic Director, Children’s Services

**Signature**

**Organisation** Leicester City Council

**Date**

**APPENDIX A**

** LEICESTER CITY COUNCIL**

**LA and Independent Schools Protocol on the**

**Management of Children Missing Education**

**December 2016**

**Background**

Leicester is a diverse city with high levels of mobility. This has an impact on children who are attending schools in the city as each year; high numbers of children leave at points other than the usual transfer times; destinations are varied and many of the children go to countries outside the UK. It is important to fully consider any known or suspected risk to children who leave our schools and to ensure that appropriate action is taken to safeguard them when necessary. Independent schools will also have cases of poor attendance where there are concerns about the reasons for the absence. It is imperative that schools and the LA work in partnership to ensure children’s safeguarding requirements are met.

In July 2015, Ofsted wrote to the Education Secretary to highlight concerns identified in Birmingham and Tower Hamlets where schools did not appear to have sufficient information about children’s destinations; they noted the risk children may be subject to including forced marriage, FGM, radicalisation and CSE. They also noted that the legislation underpinning schools’ responsibilities was lacking and recommended that action be taken urgently at a government level. This resulted in a consultation process and in The Education (Pupil Registration) (England) (Amendment) Regulations 2016. The changes came into force on 1st September 2016 and are intended to improve information in identifying children missing in education.

The effect of the legislation is to extend the duties placed on independent schools.

The full requirements are now for independent schools to:

* share basic information with the LA on all children who become registered pupils of the school,
* make reasonable enquiries jointly with the LA to ascertain where a child is (when they stop attending and their whereabouts are unknown),
* share basic information with the LA on all children who are to be removed from roll.
* inform the LA of any child who fails to attend regularly
* inform the LA of any child who has 10 or more consecutive days of absence that is not authorised

**The protocol includes details of:**

1. Relevant legislation and statutory guidance
2. Independent Schools’ responsibilities - guidance,
3. General advice – concerns about the child’s whereabouts or destination,
4. LA responsibilities and actions
5. **Legislation and statutory guidance**

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). Since 2007, the local authority has maintained records of the education provision of all children in the city known to education services. As education services have identified children believed to be living in the city, this has regularly led to requests to independent schools for **confirmation that individual children are on roll**. Some independent schools have very helpfully shared their rolls with the LA and this has greatly assisted in ensuring that children who are or may be missing from education have been identified and the necessary actions have then been undertaken. **All independent schools are now required to share details of pupil registrations with the LA within 5 days of adding them to the register.**

With regards to children who have attended independent schools 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)*](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/550416/Children_Missing_Education_-_statutory_guidance.pdf) and is available on the Gov.uk website.

**Annex C** of this document details the **actions to be taken by independent schools** to comply with these legislation changes.

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 independent 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.** The prescribed reasons for deleting a child’s name from the register are listed in Annex A.

1. **Independent Schools’ responsibilities - guidance**

There are a number of different scenarios that can apply which may lead to removal of a child from the school roll; these scenarios are listed below with guidance to assist schools. The form in Annex B is designed to assist schools to collect as much information as possible to confirm a child’s safe transfer to another school and it serves as a referral to the Education Welfare Service (EWS) where this is appropriate. Completion of this form (or the school’s own similar form) will serve as a comprehensive record of the information established about a child’s departure and will demonstrate the efforts the school has made to ensure the child’s safe onward transfer.

Schools should ensure that parents are aware of the importance of keeping the school fully updated regarding changes to their address, plans to move out of the area etc prior to any actual move with one or both parents or to a parent who lives at another address. At the point a forthcoming planned move comes to light, or following an apparent unexpected move, the school should seek to identify all relevant information and record this on the form in Annex B.

NB Where a child has moved but is still attending, other than ensuring the school records are updated, no action needs to be taken.

1. **New school has child on roll – confirmed with school directly:**

* There is no need to complete the form in Annex B as the child is on roll at another school – complete destination field in the school’s management information system
* Inform the LA that the child is leaving your school:
  + Complete the red “Leavers” worksheet of the Changes to Pupil Roll form. The form requires the following information:
  + Date the child is leaving your school; Reason for Leaving; Student details; Destination School including LA number; DFE Number; School name and Start Date. Please also complete the carer details.
  + The workbook should be saved and uploaded to AnyComms+ secure file transfer system with the file type “Change to Pupil Roll” and sent to CYPS info management.
* Remove from roll

1. **Child is understood to be moving – new address is in city or nearby in county (ie possibly within travelling distance) and parent states child will no longer attend:**

* Use the form in Annex B to capture the relevant information as far as possible with parent/carer
* Encourage the parent to continue to ensure the child attends until they leave the current address – explore with them how the child could travel and continue to attend if they do not have a place at a new school at the new address
* Where a parent does not wish to continue to send the child to the school, **inform the LA** of the forthcoming removal from roll.
  + Complete the red “Leavers” worksheet of the Changes to Pupil Roll form. The form requires the following information:
  + Date the child is leaving your school; Reason for Leaving; Student details; Enter as much information about the destination of the student as possible in the Other reason for leaving destination column. Please also complete the carer details.
  + The workbook should be saved and uploaded to AnyComms+ secure file transfer system with the file type “Change to Pupil Roll” and sent to CYPS info management.

1. **Child has moved and stopped attending - confirmed child in admissions process in new LA (or known to a service in new LA which has responsibility to ensure child receives an education eg social worker or education professional):**

* Enter the details of the LA, who was spoken to and their role in destination field in the school’s MIS system
* Inform the LA that the child is leaving your school:
  + Complete the red “Leavers” worksheet of the Changes to Pupil Roll form. The form requires the following information:
  + Date the child is leaving your school; Reason for Leaving; Student details; Destination LA number; Please also complete the carer details.
  + The workbook should be saved and uploaded to AnyComms+ secure file transfer system with the file type “Change to Pupil Roll” and sent to CYPS info management.
* Remove from roll

1. **Child is understood to be moving/has moved – distant county location or elsewhere in UK, or left address but no information on whereabouts - Safe transfer to school or professionals in new LA unconfirmed:**

* Complete Form in Annex B
* Discuss the case with the EWS and refer if this is deemed to be appropriate using Annex B form
* Following agreed referral, EWS will undertake casework jointly with the school and provide guidance to school on removal from roll
* Remove from roll in line with advice from EWS (see Annex A (1h)) and **inform the LA** of the forthcoming removal from roll.
  + Complete the red “Leavers” worksheet of the Changes to Pupil Roll form. The form requires the following information:
  + Date the child is leaving your school; Reason for Leaving; Student details. Enter as much information about the destination of the student as possible in the Other reason for leaving destination column. Please also complete the carer details.
  + The workbook should be saved and uploaded to AnyComms+ secure file transfer system with the file type “Change to Pupil Roll” and sent to CYPS info management.

1. **Child is understood to be moving out of UK / is reported to have moved out of UK already:**

* Complete the form in Annex B as far as possible
* If the child has a Social Worker, as soon as the information about the move comes to light, contact the Social Worker
* If the child has any other professional working with the family in a supportive capacity, contact them if there are concerns about the move
* Refer to EWS (using form in Annex B) for further investigation - only if there are any current or previous concerns
* EWS will undertake casework jointly with the school and provide guidance to school on removal from roll
* Remove from roll in line with advice from EWS or, if no referral has been deemed to be necessary (as there are no current or previous concerns), remove from roll following the forthcoming removal details being submitted to the LA in the usual way –
  + Complete the red “Leavers” worksheet of the Changes to Pupil Roll form. The form requires the following information:
  + Date the child is leaving your school; Reason for Leaving; Student details. Enter as much information about the destination of the student as possible in the Other reason for leaving destination column. Please also complete the carer details.
  + The workbook should be saved and uploaded to AnyComms+ secure file transfer system with the file type “Change to Pupil Roll” and sent to CYPS info management.

1. **General advice – concerns about the child’s whereabouts or destination**

Where i) a child is understood to be moving address or ii.) the move has subsequently come to the school’s attention, where there are concerns due to the school being unable to confirm safe transfer, **in particular where a move abroad is known or suspected,** schools should seek to ascertain as much of the information in Annex B as possible. Where the school is aware of another agency or professional being involved with the family, they should alert them to the concerns as a matter of urgency and both seek information and support from them to confirm the child’s wellbeing. It may be appropriate to seek information from a named emergency contact on the child’s school records.

|  |
| --- |
| Key principle is that independent confirmation of the details is always ideally required prior to removing a child from roll when a parent has advised of a move to another area or country outside of the UK. Where the only available information is from the parent, the child should be referred to the EWS (using Annex B) who will provide guidance on removal from roll.  All available information should be triangulated to identify potential concerns, including information from the child themselves and their friends if such information comes to light.  Where there are concerns about the child’s wellbeing, the concerns should be carefully considered with the aim of either taking action to confirm the child’s safe transfer to another school or LA or, to involving services as appropriate. |

**Confirmation from an independent source** could come from another LA, a school in another area or the parent/carer may have some documentation relating to the new address which can be confirmed independently. Schools abroad will usually be willing and able to confirm a child is on roll with them via e-mail; the address should match the one on their website.

Where concerns exist due to a lack of clarity, a lack of willingness to share information on the parent’s part, or due to the destination (e.g. a conflict zone), or due to further information that has come to light from the child or their friends, or from a sibling’s school etc., an assessment should be undertaken with a view to:

* Following safeguarding procedures where significant risk of harm is identified – referral to Children’s Social Care or contact Social Worker if already involved
* Referring to EWS to make relevant enquiries

**NB Prior to referral to the EWS for a child who cannot be located, independent schools are expected to undertake an initial home visit and to make checks with neighbours and emergency contacts.**

When a parent has been transparent and cooperative in their sharing of information, this will usually indicate that the child is not at risk, but there could be individual cases where this is not the case hence all cases should be carefully considered with information available being triangulated to identify concern.

**Leavers joining a Witness Protection Scheme or Fleeing Violence/abuse**

Occasionally when a child leaves, there are special circumstances which make it necessary to keep their new location highly confidential. Typically this is because they are fleeing violence or some other threat or in a very few cases they are joining a witness protection scheme.

It is important that you confirm with the new school that the child is on roll, but do not record the new address or the new school in the school’s MIS. For these cases it is also important for you to contact the CME Information Officers ([CME@leicester.gov.uk](mailto:CME@leicester.gov.uk), 0116 454 37 1129 or 1132) so that the centrally held record can be updated in a way which protects the child’s new location and prevents a CME investigation from being triggered. **Please do not email child’s personal details**.

Where children have left due to domestic violence, witness protection or some other known threat; if you are unable to locate them at a new school, you should refer them to the EWS. The EWS will then take appropriate steps and ensure that the child is in education and ensure that the centrally held record is updated in a way that protects the child’s new location.

**Schools in the UK**

To find the contact details of schools in England or Wales, you can look them up on [EduBase (http://www.education.gov.uk/edubase/home.xhtml) which is the DfE’s index of schools](http://www.education.gov.uk/edubase/home.xhtml).

If a pupil has relocated to Scotland or Northern Ireland, you should attempt to have contact with the new school to confirm that the child is either in their admissions system or has started there. It is never sufficient to accept the word of a parent/guardian and independent confirmation that a child is either in the admissions system in the new area, or that they are on the roll of a new school is required.

**Common Transfer Files or SIMS queries** should be addressed to your school’s Management Information System support provider.

The LA briefing for independent schools on the changes is available at Annex C.

1. **Children with irregular attendance and/or 10 or more days of unauthorised absence**

Existing requirements set out in the Regulations require all schools to share information with the local authority regarding pupils who have irregular attendance and those who have 10 or more consecutive days of unauthorised absence. Independent schools are asked to complete the following information on the “irregular attenders” (orange) sheet within the Changes to Pupil Roll form.

* Child’s details; Date last attended; Absence reason (if known); Action undertaken to date by the school.
* We also ask that the school provides the name of a person who can be contacted and their contact details.
* The completed form should be submitted to the LA via AnyComms+ (see Annex C)

1. **Children on part-time timetables**

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 through the completion of an “Irregular Attenders” form. See Annex D. This requires schools to identify how the arrangements will be reviewed. The irregular attenders form should be completed and submitted when the part-time timetable arrangement is agreed and half-termly from then on.

Please complete the following information on the “irregular attenders” (orange) sheet within the Changes to Pupil Roll form.

* Child’s details; the start date of the part-time timetable arrangement; the planned review date and the number of sessions that the child will not be in school (out of 10 possible in the week).
* We also ask that the school provides the name of a person who can be contacted to discuss if necessary and their contact details.
* The completed form should be submitted to the LA via AnyComms+ (see Annex C)

1. **LA responsibilities and actions**

The LA must ensure that where safe transfer to another school or admissions system in the UK has not been established, that all possible relevant actions are undertaken with the aim of ensuring the child’s wellbeing and safe transfer. Where the child is understood to be moving abroad, or where they have not returned as expected, it may be appropriate to refer to the EWS for further investigation. In order to decide the extent of the actions deemed appropriate, the details in the form in Annex B will be fully considered.

When EWS intervention is required, the standard actions the EWO will undertake are:

* Possible further home visit/s, checks with neighbours (depending on information ascertained during home visit/s undertaken by school staff)
* Check of council databases
* Check with health re GP registration
* Emigration checks where there is a perceived risk
* Follow up all other possible sources of information identified during the investigation

The LA Children Missing Education Information Officers will undertake a monitoring function of the system whereby cases where a school advises the LA of a forthcoming removal from roll where there has been no EWS involvement will be sampled to identify any issues. This will result, where appropriate, in training being offered and/or the amendment of the protocol.

An Attendance and CME Strategy Group will regularly review performance management information and processes and ensure that this protocol is being followed. They will also ensure that information from sampling is considered, issues addressed and risks are swiftly highlighted.

Nothing in this protocol affects the duty to refer to social care when thresholds are met. The LSCB guidance is available on the [LSCB website](http://www.lcitylscb.org/information-for-practitioners/).

**Legislation – Removal from Roll**

**ANNEX A**

**Children of statutory school age:**

|  |  |
| --- | --- |
|  | **Grounds for deleting a pupil of compulsory school age from the school admission register set out in the Education (Pupil Registration) (England) Regulations 2006, as amended** |
| **1.)**  8(1)(a) | where the pupil is registered at the school in accordance with the requirements of a **school attendance order**, that another school is substituted by the local authority for that named in the order or the order is revoked by the local authority on the ground that arrangements have been made for the child to receive efficient full-time education suitable to his age, ability and aptitude otherwise than at school. |
| **2.)**  8(1)(b) | except where it has been agreed by the proprietor that the pupil should be registered at more than one school, in a case not falling within sub-paragraph (a) or regulation 9, that he has been **registered as a pupil at another school**. |
| **3.)**  8(1)(c) | where a pupil is **registered at more than one school**, and in a case not falling within sub-paragraph (j) or (m) or regulation 9, that he has ceased to attend the school and the proprietor of any other school at which he is registered has given **consent to the deletion**. |
| **4.)**  8(1)(d) | in a case not falling within sub-paragraph (a) of this paragraph, that he has ceased to attend the school and the proprietor has received written notification from the parent that the pupil is receiving **education otherwise** than at school. |
| **5.)**  8(1)(e) | except in the case of a boarder, that he has **ceased to attend** the school and **no longer ordinarily resides** at a place which is a reasonable distance from the school at which he is registered. |
| **6.)**  8(1)(f) | in the case of a **pupil granted leave of absence** in accordance with regulation 7(1A), that —  (i) the pupil has failed to attend the school within the ten school days immediately following the expiry of the period for which such leave was granted;  (ii) the proprietor does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and  (iii) the proprietor and the local authority have failed, after jointly making reasonable enquiries, to ascertain where the pupil is. |
| **7.)**  8(1)(g) | that he is **certified by the school medical officer** as unlikely to be in a fit state of health to attend school before ceasing to be of compulsory school age, and neither he nor his parent has indicated to the school the intention to continue to attend the school after ceasing to be of compulsory school age |
| **8.)**  8(1)(h) | that he has been **continuously absent from the school for a period of not less than twenty school days** and (i) at **no time was his absence during that period authorised** by the proprietor in accordance with regulation 6(2); (ii) the proprietor does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and (iii) the proprietor of the school and the local authority have failed, after jointly making reasonable enquiries, to ascertain where the pupil is. |
| **9.)**  8(1)(i) | that he is **detained** in pursuance of a final order made by a court or of an order of recall made by a court or the Secretary of State, that order being for a period of not less than four months, and the proprietor does not have reasonable grounds to believe that the pupil will return to the school at the end of that period. |
| **10.)**  8(1)( j ) | that the pupil has died. |
| **11.)**  8(1)(k) | that the pupil will **cease to be of compulsory school age** before the school next meets and—  (i) the relevant person has indicated that the pupil will cease to attend the school; or  (ii) the pupil does not meet the academic entry requirements for admission to the school’s sixth form. |
| **12.)**  8(1)(l) | in the case of a pupil at a school other than a maintained school, an Academy, a city technology college or a city college for the technology of the arts, that he has ceased to be a pupil of the school. |
| **13.)**  8(1)(m) | that he has been **permanently excluded** from the school. |
| **14.)**  8(1)(n) | where the pupil has been admitted to the school to receive nursery education, that he has **not** on completing such education **transferred to a reception, or higher, class** at the school. |
| **15.)**  8(1)(o) | where—  (i) the pupil is a **boarder** at a maintained school or an Academy;  (ii) charges for board and lodging are payable by the parent of the pupil; and  (iii) those **charges remain unpaid** by the pupil’s parent at the end of the school term to which they relate. |

**Children not of statutory school age** (taken directly from legislation)

*8(3a) that he has ceased to attend the school, or, in the case of a boarder, that he has ceased to be a pupil of the school*

*(3b) that he has been continuously absent from the school for a period of not less than twenty school days and — .*

*(i) at no time was his absence during that period agreed by the proprietor; .*

*(ii) the proprietor does not have reasonable grounds to believe that the pupil is unable to attend the school by reason of sickness or any unavoidable cause; and .*

*(iii) the proprietor of the school has failed, after reasonable enquiry, to ascertain where the pupil is.*

*(c) that the pupil has died;*

*(d) where the pupil has been admitted to the school to receive nursery education, he has not on completing such education transferred to a reception, or higher, class at the school; or (e)that he has been permanently excluded from the school.*

**SAFE REMOVAL FROM ROLL FORM / REFERRAL TO LA**

**ANNEX B**

Completion of this form will assist schools to determine if referral to the EWS is appropriate. (For use with reference to the case scenarios.)

**Save form electronically in child’s record. Use form to refer to EWO. LA may request form.**

|  |  |
| --- | --- |
| **Leicester City Independent School:** | |
| Child/ren’s name(s):  1.  2.  3. | Child’s dob & UPN:  1. /  2. /  3. / |
| Person providing information:   1. Name: 2. Mobile no: 3. E-mail addresses: 4. Relationship to child | 1. |
| 2. |
| 3. |
| 4. |
| Parent/s carers if different to the above: | Enter 1 – 4 as above in this box |
| New Address: |  |
| Date family moving if still in city: |  |
| Last date child will attend the school: |  |
| If child has stopped attending, last date: |  |
| Is child in the Admissions process in the new LA, if yes, give details of  a. LA and  b. schools applied for: | Yes/No  a.  b. |
| If destination is outside of UK, how will the family be travelling? |  |
| Flight details:   1. Airline: 2. Date of travel: 3. Flight number: 4. Destination Airport: 5. If there is a connecting flight, record same details as above: | a. |
| b. |
| c. |
| d. |
| e. |
| Place in school for child/ren in new location? Yes / No (State name of school/s with tel no if known): | 1.  2.  3. |
| Any other information including concerns from friends, information from siblings’ schools: | |
| **Is social care involved? Y/N – if Y, inform social worker: date informed ……….**  **Is there a need for the LA to investigate further? Y/N**  **– if Y, send form to EWO** | |
| If child/ren not referred to the EWO, how do you know the family has left the address? Provide details: | |
| Is the school view that CP thresholds have been met? Yes / No  If Yes, confirm that CP processes have been followed – Yes / No | |

Date form completed: \_\_\_\_\_\_\_\_\_\_\_\_ Dates of subsequent updates: \_\_\_\_\_\_\_\_\_\_\_\_\_

**If form to be sent to LA, use ‘*Removal From Roll – Annex B’* in Anycomms plus.**

**ANNEX C**

**Briefing for Independent Schools**

**Amendments to the Pupil Registration Regulations –**

**1st September 2016**

**All schools including independent, academies, free schools and LA maintained schools are affected by changes in legislation** detailed in The

Education (Pupil Registration) (England) (Amendment) Regulations 2016. The changes come into force on 1st September 2016 and are intended to improve information in identifying children missing in education.

From this date, all schools, which are situated in the area of Leicester City Council are required to comply with the requirements set out below.

**A Pupil Enrolments**

With regards to **children starting the school**, including those children in the first year of education, a return must be provided to the LA within 5 days of the child enrolling at the school.

The information provided must include:

All particulars of the pupil that are entered in the admission register;

* name in full;
* sex;
* the name and address of every person known to the proprietor of the school to be a parent of the pupil and, against the entry on the register of the particulars of any parent with whom the pupil normally resides, an indication of that fact and a note of at least one telephone number at which the parent can be contacted in an emergency;
* where a parent of the pupil notifies the proprietor of the school or a person authorised by the proprietor that the pupil will normally reside with a parent at a specified other address in the future, whether in addition to or instead of the address at which the pupil normally resides, (i) the full name of the parent with whom the child will newly normally reside, (ii) the specified other address and (iii) the date from which it is expected the child will normally reside there, where it is reasonably practicable for the proprietor to obtain that information.
* day, month and year of birth;
* day, month and year of admission or re-admission to the school,
* name and address of the school last attended, if any, and where a parent of the pupil notifies the proprietor or a person authorised by the proprietor of the school that the pupil (i) is also registered at another school or (ii) will be attending a specified other school in the future, the name of that other school and the first date on which the pupil attended or is due to attend that school, where it is reasonably practicable for the proprietor to obtain that information.
* Where the school includes boarding pupils a statement as to whether each pupil of compulsory school age is a boarder or a day pupil

The duty to make a return for children who are in the first year of education normally provided by the school is discretionary on the part of the local authority. Leicester

City Council, chooses to exert this right to receive the details of all children who are admitted to the school in its first year of education by the 5th day of enrolment. We would also request an initial list of all children on roll prior to the 1st September 2016 to ensure we have details of all children on roll. (This will not be necessary for schools who routinely share their rolls with us.)

**B Pupil Deletions**

With regards to **deletions from the register** there are a limited number of prescribed grounds upon which a child can be legally removed from the register. All deletions, including those children who have completed their final year of education, must be notified to the LA as soon as the grounds for deletion is met (and no later than the time at which the pupil’s name is deleted).

The information provided must include:

* full name of child
* full name and address of any parent with whom the pupil normally resides
* at least one telephone number at which any parent with whom the child normally resides can be contacted in an emergency
* name of any other parent and of any other address with whom or at which the pupil does or may normally reside, if applicable
* the details of any other school where the child is registered or may be attending in the future and the relevant date; if applicable the prescribed ground for the deletion

The duty to make a return for children who have completed their final year of education normally provided by that school is discretionary on the part of the local authority. Leicester City Council, chooses to exert this right to receive the details of all children who have completed the final year of education.

The amendments to the Pupil Regulations include an obligation on both the school and LA to work together when the whereabouts of a child are a concern as follows:

* where a child has failed to attend the school within 10 school days immediately following the expiry of a period of granted leave of absence. The school must make reasonable enquiries jointly with the LA to ascertain where the child is. To remove the child in this circumstance, the child must have failed to attend within the 10 school days subsequent to the agreed leave of absence and there must be no reasonable grounds to believe that the child is unable to attend by reason of sickness or any other unavoidable cause, and, the school and the LA have failed after jointly making reasonable enquiries, to ascertain where the child is.
* where a child has not attended for 20 continuous days and where at no time was the absence authorised, and where there are no reasonable grounds to believe the child cannot attend due to sickness or an unavoidable cause, the child can only be removed from roll when the school and LA have jointly made reasonable enquiries to ascertain the whereabouts of the child and those enquiries have failed to ascertain where the child is.

**C Electronic process for sharing pupil enrolments and deletions**

Where a school’s SIMs system is linked electronically to the Leicester City local authority Capita ONE system enrolments and deletions are already shared electronically. Where a school does not have this link information should be share via the secure file transfer site AnyComms+.

An Excel workbook has been prepared which will be emailed to all independent schools and is available via a link on <https://schools.leicester.gov.uk/> .

The workbook comprises of three worksheets. Independent schools are requested to complete the relevant sheet whenever a new pupil is enrolled at the school, when a child is to be removed from roll or when there are concerns over a child’s attendance. When the change is made please upload the complete workbook on to AnyComms+

**New Enrolments – Green sheet**

Details of all new children on roll should be entered onto this sheet within 5 days of them starting in the school. The details required include the child’s start date at the school, basic details about the child, their carer’s details and their previous education provision (if any). Please complete this for **all children on your roll** that you have not previously told us about.

**Pupils leaving – Red sheet**

Details of any child who is about to leave the school should be completed on the form and the destination provided in line with the processes detailed earlier.

**Pupils with irregular attendance – Orange sheet**

Complete for all children who are irregular attenders, or who have more than 10 days of unauthorised absence and any that do not attend school full-time. Details of the attendance, or number of sessions not in school due to being part-time should be provided alongside the name of a school contact.

**Submitting the file via AnyComms+** <https://filetransfer.leicester.gov.uk>

Use file type: Changes to Pupil Roll

Service: This will be automatically sent to the CYPS Info Management

Ellen Collier

Service Manager – Education Welfare Service

Leicester City Council

September 2016

**Appendix B**

**LEGAL CONTEXT.**

**The Data Protection Act 1998**

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 that data controllers 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 eight data protection principles summarised as follows:

i) All personal data will be obtained and processed fairly and lawfully.

ii) Personal data will be held only for the purposes specified.

iii) Personal data will be used only for the purposes, and disclosed only to the people, shown within this code of practice.

iv) Only personal data will be held which are adequate, relevant and not excessive in relation to the purpose for which the data are held.

v) Steps will be taken to ensure that personal data are accurate and where necessary, kept up to date.

vi) Personal data will be held for no longer than is necessary.

vii) Individuals will be allowed access to information held about them and, where appropriate, permitted to correct or erase it.

viii) Procedures will be implemented to put in place security measures to prevent unauthorised or accidental access to, alteration, disclosure, or loss and destruction of, information.

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 Schedule 2 condition and in the case of ‘sensitive personal data’, at least one Schedule 3 condition 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 Schedule 2 *and* Schedule 3 conditions must be satisfied.

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

###### Schedule 2

Section 6 (1) The processing is necessary for the purposes of legitimate interests pursued by the data controller or by the third party or parties to whom the data are disclosed, except where the processing is unwarranted in any particular case by reason of prejudice to the rights and freedoms or legitimate interests of the data subject. *Connexions have a legitimate interest to ‘encourage, enable or assist (directly or indirectly) effective participation by young persons in education or training.’ under the Learning and Skills Act 2000, Section 114 (1) see below.*

###### Schedule 3

Section 4 (b) The processing is carried out with appropriate safeguards for the rights and freedoms of data subjects. *Access to data is restricted to authorised personnel, security measures are in place, data subjects have a right to see data held on them.*

* Section 7 (1) (b) The processing is necessary for the exercise of any functions conferred on any person by or under an enactment. *Connexions have a function conferred on them by the Learning and Skills Act 2000 see below.*

**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. Connexions is specified as a key partner agency (see page 5 of the statutory guidance).

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](https://www.gov.uk/government/publications/children-missing-education). 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 Leicester.

**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).

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**APPENDIX C – DATA TO BE SHARED BY [School Name] WITH THE LOCAL AUTHORITY**

M=used for matching, U=used for updating

**Basic Data for Pupil (used for any collection):**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Item | Matching/  Updating | Who owns the data? | Frequency of data exchange? | How will information be exchanged? | How long will data be held? |
| LEA | M | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| Establishment Number | M | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| School Name | M | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| Academic Year | M | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| Surname | MU | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| Forename | MU | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| DOB | MU | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| Gender | MU | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| UPN | MU | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| Preferred Surname | MU | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| Preferred Forename | MU | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| Middle Names | MU | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| National Curriculum Yeargroup | MU | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| SAON | U | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| PAON | U | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| Street | U | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| Locality | U | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| Town | U | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| County | U | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| Postcode | MU | LCC | Daily/Weekly | See 3.4 | See 3.8 |

**Basic Data for Parent/Carer (used for any collection):**

This should include name(s) and address(es) of any parent with whom the pupil normally or may normally reside

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Item | Matching/  Updating | Who owns the data? | Frequency of data exchange? | How will information be exchanged? | How long will data be held? |
| Surname of parent/carer | MU | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| Forename of parent/carer | MU | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| SAON | U | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| PAON | U | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| Street | U | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| Locality | U | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| Town | U | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| County | U | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| Postcode | MU | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| Phone number | MU | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| Date child moved to live with this parent | U | LCC | Daily/Weekly | See 3.4 | See 3.8 |

**Children who fail to attend regularly:**

As Basic data plus the following:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Item | Matching/  Updating | Who owns the data? | Frequency of data exchange? | How will information be exchanged? | How long will data be held? |
| Date last attended | U | School | Termly | See 3.4 | See 3.8 |
| Absence reason | U | School | Termly | See 3.4 | See 3.8 |
| Action undertaken to date | U | School | Termly | See 3.4 | See 3.8 |
| School responsible person (name) | U | School | Termly | See 3.4 | See 3.8 |
| Contact details for responsible person-email | U | School | Termly | See 3.4 | See 3.8 |
| Contact details for responsible person-telephone | U | School | Termly | See 3.4 | See 3.8 |

**Children on part-time timetables:**

As Basic data plus the following:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Item | Matching/  Updating | Who owns the data? | Frequency of data exchange? | How will information be exchanged? | How long will data be held? |
| Start date (of the part-time timetable) | U | School | Half-Termly | See 3.4 | See 3.8 |
| Review Date | U | School | Half-Termly | See 3.4 | See 3.8 |
| End date (if finished) | U | School | Half-Termly | See 3.4 | See 3.8 |
| Number of sessions out of school per week (out of 10) | U | School | Half-Termly | See 3.4 | See 3.8 |
| School responsible person (name) | U | School | Half-Termly | See 3.4 | See 3.8 |
| Contact details for responsible person-email | U | School | Half-Termly | See 3.4 | See 3.8 |
| Contact details for responsible person-telephone | U | School | Half-Termly | See 3.4 | See 3.8 |
| Notes | U | School | Half-Termly | See 3.4 | See 3.8 |

**Safe removal from roll/referral to LA: (Use the ‘Removal from Roll – Annex B’ form provided above)**

As Basic data plus the following:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Item | Matching/  Updating | Who owns the data? | Frequency of data exchange? | How will information be exchanged? | How long will data be held? |
| Person providing information (Name) | U | LCC | When necessary | See 3.4 | See 3.8 |
| Person providing information (Tel number) | U | LCC | When necessary | See 3.4 | See 3.8 |
| Person providing information (Email) | U | LCC | When necessary | See 3.4 | See 3.8 |
| Person providing information (Relationship to child) | U | LCC | When necessary | See 3.4 | See 3.8 |
| New address | U | LCC | When necessary | See 3.4 | See 3.8 |
| Date family moving | U | LCC | When necessary | See 3.4 | See 3.8 |
| Last date child will attend/attended the school | U | LCC | When necessary | See 3.4 | See 3.8 |
| Is child in the admissions process in new LA (Y/N) | U | LCC | When necessary | See 3.4 | See 3.8 |
| New LA | U | LCC | When necessary | See 3.4 | See 3.8 |
| School(s) applied for | U | LCC | When necessary | See 3.4 | See 3.8 |
| Is destination outside of UK? (Y/N) | U | LCC | When necessary | See 3.4 | See 3.8 |
| How will the family be travelling | U | LCC | When necessary | See 3.4 | See 3.8 |
| Flight Details | U | LCC | When necessary | See 3.4 | See 3.8 |
| Place in school for child/ren in new location? (Y/N) | U | LCC | When necessary | See 3.4 | See 3.8 |
| Name of new school | U | LCC | When necessary | See 3.4 | See 3.8 |
| Tel number of new school | U | LCC | When necessary | See 3.4 | See 3.8 |
| Is social care involved (Y/N) | U | LCC | When necessary | See 3.4 | See 3.8 |
| Does LA need to investigate further (Y/N) | U | LCC | When necessary | See 3.4 | See 3.8 |
| Have CP thresholds been met (Y/N) | U | LCC | When necessary | See 3.4 | See 3.8 |
| Have CP processes been followed (Y/N) | U | LCC | When necessary | See 3.4 | See 3.8 |

**Regular data updates from School Information Management systems (e.g. B2B, CTF) Data:**

As Basic data plus the following:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Item | Matching/  Updating | Who owns the data? | Frequency of data exchange? | How will information be exchanged? | How long will data be held? |
| Ethnicity | U | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| Ethnicity source | U | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| Language Type | U | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| Language | U | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| Religion | U | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| Entry Date | U | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| Enrolment Status | U | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| End Date | U | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| Connexions Assent | U | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| Phone Number | U | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| SEN Indicator | U | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| SEN Need | U | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| Attendance Marks | U | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| Attendance Code | U | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| Attendance Description | U | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| Attendance Statistical Meaning | U | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| Attendance Physical Meaning | U | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| Previous school – LA number | U | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| Previous school – DfE Number | U | LCC | Daily/Weekly | See 3.4 | See 3.8 |
| Previous school – School Name | U | LCC | Daily/Weekly | See 3.4 | See 3.8 |

**Attainment/Assessment data**

As Basic data plus the following:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Item | Matching/  Updating | Who owns the data? | Frequency of data exchange? | How will information be exchanged? | How long will data be held? |
| EYFSP Early Learning Goals | U | LCC | Yearly | See 3.4 | See 3.8 |
| EYFS Baseline – same data items as EYFSP | U | LCC | Yearly | See 3.4 | See 3.8 |
| Year 1 Phonics Check / Recheck | U | LCC | Yearly | See 3.4 | See 3.8 |
| Key Stage 1 statutory Teacher Assessments | U | LCC | Yearly | See 3.4 | See 3.8 |
| Key Stage 2 statutory Teacher Assessments | U | LCC | Yearly | See 3.4 | See 3.8 |

**Other regular, ongoing and ad-hoc requests data**

As Basic data plus the following:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Item | Matching/  Updating | Who owns the data? | Frequency of data exchange? | How will information be exchanged? | How long will data be held? |
| Exclusions details |  |  |  |  |  |
| Exclusion category (fixed, permanent, lunchtime) | U | LCC | When necessary | See 3.4 | See 3.8 |
| Exclusion reason | U | LCC | When necessary | See 3.4 | See 3.8 |
| Number of sessions missed | U | LCC | When necessary | See 3.4 | See 3.8 |
| Children Looked After (status, LA responsible) |  |  |  |  |  |
| Looked after category (accommodation, full care order, etc.) | U | LCC | When necessary | See 3.4 | See 3.8 |
| LA Responsible | U | LCC | When necessary | See 3.4 | See 3.8 |

**APPENDIX D – DATA TO BE SHARED BY THE LOCAL AUTHORITY WITH THE [SCHOOL NAME]**

Any of the data listed in Appendix C on a needs basis.

**APPENDIX E - CONFIDENTIALITY STATEMENT**

To enable the exchange of information between attendees at this meeting to be carried out in accordance with the Data Protection Act 1998, the Human Rights Act 1998 and the common law duty of confidentiality, all attendees are asked to agree to the following. This agreement will be recorded in the minutes.

1. Information can be exchanged within this meeting for the purpose of identifying any action that can be taken by any of the agencies or departments attending this meeting to resolve the problem under discussion.

2. A disclosure of information outside the meeting, beyond that agreed at the meeting, will be considered a breach of the subjects’ confidentiality and a breach of the confidentiality of the agencies involved.

3. All documents exchanged should be marked ‘Restricted – not to be disclosed without consent’. All minutes, documents and notes of disclosed information should be kept in a secure location to prevent unauthorised access.

4. If further action is identified, the agency(ies) who will proceed with this action(s) should then make formal requests to any other agencies holding such personal information as may be required to progress this action quoting their legal basis for requesting such information. Information exchanged during the course of this meeting must not be used for such action.

5. If the consent to disclose is felt to be urgent, permission should be sought from the Chair of the meeting and a decision will be made on the lawfulness of the disclosure such as the prevention or detection of crime, apprehension or prosecution of offenders, or where it is required to prevent injury or damage to the health of any person.

This confidentiality agreement is in relation to the …………………………………………………….……………………………….. meeting(s)

Signature………………………………………………………..Date…….………………..…

Name……………………………………………………………………………………………

Representing…(Name and/or Organisation)

……………………………………………………….……………………………..…………..

Copies of this signed agreement are to be held by the Chair.

**APPENDIX F - PROCESS FOR REVIEW OF AN INFORMATION**

**SHARING AGREEMENT**

The aim of a review is to ensure that the ISA is achieving its purpose and that the actual process of exchanging data is operating efficiently.

**1 Policy Statements and Purpose of this Information Sharing Agreement**

Is the policy statement and the purpose as identified in the ISA still accurate in relation to the present use of the information?

**2 Legal Basis for Information Sharing**

Do the legal bases in the ISA cover all the parties?

**3 What information is it necessary to share?**

Is the information which is shared by the parties in accordance with the ISA?

**4 Who is going to be responsible for sharing this information and ensuring it is accurate?**

Is the contact list up to date and accurate?

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

How are the parties keeping a record of what information has been shared? Random samples of the information shared could be checked against the source record to see if there is evidence of the information sharing.

**6 How is this information going to be shared?**

Is information still being shared in accordance with the ISA?

**7 Who will have access to this information and what may they use it for?**

What use of the information is made by the parties receiving information and is access restricted in accordance with the ISA?

**8 Timescales**

Are any timescales in the ISA being adhered to?

**9 How securely does the information need to be stored?**

Are all the parties applying the security measures in accordance with the ISA – see Appendix G for applicable standards?

**10 How long are you going to keep the information?**

Are all the parties retaining and destroying the data in accordance with the ISA?

**11 Further Use of Information**

Is there any evidence that information is being used by any party for purposes other than in accordance with the ISA without consent from the originator?

**12 Breach of confidentiality**

Have there been any breaches of confidentiality which have not been reported to the other parties? How have any breaches been dealt with?

**13 Indemnity/confidentiality agreements**

Is there evidence that any individual who is not covered by an organisation which is a signatory to the ISA has signed a confidentiality agreement and are these held on behalf of the Chair?

**15 Requests for Disclosure of Information received under this ISA**

Have there been any instances where a party has disclosed information received under this ISA without consulting the originating party?

**16 Appropriate Signatories**

Is the ISA signed by appropriate staff?

*Review was carried out by:*

*Name ……………………………………………………………….*

*Signature……………………………………………………………*

*Organisation……………………………………………………….*

*Date………………………………………………………………….*

*Name ……………………………………………………………….*

*Signature……………………………………………………………*

*Organisation……………………………………………………….*

*Date………………………………………………………………….*

**A copy of this review should be stored with the ISA. Any deficiencies should be brought to the attention of the Signatories as appropriate.**

**APPENDIX G - INFORMATION SECURITY STANDARDS**

1. All partners to this ISP agree to hold all information shared under it to applicable security standards. For the purpose of this ISP applicable security standards are defined as being “achieved or will be working towards ISO 27001, the International Standard for Information Security Management, compliance or a similar level of compatible security.”

2. Each Partner accepts that other partners are professionally competent and it is for each partner to assess its security needs and identify what is and is not needed to comply with these.

3. Where a Partner has specific security needs to comply with a specific standard or requirement, for example Caldicott, it should specify these and they will be included in this Appendix. This can be either as a pdf document or by means of a hypertext link to the specifying Partner’s site. It is then for the other partners to ensure that they take these standards into consideration when assessing their own security needs.

4. Where a Partner has specified its security needs it is for that partner:

i) to provide the updates needed to keep this document up to date. These should be provided at least three months before such changes are due to be effective the then Chair of the Information Management Group who will be responsible for ensuring their incorporation into this Protocol; and

ii) to confirm as part of its review process that nothing has changed to the then reviewing body.

5. Where Partners do not have a security classification scheme which includes handling rules the following points should be considered:

- Ensure that unauthorised staff and other individuals are prevented from gaining access to personal data

- Ensure visitors are received and supervised at all times in areas where personal data is stored

- Ensure that all computer systems that contain personal data be password-protected. The level of security should depend on the type of data held, but ensure that only those who need to use the data have access.

- Do not leave your workstation/PC signed on when you are not using it.

- Lock away disks, tapes or printouts when not in use.

- Ensure all new software is virus-checked prior to loading onto an Authority machine. Do the same for disks.

- Exercise caution in what is sent via email and to whom it is sent, do not transmit personal data by email.

- Check that the intended recipient of a fax containing personal data is aware that it is being sent and can ensure security on delivery.

- Ensure your paper files are stored in secure locations and only accessed by those who need to use them.

- Do not disclose personal data to anyone other than the Data Subject unless you have the Data Subject’s consent, or it is a registered disclosure, required by law, or permitted by a Data Protection Act 1998 exemption.

- Do not leave information on public display in any form. Clear your desk at the end of each day and lock sensitive material away safely.