

SEND Services Privacy Notice

This privacy notice applies to the Special Educational Needs & Disabilities Service provided by Worcestershire County Council and should be read in addition to Worcestershire County Council's [Full Privacy Notice](#).

We keep this Privacy Notice under regular review, and we will place any updates on this web page. This Notice was last updated on 14 June 2024.

The privacy notice will cover:

- [Purpose for processing](#)
- [Personal information collected and lawful basis](#)
- [Who we may share your information with](#)
- [How long we will hold your information](#)
- [Your information rights](#)

Purpose for processing

The service process personal information in order to provide support to children and young people with Special Education Needs and Disability in education in the County of Worcestershire. This service is provided either directly or jointly with partners and commissioned private and third sector providers. We are collecting your personal data for the following purposes:

- To consider and possibly conduct a statutory joint education, health and care needs assessment.
- To consider if top up funding is required for children/young people with identified SEN.
- To include in an Education, Health and Care Plan/Provision Plan (if applicable).
- To consult with transitioning educational/care settings for future placements.
- To provide education support for children and young people with special educational needs.
- To be able to monitor, review and report on progress.
- To ensure the safeguarding of children and young people.
- To ensure the medical health, safety and wellbeing of children and young people.
- To plan for sufficient school places in Worcestershire.

Personal information collected and lawful basis

The SEND Service processes personal information relating to children and young people and may receive this information from themselves, parent/carers, current and previous educational/care settings, other Worcestershire Council Teams, other LA SEN Teams, the Department for Education (DfE) and other external professional agencies.

The SEND Service processes personal information, which is relevant to individual cases and may include, but is not limited to, the following personal data:

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The child or young person's

- contact details
- family contact details
- national curriculum and attainment data including:
 - assessment results
 - attendance/exclusion information
- information from previous/current early years providers/schools/post 16 providers,
- details of their Special Educational Needs
- information from other LA SEN Teams
- social care information

We may also process some special category (sensitive) information, which is relevant to individual cases and may include some of the following but is not limited to:

- health/medical information
- religion
- ethnic group

The **legal bases** for processing this personal information are:

- **Legal obligation** - processing is necessary to comply with the law outlined in:
 - The Children and Families Act 2014
 - The Special Educational Needs and Disabilities Regulations 2014
 - The Special Educational Needs (Personal Budgets) Regulations 2014
 - The Special Educational Needs and Disability (Detained Persons) Regulations 2015
 - SEND Code of Practice 2015
- **Public task** - processing is necessary to perform a task in the public interest
- **Vital Interests** - processing is necessary to protect someone's life.

The **special category conditions** for processing are:

- **Legal claims or judicial acts** (UK GDPR Article 9 (2) (f))
- **Reasons of substantial public interest** (UK GDPR Article 9 (2) (g)) – processing is necessary for reasons of equality of opportunity or treatment (condition 8 of Schedule 1 of the DPA 2018) and support for individuals with a particular disability or medical condition (condition 16 of Schedule 1 of the DPA 2018)
- **Health or social care** (UK GDPR Article 9 (2) (h)) – processing is necessary for providing you with health and social care support
- **Archiving, research and statistics** (UK GDPR Article 9 (2) (j))

Who we may share your information with

We may need to share the personal information you have given to us or we've collected about you with partner organisations where relevant to the individual and/or their care provision. These include but are not limited to:

- Other Worcestershire County Council LA Teams (Family Front Door, Virtual School, Schools Finance, Schools Transport, Social Care, Adult Social Care, Targeted Youth Support, Educational Psychology, Specialist Teaching support Services for Hearing

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and Visual Impairment or with Complex Communication Needs/Autism, Admissions, Early Years, Education Access, Free School Meals, Children Missing Education Team, Children not in Employment, Education or Training (NEET) Team and the Elective Home Education Team

- Police and Youth Justice Services in Worcestershire and other areas (if moving in or leaving Worcestershire)
- Other LA SEN Teams (if moving in or leaving Worcestershire)
- Any previous/current/possible transitioning Early Years provider/School/Post 16 Provider
- Herefordshire and Worcestershire Integrated Care Board (ICB)
- Other health professionals
- Other external professionals
- Worcestershire County Council ICT service providers
- The Department for Education (DfE)
- The Education and Skills Funding Agency (ESFA)
- Ofsted
- Mediation Providers / SEND Tribunal / Legal Representatives / SENDIASS
- Panel members from other educational settings in Worcestershire

We are required, by law, to pass certain information about children/young people to the Department for Education (DfE) for the school census and the SEN2 statutory return.

To ensure personal information is kept safe we have the following controls in place:

- the information will not be used for any purpose other than those stated in this notice
- the information will be held within secure systems/locations, with appropriate levels of security, that comply with relevant data protection legislation
- the information will only be shared for lawful purposes and with an appropriate level of security that complies with relevant data protection legislation
- the information will not be held for longer than is necessary, after which it will be securely destroyed in line with Worcestershire County Council's Disposal Schedule.
- the information will be processed in accordance with Data Protection Act 2018 legislation and the UK General Data Protection Regulations (UK GDPR)

Information will only ever be shared when it is strictly necessary to help us provide effective services and you may have the right to refuse. We will not pass it onto any other parties unless required to do so by law or in all reasonable circumstances the disclosure is fair and warranted for the purposes of processing or subject to a data protection exemption.

We have specific data sharing agreements in place with local agencies and sometimes the law requires that we may have to pass your details on to a third party, for example, to prevent crime.

How long we will hold your information

The standard record retention for SEND Service client records are:

- **25 Years** after date of birth for Special Educational Needs and Disabilities case files where provision is made only up to age of 18

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- **25 Years** after date of birth for Pre-School Special Educational Needs and Disabilities pupil files
- **31 Years** after date of birth for Special Educational Needs and Disabilities case files where provision is made up to the age of 25

More information about our retention periods can be found in our [summary Disposal Schedule](#).

Please note stated retention periods may be subject to any legal holds imposed under the Inquiries Act 2005 that may concern the information and override standard retention periods.

Your information rights

You are entitled to a copy, or a description, of the personal data we hold that relates to you, subject to lawful restrictions. Please go to our [Make a Data Protection Request webpage](#) to find out how to make a request.

You may be entitled to rectification, restriction, objection, and erasure of your personal information depending on the service and legal basis. Please in the first instance contact the SEN Team Email: sen@worcestershire.gov.uk if you wish to:

- amend any records we hold
- access any records we hold
- have any information we hold corrected
- have any information we hold erased
- restrict how information we hold can be used or shared
- object to information being held
- have any information we hold transferred to a third party

Or you can call the main Worcestershire County Council contact telephone number of **01905 765765**.

Please see our [overarching Privacy Notice](#) for further contact details and if you have a complaint about your information rights.