



Date Created: 21/05/2018  
Date Published: 21/05/2018  
Version Number: 1.00

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<b>Service Area:</b>	Learning, Education and Inclusion
<b>Work Area:</b>	Statutory Assessment & Additional Support Team
<b>Contact Details:</b>	Irene Yendle, Statutory Officer 01443 866635 / Yendli@caerphilly.gov.uk
<b>Privacy Notice Name:</b>	Additional Learning Needs
<b>Description of Privacy Notice</b>	This Privacy Notice will explain how Caerphilly County Borough Council will use information about you if we receive a request for a statutory assessment to be completed on you or your school / education setting request additional support funding because you require extra help in order to make progress.

## How we will use your information

### Source and type of information being processed

#### Categories / Source of personal data obtained

You or Parents/Carers, Schools, Children Services and Health Professionals can make a request for a statutory assessment to be completed on you (Learner)

Schools / educational settings request additional support funding to support the learner at School Action Plus Resource Assist (SAPRA) where a learner requires extra help in order to make progress.

In order for us to process such requests, the person / organisation making the referral may provide the following information to us.

- Name and Contact details;
- Medical records;
- Educational Reports;
- Details of family circumstances (Children Services)
- School attendance / Exclusion date / Attainment data

If you are unsure who has made the request please contact us on the details above for further information.

## **Purpose and legal basis for using your information**

### **Purpose of processing**

- The needs of most learners can be met by their school or pre-school setting, sometimes with the help of outside specialists. Schools receive funding to support children with additional learning needs by giving them extra or specific help. However, in some cases the Local Authority will be asked to allocate additional support and/or complete a statutory assessment of a learner's educational needs.
- The Local Authority considers all requests for additional support / statutory assessments received from the learner, schools, parents and other agencies.
- Requests for additional support are discussed at the Local Authority's Specialist Panels which are attended by Officers from Local Authority Education Services and Head Teachers from within the Local Authority.
- A Statutory Assessment is a very detailed assessment of a learner completed by the Local Authority. The assessment includes information from parents/carers, the learner, school, Educational Psychologist, health professionals and if appropriate, Children Services. The assessment finds out if the learner requires a Statement of Special Educational Needs.
- A Statement is a legal document which describes what help a learner requires to meet their additional learning needs.
- The process takes up to 26 weeks and involves the Local Authority considering the evidence provided by all agencies and making a decision whether the learner meets the criteria to issue a Statement of Special Educational Needs.
- All Statements of Special Educational Needs are reviewed annually and involve sharing updated information from the learner, parent/carer, schools, Health, Local Authority Education Services and where necessary Children Services.

### **Legal basis for processing**

There is a public task obligation to process your information detailed below:

Education Act (1996/2002);

Special Educational Needs Code of Practice for Wales (2002)

In order for the processing of personal data to be lawful under the General Data Protection Regulations 2016, a valid condition from Article 6 of the Regulations must be identified, which is outlined below:

1e. processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;

Data Protection legislation provides extra protection for certain classes of information called 'special personal data'. If any information falls within the definition of special personal data then an additional condition from Article 9 of the Regulations must be identified, as outlined below:

- 6 (1) This condition is met if the processing—
- (a) is necessary for a purpose listed in sub-paragraph (2), and
  - (b) is necessary for reasons of substantial public interest.
- (2) Those purposes are—
- (a) the exercise of a function conferred on a person by an enactment or rule of law;
  - (b) the exercise of a function of the Crown, a Minister of the Crown or a government department.

## **Who will have access to your information?**

### **Identity of Data Controller and Data Protection Officer**

The Data Controller for your information is Caerphilly County Borough Council. The Data Protection Officer is:

Ms Joanne Jones  
Corporate Information Governance Manager / Data Protection Officer  
Email: [dataprotection@caerphilly.gov.uk](mailto:dataprotection@caerphilly.gov.uk)  
Tel; 01443 864322

Other Data Controllers may also be responsible for your information, depending on the specific circumstances. Please contact the Service Area for further information.

### **Details of main users of your information**

The main user of your information will be the Statutory Assessment & Additional Support Team.

Requests for additional support are discussed at the Local Authority's Specialist Panels which are attended by Officers from Local Authority Education Services and Head Teachers from within the Local Authority.

### **Details of any sharing of your information within Caerphilly County Borough Council**

In order to carry out a Statutory Assessment / additional support request we will need to work with and request / share information with other service areas within Caerphilly County Borough Council such as the following:

- Children and Young People (The Learner)
- Education Admissions
- Legal Services
- Children Services
- Safeguarding
- Passenger Transport Unit
- Audit /Finance

## **Details of any sharing of your information with other organisations**

In order to carry out a Statutory Assessment / additional support request we will need to work with and request / share information with other organisations such as the following:

- Careers Wales
- Health Boards
- Welsh Government
- Special Educational Needs Tribunal Wales
- SNAP Cymru
- Maintained Schools and Educational Settings
- Non-maintained Nurseries, Schools and Independent Specialist Settings/Schools / Other Local Authorities

## **Requests for information**

All recorded information held by Caerphilly County Borough Council may be subject to requests under the Freedom of Information Act 2000, Environmental Information Regulations 2004 and the Data Protection Act 1998.

If the information you provide is subject to such a request, where possible Caerphilly County Borough Council will consult with you on its release. If you object to the release of your information we will withhold your information if the relevant legislation allows.

## **How long will we retain your information?**

### **Details of retention period**

How long Caerphilly County Borough Council retains information is determined through statutory requirements or best practice.

We will retain your information for 35 years after the closure of your case.

## **Your Rights (Inc Complaints Procedure)**

### **Your rights under the Data Protection Act 1998**

Data Protection gives data subjects (those who the information is about) a number of rights:

- The right of subject access – Application forms for this process are available on our website: [SAR Form](#)
- The right to be informed
- The right of rectification
- The right to erasure
- The right to restrict processing
- The right to object
- The right to data portability
- Rights in relation to automated decision making and profiling.

Further information on your rights is available from: [www.ico.org.uk](http://www.ico.org.uk).

To enact your rights please contact the service area detailed on the top of this form.

## **Complaints Procedure**

If you are unhappy with the way that Caerphilly County Borough Council has handled your request / information, you have the right of complaint. Please contact the Service Area detailed at the top of this document outlining your issues.

If you remain unhappy you also have a right of complaint to the Information Commissioner's Office. Please follow this link for further information on the complaints process.

[www.caerphilly.gov.uk/My-Council/Data-protection-and-freedom-of-information/Questions-and-complaints](http://www.caerphilly.gov.uk/My-Council/Data-protection-and-freedom-of-information/Questions-and-complaints)