**Directorate:** Children and Young People

**Service Area:** Education Welfare Service

**Contact Details:** **dataprotection@monmouthshire.gov.uk**

**Privacy Notice Name:** Education Welfare Service

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| **How we will use your information**This privacy notice will explain how Monmouthshire County Council will use information about you or your child.* Schools / educational settings may formally refer to the Education Welfare Service where there are concerns about a child’s attendance, punctuality or well being. Schools make these referrals in line with the following legislation C.J.Act 1967 S9, M.C. Act 1980 s102, M.C.Rules 1981 r 70.
* For Education Welfare Officers to undertake their role they may need to request information from other professionals involved in supporting the child or family. Examples of this could include the child’s G.P., a Consultant, Housing Officers, Social Workers, Police Liaison Officers, Youth Offending Service as well as colleagues within the Local Authority.
* If a case is being considered for prosecution, Education Welfare Officers would need to write/prepare a statement which would be shared with the Local Authority’s Legal Department.
* Monmouthshire’s Education Welfare Service play an integral role in safeguarding the Welfare of Children and Young People:-
1. they could make referrals to Social Care in line with the All Wales Child Protection Procedures 2008.
2. they process applications for work permits from young people in line with The Children and Young Persons Act 1933 and 1963 Act and The Children (Protection at Work Regulations) Regulations 2000.
3. they process child entertainment applications for children and young people in line with The Children and Young Persons Acts 1933 and 1963 and The Children (Performances and Activities) (Wales) Regulations 2015
4. they process chaperone applications which may contain details of the child being supported in line with The Children and Young Persons Acts 1933 and 1963 The Children (Performances and Activities) (Wales) Regulations 2015
5. they attend multi-agency meetings which are arranged to safeguard children
6. they process alerts from Gwent Missing Children’s Service and liaise with relevant schools
7. If a families whereabouts cannot be ascertained then they would be placed on the National Missing Children database which is used by Local Authorities in the United Kingdom to track Children Missing from Education.

**Source and type of information being processed****Categories of personal data obtained*** Name and Contact details;
* Gender
* Free School Meals elligibility
* Child in Care Status
* Parental Consent Forms
* Medical records;
* Educational Reports;
* Details of family circumstances (Children’s Services)

Sub categories:* School attendance
* Exclusion date
* Attainment data
* Safeguarding referrals if required

**Source of your personal data** This information has been shared with Monmouthshire County Council by other organisations as detailed below * Monmouthshire Schools and relevant Out of County Schools
* Health (including Independent Services)
* Medical Professionals
* Police
* SNAP Cymru
* Local Authority Children Services
* Local Authority Education Services
* Other Local Authority Education Services

If you would like further information on the source of this information, please contact Monmouthshire County Council. You may be required to apply for this information as a Subject Access Request. |
| **Your Obligations**1. There is a statutory obligation for you to provide the information requested and;
2. There is a contractual obligation / requirement for you to provide the information requested as detailed below so that we can;
* ensure efficient and effective service delivery,
* to fulfil our duty of care towards the children and adults we work with and discharge our safeguarding responsibilities;
* enable liaison with others; to enable good decision-making;
* explain and justify our actions;
* work in line with statutory requirements and contractual obligations for the Local Authority;
* ensure we work in line with the C.J.Act 1967 S9, M.C. Act 1980 s102, M.C.Rules 1981 r 70.

Without your information, we will be unable to provide you with access to these services. |
| **Purpose and legal basis for using your information****Purpose of processing** * Most young people attend school regularly and are not formally referred to the Education Welfare Service for formal involvement due to attendance concerns. In some cases where attendance is a cause for concern then schools will make a formal referral outlining all the interventions they have undertaken and outline the impact of these interventions. Schools can make a request for the imposition of a Fixed Penalty Notice or for more formal involvement via prosecution.
* The Local Authority will not accept a case for Education Welfare Involvement without a formal referral from the school (in line with their data protection processes) where school based processes to address non-attendance are clearly evidenced.
* Referrals would be discussed with the school and a course of action agreed.
* If following acceptance of the referral there is no improvement in attendance following a meeting with parents etc and there are no legitimate reasons for the absences then the Education Welfare Officer could issue a First Warning Notice
* If there is no improvement in attendance and no acceptable reason given for any further absences, a Final Warning notice can be issued.
* If there is no improvement in attendance then the Education Welfare Officer will discuss the case with the Local Authority’s Legal Department
* All referrals made to Children’s Services are made in line with the All Wales Child Protection Procedures. Education Welfare Officers would complete a MARF (Multi-agency referral form) and this would be submitted to Social Services detailing the areas of concern.
* Children and Young People require work permits if they wish to secure part time employment. These work permits are processed in line with Children and Young Persons Act 1933 and 1963 Act and The Children (Protection at Work Regulations) Regulations 2000. If the Local Authority does not process a work permit then Children and Young People attending school are not ellgible to work
* Children and Young People require entertainment licenses if they wish to participate in productions. These entertainment licenses are processed in line with The Children and Young Persons Acts 1933 and 1963 The Children (Performances and Activities) (Wales) Regulations 2015. The Local Authority must receive these requests at least 20 working days before an entertianment license is required. If the Local Authority has appropriate reasons not to process an entertainment license or does not receive the request in time then an entertainment license will not be issued and Children and Young People would not be ellgible to perform.
* Children and Young People may require a chaperone application if they are performing. Chaperone requests are processed in line with with The Children and Young Persons Acts 1933 and 1963 The Children (Performances and Activities) (Wales) Regulations 2015. The Local Authority must receive these requests at least 20 days before a chaperone request is required. If the Local Authority has appropriate reasons not to process a chaperone request or does not receive the request in time then the chaperone request will not be issued and Children and Young People would not be ellgible to perform.
* Where Education Welfare Officers have submitted multi-agency referal in line with All Wales Child Protetction Processes they will be required to attend multi-agency meetings which are arranged to safeguard children.
* Where Education Welfare Officers have received alerts from the Gwent Missing Children’s Service they will be required to liaise with relevant schools.

**Our legal reason(s) for using your information:**We are relying on your explicit consent to process your personal information. There is a statutory requirement to process your information in line with the following legislation C.J.Act 1967 S9, M.C. Act 1980 s102, M.C.Rules 1981 r 70.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;* 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 in question falls within the definition of special personal data then an additional condition from Article 9 of the Regulations must be identified, as outlined below;* processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject;

 For further information on legal basis please visit www.ico.org.uk |
| **Your right to withdraw your consent*** You have the right to withdraw your consent to the processing of this information. To withdraw your consent, please contact the Service Area whose details are contained on the top of this document.
* Withdrawing your consent would mean that the Educational Welfare Officer would not be able to determine if they are legitimate reasons for absences and this may lead to or accelerate court proceedings.
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| **Who will have access to your information?*** The Data Controller for your information is Monmouthshire County Council.

 Email: dataprotection@monmouthshire.gov.uk* Other Data Controllers may also be responsible for your information, depending on the specific circumstances. Please contact the Service Area for further information.

**These are the departments we may share your data with internally:*** Children and Young People Directorate
* Access Department
* ALN Department
* Educational Psychologists
* Specific Learning Difficulties Service
* Pupil Referral Service
* Legal
* Children Services
* Safeguarding
* Passenger Transport Unit
* SNAP Cymru
* Audit /Finance
* Health and Safety

**These are the agencies/ organisations we may share your data with externally:*** Careers Wales
* Health Boards; G.P, Consultants, CAMHS
* Welsh Government
* SNAP Cymru
* Llamau
* Maintained Schools and Educational Settings
* Housing Officers
* Non-maintained Nurseries, Schools and Independent Specialist Settings/Schools
* Other Local Authorities
* Police
* Appropriate agencies providing specific advice if they are involved in your child’s case

**Requests for information** All recorded information held by Monmouthshire Council may be subject to requests under the Freedom of Information Act 2000, Environmental Information Regulations 2004 and General Data Protection Regulation including any other Data Protection law.If the information you provide is subject to such a request, where possible Monmouthshire County 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?**How long Monmouthshire County Council retains information is determined through statutory requirements or best practice. |
| **Is automated decision making / profiling used?**Generally, there are no decisions made in Monmouthshire County Council that solely rely upon automated decision making or “profiling” alone. For further information contact dataprotection@monmouthshire.gov.uk |
| **Your Rights****Your rights under the General Data Protection Regulation are:** * The right of access to personal data.
* The right to prevent processing likely to cause damage or distress.
* The right to prevent processing for marketing purposes.
* Rights in relation to automated decision making.
* The right to compensation if Monmouthshire County Council fail to comply with certain requirements of the Data Protection Act in respect of your information.
* The right to the rectification, blocking, erasure or destruction of your information in certain circumstances.

For further information please refer to [www.ico.org.uk](http://www.ico.org.uk) |
| **Complaints Procedure*** If you object to the way that Monmouthshire County Council is handling your data, you have the right to complain. Please contact the Service Area detailed at the top of this document outlining your issues. Please follow this link for further information on the [complaints process.](http://www.monmouthshire.gov.uk/feedback)
* If you remain unhappy you also have a right to complain to the Information Commissioner's Office [www.ico.org.uk](http://www.ico.org.uk)
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| **Data Privacy Summary Notice** |

**How we will use your information**

Processing of your personal data by Monmouthshire County Council (MCC) is necessary to fulfil our contractual obligations to undertake our work including a statutory assessment of your educational needs or allocation of appropriate resources to support your learning. Without this information, the Additional Learning Needs Service within MCC may not be able to fulfil its statutory obligations for the Local Authority; maintain an effective and efficient service delivery; undertake effective planning; ensure appropriate assessments are undertaken and identify the appropriate provision to meet your needs.

Your details will be legitimately shared in a safe and secure manner. From time to time, it may be necessary that we share your personal details with relevant external agencies. Your personal details will not be shared further, unless in relation to safeguarding or other legal obligations.

Your records will be safely stored and retained in line with our retention policy, unless we need to retain under another lawful basis.

You have a number of rights in relation to the information including the right of access to information we hold about you and the right to complain if you are unhappy with the way your information is being processed.

Should you need to make a complaint about the way your data has been processed, please contact dataprotection@monmouthshire.go.uk or if you are not fully satisfied you may contact the Information Commissioner’s Office online at [www.ico.org.uk/concerns](http://www.ico.org.uk/concerns) or via their helpline: 0303 123 1113