



Southampton City Council

Guidance for Schools on:

- **Parental responsibility for education**
- **Parental conflict situations**
- **Data sharing with separated parents**
- **Data sharing between schools**

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1. Introduction

Dealing with issues that arise from family breakups and child protection can be difficult, time-consuming and can have unwelcome consequences, should they not be handled appropriately from the very beginning.

This guidance aims to assist schools in dealing with such situations because there are legal responsibilities to consider in terms of parental responsibility and data sharing.

Schools may find that they are having to deal with several people who have parental responsibility for a child or may get caught up in disputes between a number of adults each having or claiming to have parental responsibility.

The focus of the school should always remain firmly on the welfare of the child. Consultation should take place with each person who holds parental responsibility or is in the position of parent, who must be treated equally unless there is a court order limiting that individual's exercise of parental responsibility.

Safeguarding issues must also be given serious consideration from the outset. Failing to make appropriate enquiries, in the absence of information being forthcoming from a parent, may amount to a failure to meet a school's child protection responsibilities

Amendments have been made to the model Pupil Registration Form template (<http://www.youngsouthampton.org/working-with-children/schools-guidance/inclusion-services.aspx>) that should assist schools in working through contact\PR issues. The revised version is attached as **Appendix 4**.

Many schools have a service level agreement with Southampton City Council Legal Services (see section 19) who can offer advice and support. Other schools should consult their own legal services provider.

2. Families in Refuges

Some of our most vulnerable families live in refuges within our boundary. These addresses are highly confidential and additional care must be taken to safeguard these families.

It is the policy of Southampton City Council that no information will be provided by schools to the father of a child living in refuge. Parental responsibility is held by the mother, defined under both the Education Act 1996 and Children Act 1989.

Telephone approaches made by fathers in these circumstances should be dealt with in accordance with section 4 below and callers advised that:

“It is policy in all Southampton schools that requests for confirmation of enrolment should be made to the School Admissions Manager, Southampton City Council, in writing, enclosing proof of parental responsibility.”

If the Local Authority is approached and, after further investigation and taking legal advice, decide that a father has a lawful right to educational information, then Southampton City Council Inclusion Services will act as a conduit. Any information provided by the school to the Local

Authority will be anonymised and then forwarded. This approach will ensure that the name of the child's school is protected.

Copies of court orders or other legal documents should be requested as part of enrolment. They should be complied with and advice sought from all professionals involved with the family, as required.

If the father of a child known to be in refuge visits school, then refuge staff and the mother should be alerted immediately and the Police consulted regarding further actions. This procedure is vital for the protection of all families living in refuge.

3. **Duty placed upon schools regarding the provision of information**

Schools are legally obliged to keep "parents" informed about their child's progress but they also have a duty of care towards children and these two responsibilities must be balanced in a proportionate way.

Under The Education (Pupil Information) (England) Regulations 2005, schools are required to provide access to, or copies of, a child's educational record (see section 14.2 for definition) to parents upon request.

4. **Safeguarding**

Safeguarding is defined in Working Together to Safeguard Children, March 2015 as 'protecting children from maltreatment; preventing impairment of children's health or development; ensuring that children grow up in circumstances consistent with the provision of safe and effective care; and taking action to enable all children to have the best outcomes.'

School staff are particularly important as they are in a position to:

- Identify concerns at an early stage and provide help for children;
- Prevent concerns from escalating;
- Liaise and work together with other agencies including Children and Families' Services.

All schools must have regard to the Keeping Children Safe in Education (KCSIE) 2016 statutory guidance which explains what schools and their staff must do to safeguard their pupils.

Where there are safeguarding concerns it will be for the school, on a case by case basis, to consider the level of information, if any, that is provided to parents in dispute. This document aims to assist schools in reaching an appropriate decision.

Information sharing also covers confirming whether or not a child is enrolled at a particular school and consistency across all schools will help to protect children. The response to initial phone calls should be:

"It is policy in all Southampton schools that requests for confirmation of enrolment should be made to the School Admissions Manager, Southampton City Council, in writing, enclosing proof of parental responsibility."

The generic e-mail address **school.admissions@southampton.gov.uk** may be used for this purpose.

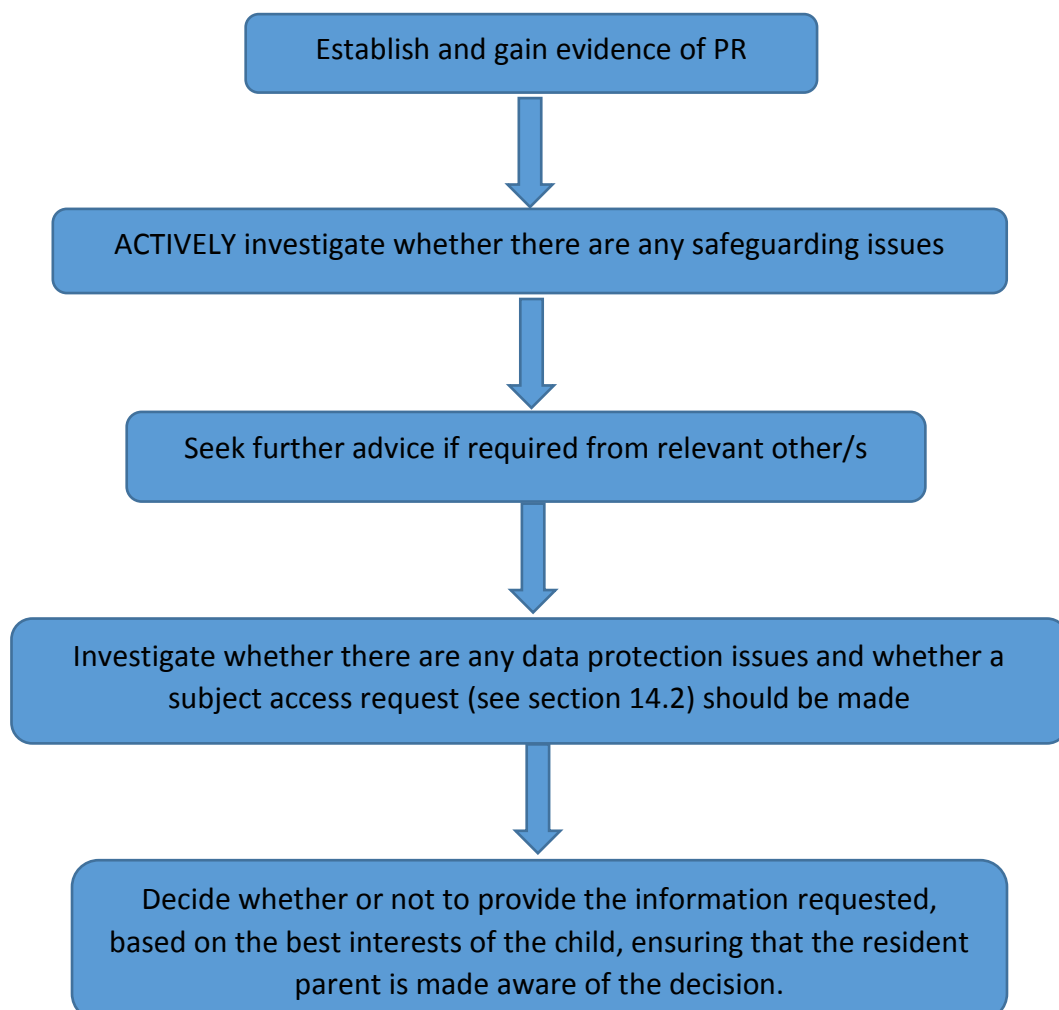
This process will only work when schools for whom Southampton City Council are not the admission authority, ensure that the Local Authority is aware of all enrolments and cases where applications are refused and the child remains without a school place.

Where the child is open to or a referral has been made to the Children and Families Services, the Designated Safeguarding Lead should consult with social care professionals in respect of any approaches for information about the child, or issues that may arise. Prior to allocation this can be done via MASH (see section 19), post allocation contact should be made with the allocated Social Worker.

If a child is in immediate danger or is at risk of harm a referral should be made immediately to Children and Families Services (MASH – see section 19) and the Police as appropriate.

Child protection procedures and the legal framework which underpins this overrides other legislation in that in such circumstances a child’s welfare is paramount. Schools must take steps to establish and corroborate, for all children in their care, whether there are any safeguarding issues or legal orders in place that restrict access to, or information being provided, about the child.

Our information sharing process is:



5. Definition of a parent\parental responsibility

5.1 Education Act 1996

Everyone who is a parent, as defined under education law, whether they are the resident parent or not, with or without parental responsibility, has a right to participate in decisions about a child's education and receive information about the child (see Section 9 below).

Under **Section 576 of the Education Act 1996** a "parent" in relation to a child or young person is defined as:

- All natural parents of a child, whether they are married or not.
- Any person who although not a natural parent has parental responsibility for a child (this could be a step-parent, guardian or other relative).
- Any person, who although not a natural parent, has care of a child.

A person has care of a child or young person if they are the person with whom the child lives and who looks after the child, irrespective of what their relationship is with the child.

5.2 Children Act 1989 s.2

Parental responsibility ("PR") is defined as all the rights, duties, powers, responsibilities and authority that a parent of a child has in relation to a child. This means that those with parental responsibility:

- have the power to make important decisions that affect their child's upbringing, unless there is a court order in place specifying otherwise.
- are entitled to information about their child, unless there is a court order in place preventing such disclosure or unless there is another overriding reason such as safeguarding why that information should not be shared.

More than one person can hold and exercise parental responsibility for a child. The parental responsibility of one party does not stop simply because another person is also given it.

6. Who has parental responsibility

6.1 Automatic PR

The following individuals have PR:

- The biological mother.
- The biological father, **if** he was married to the child's mother when the child was born or has since married her.
- The biological father, **if** he was not married to the child's mother when the child was born **but** has done so subsequently.
- The biological father who signs and is named on the birth certificate (this only applies to children whose births are registered since 1st December 2003)

6.2 **Acquired PR - individuals**

Individuals can acquire PR if they have:

- In the case of a biological father who is not named on a birth certificate, by making a statutory declaration which must be handed to the Births Registrar by the mother, or by way of a parental responsibility agreement.
- In the case of step-parents, by way of a parental responsibility agreement with the child's mother and the other natural parent (if that person also has parental responsibility for the child) or as the result of a court order under s.4 Children Act or by adopting the child.
- Been granted a child arrangements order determining either that the child should live with them, or simply granting parental responsibility to them.
- Been made special guardians to the child under a special guardianship order.
- Been appointed a guardian (usually by a Court or will).
- Adopted a child.

Both married parents, or an unmarried mother, have PR automatically and they continue to have it after separation or divorce. It can only be removed only by an adoption order or in exceptional circumstances by way of a court order. Again, in exceptional circumstances, the exercise of PR may be limited by way of a declaration to this effect by the High Court.

Civil partners have parallel (as far as possible, identical) rights to married people, although an unmarried father will not have PR automatically if he is not named on the birth certificate. The same provisions for married people apply to them in terms of acquiring (i.e. in the case of adoption, agreement with their civil partner or by an order from the court) or holding parental responsibility.

6.3 **Acquired PR – Local Authority**

A local authority acquires PR if it is named in the care order for a child. In these circumstances, a local authority has a duty to consult the parents, but in the event of disagreement, is responsible for deciding what is in the best interests of the child.

7. **Court Orders and parental responsibility**

As mentioned above parental responsibility can be granted by an order under s.4 Children Act 1989. When it comes to the exercise of PR other orders are also of relevance as follows:-

- Court orders under section 8 of the Children Act 1989 (often called section 8 orders) address areas of dispute in relation to the exercise of parental responsibility, or a child's care or upbringing, and can limit how an individual exercises their parental responsibility. These comprise child arrangements, prohibited steps and specific issues orders.
- Other court orders affecting the exercise of parental responsibility are special guardianship orders and various orders relating to domestic abuse.

Schools should take steps to establish whether the order they are provided with is the most up to date version. The best way to find this out would be to ask both parties, contact the Court or speak with the social worker if Children and Families Services are involved. Orders may also

contain the details of any further hearings which could be an indication of a future change of circumstances.

7.1 **Child Arrangements Order**

A child arrangements order is a section 8 order and sets out the arrangements relating to where /with whom a child should live and arrangements relating to who a child is to spend time with. It replaces the former residence and contact orders.

Breaches of an order made under s.8 Children Act are a private matter and the parent who has not breached the order should take steps to return the matter to Court. Schools should continue to comply with the original order until such time they are notified of an alternative. It may be that a school is ordered to prepare what is known as a s.7 report to assist the Court in resolving the parental dispute; alternatively they may need to provide information to a child's social worker or court appointed children's guardian, to assist in the preparation of such a report. If there is a child protection issue arising out of the dispute the school will need to act in the best interests of the child in consultation with other agencies, in particular the Children's and Families Service.

7.2 **Prohibited Steps Order**

A prohibited steps order can be applied for by anyone with parental responsibility for a child as of right or by other people such as grandparents if they are given leave of the Court to apply. Such an order imposes a restriction on the exercise of parental responsibility. This means that the step specified by the Court, cannot be taken by a named person, notwithstanding the fact that they would usually be able to do so by way of exercising their parental responsibility. Prohibited steps orders can be changed by court order.

***For example:** one parent wants to take the child abroad for an extended period, or prevent the child from attending a form of religious worship, against the wishes of the other parent.*

Breach of a Prohibited Steps Order is a criminal offence.

7.3 **Specific Issue Order**

A specific issue order is an order giving directions for the purpose of determining a specific question which has arisen, or may arise, in connection with any aspect of parental responsibility.

A breach of this order is a private matter and the parent who has not breached the order should take steps to return the matter to Court. Schools should continue to comply with the order, or act in the best interests of the child in the way detailed above at paragraph 7.1 regarding child arrangement orders.

***For example:** an order allowing one parent to agree to a pupil changing school against the wishes of the other parent.*

7.4 **Special Guardianship Order**

A special guardianship order is made under s.14 Children Act 1989. Such an order places a child or a young person to live with someone permanently and gives that person legal status including parental responsibility. Unlike adoption a special guardianship order will not remove parental

responsibility from the child's birth parent(s). However, for practical purposes the special guardian will exercise day to day PR and will generally be the only person the school has to deal with.

The effect of a Special Guardianship Order is to:

- Secure the child or young person's long-term placement;
- Give parental responsibility to the special guardians;
- Maintain links with the child or young person's birth parent(s);
- Enable the special guardian to have day to day control and to exercise their parental responsibility to the exclusion of all others with parental responsibility, except another special guardian.

7.5 Orders relating to domestic abuse:

7.5.1 Restraining Order

A restraining order is made by a criminal court to protect a victim of crime from a defendant in criminal proceedings. Most commonly, such an order will prohibit contact directly or indirectly with the victim, or it may prohibit going to a particular place which could be the family home or a school. It is particularly important that school are aware if a restraining order is in place. A copy should be requested and appropriate staff briefed.

Any breach of a restraining order is a criminal offence and if the party who the order is against breaches it and this breach involves the school, the Police should immediately be called.

7.5.2 Non-Molestation Order

This is an injunction made in the Civil Court which aims to prevent domestic abuse. It can order the perpetrator not to harass, pester, assault or interfere with a named person and their children either directly or indirectly (ie through another person). A non-molestation injunction can also include an order excluding the perpetrator from the family home. Again It is particularly important that school are aware if a non-molestation order is in place. A copy should be requested and appropriate staff briefed.

Although it is an order made in the Civil Court any breach of this order is a criminal offence, carrying a potential prison sentence and should be reported to the Police immediately if it occurs on/near school premises or school staff are made aware of it.

7.5.3 Exclusion order

These orders can be made by the Civil Court as part of a non-molestation injunction or occupation order. They can also be made under the Children Act during care proceedings in the event an interim care order is made or in the Criminal Court under legislation associated with anti-social behaviour.

As with restraining orders and non-molestation orders, schools should ensure staff are aware that exclusion orders are in place and take appropriate steps to assist in their enforcement.

7.5.4 Domestic violence protection notices & domestic violence protection orders

The Police can service a domestic violence protection notice to secure the short-term safety of a victim of domestic abuse. Within 48 hours of the notice being served, Police can then apply to Magistrates for a domestic violence protection order.

Breach of either the notice or the order carries a power of arrest.

8. When does parental responsibility cease?

PR comes to an end when one of the following occurs:

- The child reaches 18 years old.
- The child is aged 16 or 17 years old and marries.
- A child arrangements order expires or is discharged.
- A court order is made terminating PR.
- The child is adopted.

9. Proof of parental responsibility

Even if a child is too young to understand the implications of subject access rights, data about them is still their personal data and does not belong, for example, to a parent or guardian. It is the child who has a right of access to the information held about them, even though in the case of young children these rights are likely to be exercised by those with parental responsibility for them.

In cases where a parent is requesting information about a child, you need to be satisfied that the party making the request is entitled to act on behalf of the individual and it is their responsibility to provide evidence of this entitlement.

PR Status	Situation	Action
Undisputed	The child with whom the parent ordinarily resides names the non-resident parent on the pupil registration form and indicates that they have PR.	Section 10 below applies.
Disputed	<p>The child with whom the parent ordinarily resides has not named the non-resident parent on the pupil registration form.</p> <p>Someone other than the person requesting information is named as father on the pupil registration form.</p> <p>The child with whom the parent ordinarily resides disputes PR.</p>	<p>Liaise with the parent who has day to day care of the child. Whilst not desirable to them, there may be no lawful right to withhold information.</p> <p>Request:</p> <ul style="list-style-type: none"> • The child's birth certificate naming the parent. • Photographic proof of ID of the parent. • Evidence of residence at an address.

Disputed cont'd	Evidence of PR is not sufficient or has not been provided.	Wherever possible originals should be requested, particularly in cases where there is doubt, but scanned or photocopies could be accepted. If there is no reason to withhold information, agree with both parents how provision of information and/or access to the child will be managed.
Unknown	The 'parent' of an enrolled pupil has approached the school and is not known to them.	Schools should advise that: "It is policy in all Southampton schools that requests for confirmation of enrolment should be made to the School Admissions Manager , Southampton City Council, in writing, enclosing proof of parental responsibility." The generic e-mail address school.admissions@southampton.gov.uk may be used for this purpose. Notify the parent who has day to day care of the child.
<p><u>Safeguarding:</u></p> <p><i>Even when PR is established, both parents should be asked whether there are any court orders in place, or safeguarding issues, that should be taken into account BEFORE any arrangements are agreed.</i></p> <p><i>Risk indicators could include that the child lives with mother in refuge, the child has previously been in public care, social care involvement, police reports, mental health services involvement with parent(s), previous CP planning.</i></p>		

9.1 Birth certificates

At the time of admission to school, parents are asked to present their child's birth certificate. We would recommend that this document is used to verify:

- The date of birth for the child.
- The birth name of the child.
- Details of the birth mother.
- Details of the child's father, if named.

This should assist schools in:

- Exploring PR issues further.
- Identifying potential safeguarding concerns if a parent is unable or unwilling to provide a birth certificate for the child.

If challenged by parents, schools should be aware that only admission authorities have the right to ask for a copy birth certificate and this must not be the long version. We would, however,

recommend that schools continue to do so for the above reasons and consider whether the failure of a parent to comply may warrant further investigation.

10. **The rights of parents in relation to a child's education**

In the absence of a court order to the contrary, individuals who have parental responsibility for, or care of, a child have the same rights as natural parents; for example:

- To attend a school's annual parents' meeting.
- To express a preference when choosing a school.
- To stand for election or vote as a parent governor.
- To be notified of their right to appeal against a child's exclusion.
- To receive information on the child's education.
- To receive pupil reports.
- To participate in statutory activities; e.g. vote in elections for parent governors.
- To be asked to give consent; e.g. to the child taking part in school trips. See Section 13.4 below.
- To be informed about meetings involving the child; e.g. a governors' meeting on the child's exclusion.
- To be invited to discuss and informed of problems with behaviour issues, attendance, illness, options subject choices – subject to any Court Orders.
- To withdraw the child from religious education and collective worship (*section 71, School Standards and Framework Act 1998*) and sex education (*section 405, EA 1996*).
- To initiate, or be involved in, the procedure for obtaining an Education Health and Care Plan for the child.

Any dispute between persons sharing these rights would need to be resolved between them and not by the school.

All parents also have legal obligations; for example: to ensure that a child of compulsory school age receives a suitable full-time education.

See Sections 14 & 15 regarding the voice of the child.

11. **Rights of non-resident parents and parents without day-to-day care of child**

Everyone who is a parent has a right to participate in decisions about a child's education, even though the school's main contact is likely to be the person with whom the child lives on school days. Unless there is a court order limiting an individual's exercise of PR, such as an order preventing the absent parent from having contact with the child, the school and local authority staff must treat all parents equally.

Non-resident parents may not have the day to day care of the child, but may still have PR if they fulfil the necessary criteria, or have education rights as parents under section 576 of the EA 1996 (see Section 5 above).

Where the child is open to, or a referral has been made to, Children and Families Services the Head Teacher or Designated Safeguarding Lead should consult with social care professionals in respect of any approaches for information about the child, or issues that may arise.

See Sections 14 & 15 regarding the voice of the child.

12. Rights of foster parents

Legally, foster parents do not have PR for a child in their care, although they may do "what is reasonable in the circumstances for the child's welfare" (*section 3(5), Children Act 1985*). What is reasonable depends on the urgency of the situation and whether it is practicable to consult the person with PR.

As a foster parent has day-to-day care for the child, they are arguably a "parent", as defined by section 576 of the EA 1996, and therefore entitled to make day-to-day decisions in relation to education, for example provide consent for school trips and be contacted in times of accident or emergency. However, in terms of giving consent for school activities this will very much depend upon the status of the child in the placement; whether they are living with the foster carer under an interim or final care order; whether the placement is short or long term. Schools should liaise with the foster carer, Children and Families Services and if necessary the birth parents and establish clarity around this issue at the outset of a child's attendance.

12.1 Private Fostering

A private fostering arrangement is made between a parent and another adult **without the involvement of a local authority** for the care of their child. For an agreement to be classed as 'private fostering' it must meet the following criteria:

- The child must be under 16 years of age (18 if disabled);
- The arrangement must be for 28 days or longer;
- The main carer will be someone other than the child's parent, step-parent, grandparent, sibling, aunt or uncle (either by blood), legal guardian or other person with parental responsibility.

A private fostering arrangement is distinguished from a fostering arrangement because the child is **not** 'looked after' and it is not arranged by the local authority. Further details can be found at <http://www.southampton.gov.uk/health-social-care/children/fostering/private-fostering.aspx>

In so far as the private foster carer's ability to make decisions regarding the child's day to day care is concerned, the extent of this will depend upon the arrangement that has been made between the carer and the parent. Schools should ensure that they are aware of these arrangements by speaking with the carer, if possible, the parent/s and the local authority which will have checked the placement and arrangements.

Both the child's parents and the private foster carer have a **duty** to notify Southampton City Council of the private arrangement at least 6 weeks before it is due to commence, or in the case of an emergency within 48 hours of the child being placed.

If schools become aware of private fostering arrangements it is good safeguarding practice to confirm that this arrangement is known to the local authority by contacting Southampton Multi-Agency Safeguarding Hub (MASH) and ask for private fostering, see section 19.

13. **Disputes between parents**

Schools should endeavour not to get involved in disputes between the parents of pupils following breakdowns in their relationships. Although it is appropriate for a school to seek copies of court orders so that the school records may be kept up-to-date, such orders should not be wholly relied upon as they may be changed without the school being notified. If a parental dispute does arise, the school should obtain a copy of any relevant current order, together with an assurance from all parties that the relevant order remains valid.

Parents should be encouraged to sort the issues out privately and inform you of the outcome; school are there to educate children and provide a safe haven, not to resolve parental disputes.

Where a parent's action, or proposed action, conflicts with the school's ability to act in the child's best interests, the school should try to resolve the problem with that parent but avoid becoming involved in conflict. However, there may be occasions when a school needs to decline requests for action from one or more parents.

Liaise with both parents to get both sides of the story, but remain impartial. In cases where schools cannot resolve the conflict between separated parents, they should advise the aggrieved parent to take independent legal advice and pursue the matter through the Family Court. As mentioned in section 7.1, schools may be required to provide what is called a s.7 report to the Court or assist in providing information for such a court to a social worker or children's guardian. In this instance, the school will be reporting to the court direct for the child and will not be providing evidence for one parent or the other.

Common areas of conflict are listed below:

13.1 **Safeguarding**

Where the school has evidence, or reason to believe, that the non-resident parent should not have contact with the child, or should not know where the child is enrolled, the following list contains strategies commonly employed by schools:

- Move the start and finish times of the school day for the pupil.
- Rotate the start and finish times of the school day for the pupil.
- Arrange for the parent with whom the child lives to go into school to collect the child.
- Agree passwords so that the school can confirm who is calling on the phone.
- Anonymised educational information could be provided to the non-resident parent.
- Allow the family to enter and exit the school via a different entrance.

Schools are encouraged to consider the family as a whole because a safeguarding issue that may not have a huge impact upon one child, may have on a sibling or parent.

13.2 **A child not being returned to the parent they ordinarily live with**

In such cases schools should liaise with both parents to try and establish:

- The whereabouts of the child (ask for the address).
- Whether the parent is making any attempt to secure their child's return, either informally or via solicitors.
- Whether there are any current court orders or special arrangements already in place.

- If there are any safeguarding concerns.
- Whether there were any other siblings at other schools and whether they were in the same position. If yes, schools should work together to ensure a consistent approach.
- Whether there any professionals involved (if yes they should be contacted to establish any further information).
- Whether there is any opportunity to dual register the child for a limited period of time.

13.3 **School pickups**

These can be a problem if one parent does not want the other to collect their child from school. The situation is clear if there is a court order preventing one parent from contact with the child. However, if there is no such restriction, and no safeguarding issues, then it would be difficult for the school to prevent a child going home with one or the other parent.

Good protocols are helpful in this situation. At the beginning of each school year, parents should be asked to complete a form giving the names of those who may collect their children, and should also be asked to contact the school if this changes for any reason. The forms should be sent to both parents.

If there is a dispute the parents should be asked to sort it out themselves and inform the school of their decision.

13.4 **School Trips**

The DfE state that where parental consent is needed for outings and activities, Headteachers should seek the consent from the resident parent unless the decision is likely to have a long-term and significant impact on the child, or the non-resident parent has requested to be asked for consent in all such cases.

In cases where the school considers it necessary or has been asked to seek consent from both parents, it is best for the school to assume that parental consent has not been given unless both parents have given consent. Such an approach ensures that the school has treated the views of each parent equally and will also help to safeguard the position of the school in terms of exposure to any potential civil liability where, for example, the child is injured while on a school trip.

Schools should avoid becoming involved in any disagreement between parents but might want to suggest that where parents cannot agree they seek independent legal advice about obtaining a Court order setting out exactly what decisions each parent can make in respect of the child (a Specific Issue or Prohibited Steps Order, as appropriate).

13.5 **Medical Treatment – Seeking Consent following Accident or Injury**

The Children Act 1989 provides that people who do not have parental responsibility but nonetheless have care of a child may:

‘...do what is reasonable in all the circumstances of the case for the purpose of safeguarding or promoting the child's welfare’.

This would allow schools to act ‘in loco parentis’, i.e. in place of a parent, or allow them to seek consent from a parent who may not hold parental responsibility.

It would clearly be reasonable for a school to take a child who needs to have a wound stitched in an emergency to hospital, with the appropriate supervision, but the parents, including the non-resident parent who has asked to be kept informed of events involving the child, should be informed as soon as possible.

13.6 **Attendance at parents\information evenings**

Keeping parents informed is not just about annual reports but decision-making such as GCSE choices and even school trips. Parents' evenings can be particularly difficult where there is acrimony between parents because they may not only require separate appointments, they may wish to avoid seeing each other altogether.

In the absence of any safeguarding issues or Court orders, steps should be taken to accommodate both parents' attendance at school.

13.7 **Changing a child's surname**

A pupil should be registered on the school admission register with the name that appears on their birth certificate even if they are known under a different name.

A change of surname is a private law matter and should be resolved between parents. Where the parents have divorced, schools should ensure that the surname by which a child is known should not be changed without written evidence (independent of the parent seeking to make the change), that consent has been given by the 'other parent' or by anyone else who has parental responsibility for the child.

A parent who wishes to change the surname of their child must have the consent of all those who have PR for the child, or a court order specifically permitting them to have the child's surname changed (section 13, CA 1989). Such consent should be in writing and even informal arrangements for a child to be known as a new name, or via a hyphenated name, require consent.

If parents have divorced or separated and there is no child arrangements order in force, neither parent may change the surname of the child or arrange for the child to be known by another name without the consent of the other. The name could also be protected with a prohibited steps order.

Where the mother alone has PR for the child, the father is not entitled to object to a change of the child's name, although he may be able to make an application to the court (section 13, CA 1989).

Section 14C(3) of the Children Act 1989 (CA 1989) states that:

'While a special guardianship order is in force with respect to a child, no person may cause the child to be known by a new surname.....without either the written consent of every person who has parental responsibility for the child or the leave of the court.'

A parent, anyone with parental responsibility, or the child him or herself, can apply to the court for a Specific Issue Order to change the child's surname.

A child of sixteen may change their name without their parent's consent.

13.8 **Right of contact**

If there is a parental dispute, the family should be encouraged by the school to keep them fully informed of what is happening and provide them with any court orders that may affect school life, such as child arrangements orders, that may prohibit one parent from collecting the child or having direct or indirect contact with them in school.

It is not up to the school to decide, where the parents have separated or divorced, whether a non-resident parent should have contact with the child at school. Where a child arrangements order is in force it is for the child's carer to determine contact. Therefore, if a non-resident parent requests contact at school, the school should:

- Seek consent from the parent who cares for the child.
- Permit contact only if it is clear under the terms of an order or the parent who cares for the child consents and it is considered safe and reasonable to do so.
- If the parents cannot agree they should be invited to resolve their differences with legal advice rather than through the school

13.9 **Leaving school**

It is not the duty of schools to inform parents with whom the child does not live on a day to day basis when their child leaves a school.

13.10 **Restricting access to the school site**

If the behaviour or language of a parent, or someone with PR, is deemed to be a risk to pupils or staff, schools may bar a parent from the school site. Parents should be advised of this decision in writing and Southampton City Council Legal Services can support schools with such issues. Further guidance can also be found in the DfE guidance document 'Access to, and barring of individuals from, school premises'.

13.11 **Applying for a school place**

Where parents have shared responsibility for a child, each for part of the week, and live at different addresses, the address that will be used for school admission purposes is that where the child lives for the majority of the school week. If the arrangement is for equal time during the week the parents must nominate one address which will be used for all applications. Parents may be asked to supply evidence of shared care arrangements. Parents cannot use one address for application to one school and the other address for application to another school.

14. **Information sharing**

14.1 **Rights of the data subject**

Only the data subject i.e. the child, has an automatic right to their information based upon their age, maturity and level of understanding. See Section 15 below.

14.2 The law governing pupil information

- Data Protection Act 1998.
- The General Data Protection Regulation (EU) 2016/679.
- The Education (Pupil Information) (England) Regulations 2005.

Child protection issues override the above and there may also be Court Orders in place, so efforts must be made to establish and corroborate whether there are any safeguarding issues, or legal judgements in place, that restrict access to, or information being provided about, the child.

A subject access request (SAR) is a written request made by, or on behalf of, an individual for the information which he or she is entitled to ask for under both the Data Protection Act 1998 and the General Data Protection Regulation, which will be in force in May 2018.

Schools are data controllers for the information they hold. The local authority is a data controller for the information we hold.

It is important that schools balance the requests of parents with their legal duties. Having parental responsibility does not allow a parent to obstruct a school from carrying out their duties under legislation. Information sharing should always be in the best interests of the child.

***For example:** a natural parent, with parental responsibility, informs their child's local authority maintained school that they do not wish their child's step-parent, who does not have parental responsibility but does have care of the child, to receive educational information about that child. The school should inform the natural parent that they cannot comply with that request.*

This is because under The Education (Pupil Information) (England) Regulations 2005, schools are required to provide access to, or copies of, a child's educational record to parents upon request. Therefore, if the school were to abide by the request of the natural parent they would be in breach of their obligations under education law.

Under the principles of data protection legislation, children and young adults can assume control over their personal information and restrict access to it, should they be of sufficient age or maturity to exercise their will in this matter. However, this control is not extended to cover information which is held within a pupil's educational record. Parents are entitled to request access to, or a copy of their child's educational record, even if the child does not wish them to access it. This applies until the child reaches the age of 18. This is however, subject to information that the school could not lawfully disclose to the child him/herself under data protection legislation or in relation to which the child him/herself would have no right of access.

The full definition of an educational record is contained in The Education (Pupil Information) (England) Regulations 2005 and can be accessed using the link below:

<http://www.legislation.gov.uk/uksi/2005/1437/regulation/3/made>

***For example:** a non-resident parent who has limited contact with their children, contacts the school to find out how well they did in their exams. Neither the children nor the resident parent wishes to share that*

information and informs the school of this. The school refuses to release the information on the basis that the children are sufficiently mature to have control over their personal information. The school has therefore breached education law by failing to provide information to which the non-resident parent is entitled.

This is because the Education Act provides a lawful basis to share information under data protection legislation because provision of this information is necessary to fulfil a function (see 5.1). That said, if there are concerns about disclosure, only the minimum amount necessary to discharge the statutory obligation should be released (see final paragraph of 15.1).

14.3 **If PR is confirmed and the legal position is clear, what information can be provided?**

See Section 10 above.

14.4 **Approaches from solicitors**

We would recommend that approaches from Solicitors', which should be made in writing, are passed to Southampton City Council Legal Services for a response.

If your school does not have an SLA with Legal Services we would advise that you:

- Carefully check any legal information you are given.
- See original documents and check that they have not expired or been superseded by a more recent version.
- Consult any professionals involved with the family.
- Verify that the request is made from a legitimate source.
- Ask questions until you are satisfied.
- Consult with the parent with day to day care of the child to establish if there are safeguarding issues that you may be aware of.
- Take advice from the NAHT or your school's legal services provider if you are unsure.

14.5 **Approaches from CAFCASS**

CAFCASS stands for Children and Family Court Advisory and Support Service and they represent children in family court cases, making sure that children's voices are heard and decisions are taken in their best interests. They are independent of the courts, social services, education and health authorities and all similar agencies. In cases of divorce and separation CAFCASS can only become involved in a case at the request of the Court.

You may be asked to provide information or give evidence about a child's behaviour under specific circumstances. It is important to ensure that your evidence is limited to fact, rather than opinion. If you were required to give evidence in court, you would be asked to justify it and would be cross-examined, possibly by a parent acting on their own behalf.

It is also important to confirm that you are speaking to a Court representative, or someone from CAFCASS.

14.6 Academies

Requirements on academies differ slightly and are derived from the Education (Independent School Standards) Regulations 2014 (Part 6 f). Under these Regulations, academies must provide an annual written report of each registered pupil's progress and attainment in the main subject areas taught, to the parents of that registered pupil (except that no report need be provided where the parent has agreed otherwise).

In cases where the school does not know the whereabouts of a non-resident parent, it should make the resident parent aware that the other parent is entitled to be involved in their child's education and request that information is passed on.

If the resident parent refuses to share information with the other parent and also refuses to provide contact details so that the school can deal direct with the non-resident parent, the school can do nothing more. It should be noted, however, that the resident parent may be genuinely unaware of the non-resident parent's whereabouts.

If the non-resident parent subsequently contacts the school and requests access to information, the school should provide it to that parent direct, after taking reasonable steps to satisfy itself that the individual is, in fact, the child's parent. See section 9.

14.7 Information sharing between schools

14.7.1 The Education (Pupil Information) (England) Regulations 2005

These regulations state that:

(5) Subject to paragraph (6), where the pupil is under consideration for admission to another school (including an independent school) or to a further education institution or higher education institution, the governing body shall transfer the pupil's curricular record to the responsible person, free of charge, within fifteen school days of receipt of the responsible person's written request for that record.

(6) The record supplied under paragraph (5) shall not include the results of any assessment of the pupil's achievements.

The legislation defines a curricular record as "a formal record of a pupil's academic achievements, his other skills and abilities and his progress in school". Southampton Legal services have clarified that an education record excludes formal exam results such as SATs and GCSEs.

14.7.2 School Admissions Code – December 2014

Sharing of pupil information between schools i.e. where a pupil is enrolled or was previously enrolled with a prospective new school is covered by section 2.9 of the Admissions Code:

Admission authorities must not refuse to admit a child solely because:

- a) they have applied later than other applicants;*
- b) they are not of the faith of the school in the case of a school designated with a religious character;*
- c) they followed a different curriculum at their previous school;*

- d) information has not been received from their previous school; or
- e) they have missed entrance tests for selective places.

14.7.3 Data Protection Legislation

Information sharing is also governed by data protection legislation and the data protection principles included in the Data Protection Act 1998 and the General Data Protection Regulation (which comes into force in May 2018). Schools should consider the advice contained in **Appendix 2**.

14.7.4 Privacy Notices

The following paragraph has been added to the SCC model Privacy Notices (**Appendix 5 and 6**) for Schools that:

Schools will also provide and receive information as a result of school admissions processes; in-year admissions, coordinated admission schemes, mandatory Fair Access Protocols and as required under the admission policies of individual schools. This information is needed in order to accurately rank applicants so that places are offered to those who are entitled to them.

14.7.5 Child Protection records

The Southampton City Council “Guidance on the retention and transfer of CP records for education” can be found at:

<http://www.youngsouthampton.org/working-with-children/schools-guidance/safeguarding/local-advice-guidance.aspx>

14.7.6 Information Commissioner

Schools that share sensitive information with other schools, where a child is not yet enrolled, could be left vulnerable to a complaint being made to the Information Commissioner, as this could be unlawful processing, particularly if this information is then used to refuse to admit the child. Under the General Data Protection Regulation, the maximum administrative penalty available to the Information Commissioner for unlawful processing is €20million.

In order to avoid this situation we would recommend that schools seek parental permission to share sensitive information. The Leavers Form template, contained in the CME Guidance for Schools, has also been amended to include an information sharing statement.

15. Under what circumstances can information be withheld

A child’s data belongs to them and before responding to a subject access request for information held about a child, you should consider whether the child is mature enough to understand their rights.

The following factors should be taken into consideration:

- The child’s level of maturity and their ability to make decisions like this.

- The nature of the personal data.
- Any court orders relating to parental access or responsibility that may apply.
- Any duty of confidence owed to the child or young person.
- Any consequences of allowing those with parental responsibility access to the child's or young person's information. This is particularly important if there have been allegations of abuse or ill treatment.
- Any detriment to the child or young person if individuals with parental responsibility cannot access this information.
- Any views the child or young person has on whether their parents should have access to information about them.

15.1 Exemptions from data protection legislation

- (1) Personal data to which this Order applies are exempt from a data subject's right of access in any case to the extent to which the application of that section **would be likely to cause serious harm to the physical or mental health or condition of the data subject or any other person.**
- (2) In circumstances where the exemption in paragraph (1) does not apply, where any person falling within paragraph (3) is enabled by or under any enactment or rule of law to make a request on behalf of a data subject and has made such a request, **personal data consisting of information as to whether the data subject is or has been the subject of, or may be at risk of, child abuse are exempt from the subject access provisions in any case to the extent to which the application of that section would not be in the best interests of that data subject.**
- (3) A person falls within this paragraph if –
 - (a) the data subject is a child, and **that person has parental responsibility** for that data subject; or
 - (b) the data subject is incapable of managing his own affairs and that person has been appointed by a court to manage those affairs.
- (4) For the purposes of paragraph (2), "child abuse" includes physical injury (other than accidental injury) to, and physical and emotional neglect, ill-treatment and sexual abuse of, a child.
- (5) Paragraph (2) shall not apply in Scotland.

In cases where an exemption is applied and the local authority declines to provide the name of a school at which a child is registered, the expectations of the Education Act 1996 will be met by the local authority providing anonymised information to the person with parental responsibility making the request.

16. Data Sharing advice from the ICO

The ICO checklists are attached as **Appendix 2.**

17. Home address

In cases where schools encounter difficulties in obtaining the home address details for a pupil, it may be helpful to be able to cite The Education (Pupil Registration) (England) Regulations 2006 which state that:

The admission register for every school shall contain an index in alphabetical order of all the pupils at the school and shall also contain the following particulars in respect of every such pupil—

(a) name in full;

(b) sex;

(c) 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;

(d) day, month and year of birth;

(e) day, month and year of admission or re-admission to the school; and

(f) name and address of the school last attended, if any.

In September 2016 the following addition to the above regulation was made:

Where a parent of the pupil notifies the proprietor of the school or a person authorised by the proprietor of the school 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 currently normally resides—

(i) the full name of the parent with whom the pupil 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.”

18. Be prepared – protocols and procedures

18.1 Local Authority

At the time of a school place being offer by the local authority, a letter from the Admissions Manager (see **Appendix 1**) will accompany the school notification, outlining good practice steps that schools should take for children where it is known that:

- The family are living in refuge.
- The child is subject to CP Planning.
- Other safeguarding concerns were reported on the application form.

The local authority can also act as a conduit for information sharing i.e:

- To provide anonymised information to parents who do not have day to day care for a child, where PR has been confirmed but there are safeguarding concerns.
- When parents have left for safeguarding reasons and it has been agreed that the most appropriate approach is for the Southampton school to remain unaware of the forwarding destination of the child. In such circumstances the CTF should be sent to the Lost Pupil

Database (7 x's). Paper files can then be forwarded by the local authority Children Missing Education Officer. This approach should be taken for all refugee families.

The model Pupil Registration Form template (**Appendix 4**) has been updated to cover issues such as Court Orders, PR and agency involvement. This will give schools (Headteachers or Designated Safeguarding Leads) the opportunity to unpick any safeguarding\PR issues as soon as children are enrolled.

18.2 Schools

The welfare of the child must be the paramount consideration for schools. In the event of a concern being raised where the school is unclear how to act, advice should be sought from Southampton City Council Legal Services where the school has an SLA, or independent legal advice if it does not, to ensure that a parent's rights and responsibilities are not infringed and the actions of the school are compliant with education law.

Best practice from the outset should help schools to avoid conflict situations further down the line around non-resident parents who wish to be involved in their child's education. It is recommended that schools:

- Request and record the names and addresses of **every** parent and carer of the pupil so that they can record who they are and with whom the pupil usually lives with.
- Request copies of any orders limiting an individual parent's PR (bearing in mind that they may be changed without the school being notified) and record this information in the child's records. Until orders are prepared confirmation may be accepted in writing from a Solicitor.
- Ensure that relevant staff are aware of any Court orders or access arrangements and of what to do in an emergency.
- Ask the parent with whom the child lives if there are any confidentiality issues regarding the location of the child.
- Ask parents to keep the names and contact details of any professionals working with the family up to date.
- Ensure that the pupil registration form correctly indicates who has PR and who does not.
- Inform the resident parent that the non-resident parent is entitled to be involved in the child's education, although the school can do nothing if the resident parent refuses to share information on the pupil with the non-resident parent. The resident parent should be notified of any approaches.
- Treat parents equally – send progress information to both birth parents and those with PR.
- Ask if there are any issues if a non-resident parent is not named on a pupil registration form.
- Are mindful to protect the private data of each parent and avoid inadvertent disclosure (particularly as some parents will have been, or may be risk of being, a victim of domestic violence).
- Record emergency contact details for the parents.
- Ensure that arrangements are in place to notify and record any alterations to pick up routines.
- Consider agreeing additional security questions with parents for when contact is made with the school, if circumstances warrant such strategies.
- Should not accede to any request from a parent to change the pupil's name in the school records, following the breakdown of a marriage, unless consent to effect the change is given in writing from the other parent.

- If directly contacted by the non-resident parent with a request for access to information on their child, should take reasonable steps to ensure that the individual is the child's parent before providing that information. See **Section 9** above.
- Seek legal advice if contacted by lawyers asking school to go to court.
- If parents advise that they are separating, ask for a new parental registration form to be completed and signed by the parent with whom the child lives.
- **When a decision to share has been made, record the decision and the reasoning.**

19. Further information\advice

The welfare of the child must be the paramount consideration for schools and further sources of advice are listed below:

- NAHT – Advice and guidance – parental conflict
- DfE – Understanding and dealing with issues relating to parental responsibility.
- Independent legal advice
- DfE advice on school security: Access to, and barring of individuals from, school premises
- Information Commissioner’s Office. <https://ico.org.uk/>
- Southampton City Council:

MASH (mash@southampton.gov.uk)	023 8083 3336
Lead Officer Inclusion Services	023 8083 3889
Admissions Manager	023 8083 3004
Senior Education Welfare Officer	023 8083 4229
Children Missing Education Officer	023 8083 3666
SCC Legal Services	legal@southampton.gov.uk

20. Complaints

Complaints about the actions of a school should be made using the school complaints procedures.

Details of the Southampton City Council complaints procedure can be found at:

<http://www.southampton.gov.uk/council-democracy/have-your-say/comments-complaints/complaints.aspx>

Good practice for schools admitting children where it is known that they are in refuge or subject to CP Planning

Following offer of a school place and at the point of admission the Headteacher or Designated Safeguarding Lead should meet privately with the parent(s) to unpick any issues the school need to be aware around:

- Ensure that a Pupil Registration Form is fully completed.
- Emergency contacts.
- Access to the child.
- Confidentiality around living arrangements.
- Safeguarding history to the case and any operational strategies the school need to put in place.
- Names and contact details of professionals\agencies involved.
- Parental responsibility.
- Siblings at other schools and their CP status or relationship to a perpetrator of DV.
- Any MARAC or MAPPA involvement.
- Previous CLA (Virtual School will be involved if currently CLA).
- Any current or previous Court Orders.
- Does the LA hold any CYPs that you may be unaware of?
- Schools should also discuss with the parent what information is contained in their child's CTF from their previous school and whether it is appropriate for it to be imported into SIMS, deleting any inappropriate contact information.

Once the child has been enrolled at your school the following actions should be taken:

- Contact the named Social Worker to advise them of enrolment and to find out if there are any safeguarding issues that the school need to be alerted to.
- Ensure that relevant staff (including Reception staff) are aware of any contact or confidentiality issues.

Thank you for your support and cooperation.

Ross Williams
School Admissions Manager
Southampton City Council

Systematic data sharing - you want to enter into an agreement to share personal data on an ongoing basis.

Is the sharing justified? Key points to consider:

- What is the sharing meant to achieve?
- Have you assessed the potential benefits and risks to individuals and/or society of sharing or not sharing?
- Is the sharing proportionate to the issue you are addressing?
- Could the objective be achieved without sharing personal data?

Do you have the power to share? Key points to consider:

- The type of organisation you work for.
- Any relevant functions or powers of your organisation.
- The nature of the information you have been asked to share (for example was it given in confidence?).
- Any legal obligation to share information (for example a statutory requirement or a court order).

If you decide to share

It is good practice to have a data sharing agreement in place. As well as considering the key points above, your data sharing agreement should cover the following issues:

- What information needs to be shared.
- The organisations that will be involved.
- What you need to tell people about the data sharing and how you will communicate that information.
- Measures to ensure adequate security is in place to protect the data.
- What arrangements need to be in place to provide individuals with access to their personal data if they request it.
- Agreed common retention periods for the data.
- Processes to ensure secure deletion takes place.

One off requests - you are asked to share personal data relating to an individual in 'one off' circumstances.

Is the sharing justified? Key points to consider:

- Do you think you should share the information?
- Have you assessed the potential benefits and risks to individuals and/or society of sharing or not sharing?
- Do you have concerns that an individual is at risk of serious harm?
- Do you need to consider an exemption in the DPA to share?

Do you have the power to share? Key points to consider:

- The type of organisation you work for.
- Any relevant functions or powers of your organisation.
- The nature of the information you have been asked to share (for example was it given in confidence?).
- Any legal obligation to share information (for example a statutory requirement or a court order).

If you decide to share key points to consider:

- What information do you need to share?
 - Only share what is necessary.
 - Distinguish fact from opinion.
- How should the information be shared?
 - Information must be shared securely.
 - Ensure you are giving information to the right person.

Consider whether it is appropriate/safe to inform the individual that you have shared their information.

Record your decision

Record your data sharing decision and your reasoning whether or not you shared the information. If you share information you should record:

- What information was shared and for what purpose.
- Who it was shared with.
- When it was shared.
- Your justification for sharing.
- Whether the information was shared with or without consent.

CASE A

The father of a child in refuge with their mother, fleeing domestic abuse, received regular e-mails and text contact from his child’s school, unbeknown to the child’s mother, until the situation came to light as a result of first day absence procedures. The school believed this as appropriate because the father had PR.

The mother had not named the child’s father on the Pupil Registration Form or provided any details of him. She had not provided copy Court Orders, but had verbally updated the school on more than one occasion on the level or risk they were subject to.

This situation arose following the import of a CTF from the previous school in another authority, which held details of the father, so automatically updated SIMS.

Response\Advice

Schools should exercise extreme caution when a family is in refuge and whilst privacy is a factor, sufficient information should have been shared in school to prevent the father from being invited to be part of the routine e-mail update system.

When any safeguarding issues come to light, schools should check the information provided on the Pupil Registration Form and compare it to that held in SIMS, investigating any inconsistencies.

When completed Pupil Registration Forms are received which highlight PR issues, or that Court Orders are in place, the Designated Safeguarding Lead should discuss the situation with Parent(s) and agree any actions that are needed.

CASE B

A father contacted a school to ask them to confirm the enrolment of his son because his wife had removed him from Scotland, against the instructions of the Sherriff. The Court had been advised that a Southampton school had offered his son a place and he would be joining them.

The child was not known to the school and the LA was advised of the father’s enquiry.

Response\Advice

- Father was contacted as this was potentially a CME case (the child was not known to us).
- Proof of parental responsibility was requested and received.
- Court and legal documentation was requested and received which confirmed the instructions of the Sherriff that the mother was not allowed to remove the child from Scotland.
- The legal documentation confirmed that mother had been untruthful to the Court and advised them that her son had been offered a place at a Southampton school when he had not.
- The mother was contacted and asked to confirm whether there were any additional Court Orders in place that restricted the parental responsibility of the father and whether there were any

safeguarding issues relating to the child. She was asked to provide confirmation from their solicitors.

- A late in-year application was received and a school place offered.
- In the absence of safeguarding concerns, father was notified by the LA of the school we had offered.

CASE C

A mother attended the Civic Centre to complain that her child had been abducted and the Police and Children's Services would not help her to get the child back.

Response\Advice

A conversation with the mother revealed that:

- The child was with biological father who had PR.
- There were no safeguarding concerns.
- The child had not been returned following contact.
- There were no Court Orders in place.
- She only had telephone contact with the child's father.

Mother was advised that because father had parent had responsibility he had not broken the law. This, coupled with the fact that the child was not in danger, was why there was no agency role. Mother was advised to seek legal advice because this was a private matter.

CASE D

School reported that a child was absent because they had not been returned to mother, following contact with father (who had PR) over the school holidays. Father lived in another LA area.

Response\Advice

School was advised to:

- Ensure that they liaised with both parents.
- Establish whether there were any Court Orders in place.
- Establish if there were any safeguarding concerns.
- Establish whether there were any other siblings at other schools and whether they were in the same position. If yes, schools should work together to ensure a consistent approach.
- Establish whether the mother was making any attempt to secure the child's return, either informally or via solicitors.
- If no steps were being taken to secure the child's return and the father had no intention of doing so, the child could be removed from roll once the usual Children Missing Education procedures had been followed.
- If negotiations were ongoing the school should consider entering into a dual registration arrangement for an agreed period of time.

CASE E

The father of a child in refuge contacted his child's school to ask if the child was enrolled. This information was not provided. The father subsequently turned up at school and was given a tour on the basis that he had PR and was allowed unsupervised contact under the terms of a Court Order. Mother was not informed.

Response\Advice

Whilst the father did have parental responsibility for the child because he was biological father, he did not have for the child's sibling at the same school and he did not have day to day care for his child i.e. PR as defined by the Education Act 1996. Mother had PR under both pieces of legislation. Even without detailed knowledge of the background circumstances, the mother and children were in refuge so should have been deemed to be at high risk.

The child's mother should have been alerted to the initial telephone enquiry so that appropriate safeguarding measures could have been put in place. She should definitely have been alerted to the fact that the father turned up at the school. The impact upon the family as a group should have been taken into account.

The Police should have been called due to the risks associated with all residents of the refuge. The advice of Southampton City Council Legal Services should have been sought.

The local authority declined to provide father with the name of the child's school on the basis that disclosure "would be likely to cause serious harm to the physical or mental health or condition of the data subject or any other person". He subsequently made a complaint about Southampton City Council to the Information Commissioner who found in favour of the local authority, but advised that the enquiry should have been dealt with as a Subject Access Request.

CASE E

School reported that a child was absent because they had not been returned to mother, following contact with father (who had PR) over the school holidays. Father lived in another country.

Response

It was established that the country the child was in with his father was a member of the Hague Abduction Convention (a multilateral treaty developed by the Hague Conference on Private International Law that provides an expeditious method to return a child internationally abducted by a parent from one member country to another).

The personal efforts of mother to secure the child's return had been ineffective and she therefore needed to seek legal representation and follow a lengthy legal process. Funding was an issue.

The child was removed from roll.

PUPIL REGISTRATION FORM [CONFIDENTIAL]

All schools are required by law to keep on record details of children admitted; we should therefore be grateful if you would complete this form in BLOCK CAPITALS and hand it into the school office when your child is admitted. This information may also be used in support of our responsibilities to safeguard and promote the welfare of children. For further details of how the information will be used, please see the data protection statement at the end of the form. Your child's birth certificate should be presented at the time your child is admitted to primary education.

PUPIL DETAILS

Legal Surname:		Legal Forename:	
Middle name(s):		Preferred Forename:	
Preferred Surname:		Date of birth:	
Gender:	Male / Female <i>(delete as applicable)</i>		

ADDRESS DETAILS

Present address		Other address	
Flat/apartment no.		Flat/apartment no.	
Block Name:		Block Name:	
* House no./name:		House no./name:	
* Street		Street	
* Town/city		Town/city	
* County:		County:	
* Postcode:		Postcode:	
* Required fields		Type:	<i>Term time / overseas / other</i>

If the child's residence at the present address (whether living with parents or any other person) is not permanent, please state the reason and probable duration of the stay, and give the name address of the person with whom the child normally resides.

Reason:	
Dates applicable:	
Name:	
Address:	
Relationship to child:	

PARENTAL CONTACTS					
Details of parent 1			Details of parent 2		
Mr/Mrs/Ms/Miss/Other			Mr/Mrs/Ms/Miss/Other		
Forename:			Forename:		
Surname:			Surname:		
Address (if not home address above):			Address (if not home address above):		
Post Code:			Post Code:		
Tel No's:	Home:		Tel No's:	Home:	
	Mobile:			Mobile:	
E-mail:			E-mail:		
Work: for emergency use			Work: for emergency use		
Days/hours worked:			Days/hours worked:		
Address:			Address:		
Tel no:			Tel no:		
Priority to contact in an emergency: 1st 2nd (please circle)			Priority to contact in an emergency: 1st 2nd (please circle)		
Parental Responsibility: Yes / No			Parental Responsibility: Yes / No		
Relationship to child:			Relationship to child:		
With whom does the child live?					

CIVIL COURT ORDERS - This information is needed to comply with our duties under the Children Act 1989					
Order name	In place	Attached	Order name	In place	Attached
Prohibited Steps Order	Yes\No	Yes\No	Restraining Order	Yes\No	Yes\No
Specific Issue Order	Yes\No	Yes\No	Non-Molestation Order	Yes\No	Yes\No
Child Arrangements Order	Yes\No	Yes\No	Domestic violence protection notices & protection orders	Yes\No	Yes\No
Other e.g. Injunctions, Exclusion Order (please specify):				Yes\No	Yes\No

CONTACT WITH NON-RESIDENT PARENTS NAMED ABOVE

This information is needed to comply with our duties under the Children Act 1989

This relates to parental responsibility as defined by the Children Act 1989.

Everyone who is a parent has a right to participate in decisions about a child's education, even though the school's main contact is likely to be the person with whom the child lives on school days. On separation or divorce both parents continue to have responsibility. Non-married fathers, in certain circumstances, may also have parental responsibility.

If approached by a non-resident parent who is named above we will provide the following information or access to the child, in order to satisfy this statutory right:

Provision of school reports
Invitation to parents evenings
Collection from school

Contact during times of illness
Contact during times of absence
Invitation to sports day and other whole school activities

CONTACT WITH NON-RESIDENT PARENTS NOT NAMED ABOVE

This information is needed to comply with our duties under the Children Act 1989

Unless there is a Court order limiting an individual's exercise of PR, such as an order preventing the absent parent from having contact with the child, or there are safeguarding concerns the school and local authority staff must treat all parents equally.

If there are any safeguarding reasons why a non-resident parent should NOT have access to the child, or know that the child is enrolled in the school, or provided with the above information, please make an appointment to discuss this further with the school and provide details below.

Name:		Relationship to child:	
Home Address if known:	Work Address if known:		
Post Code:		Post Code:	
Tel Nos if known:	Home:		
	Mobile:		
	Work:		
Is the child resident with foster parents:			Yes \ No
If 'yes'; which Authority is financially responsible for maintenance?			

DETAILS OF ANY CURRENT PROFESSIONAL INVOLVEMENT

Working Together to Safeguard Children 2013 states that effective sharing of information between professionals and local agencies is essential for effective identification, assessment and service provision.

Name	Organisation\Service	Contact telephone number
Is your child subject to:	Child Protection Planning? Yes/No	Child in Need support? Yes / No

ADDITIONAL CONTACTS

From time to time it may be necessary to contact someone during the school day, e.g. in the case of a child's sickness. Please list below the details of any person we can contact on such an occasion.

Details should be listed in the order of contact preference.

No.	Name & relationship to the child	Priority to contact in an emergency	Parental responsibility	Daytime address & telephone number (if same as home address please write HOME)
1		Priority to contact in an emergency 1 2 3	Yes/No (delete as required)	Address: Phone:
2		Priority to contact in an emergency 1 2 3	Yes/No (delete as required)	Address: Phone:
3		Priority to contact in an emergency 1 2 3	Yes/No (delete as required)	Address: Phone:

MEDICAL INFORMATION

DOCTOR

Doctor's Name:		Surgery Name:	
Surgery Address:		Surgery telephone:	

DIETARY NEEDS – *please tick all that are appropriate*

- | | | | |
|---|--------------------------------------|---|---|
| <input type="checkbox"/> Artificial colour allergy | <input type="checkbox"/> Gluten Free | <input type="checkbox"/> Kosher food only | <input type="checkbox"/> No dairy produce |
| <input type="checkbox"/> No nuts of any type/quantity | <input type="checkbox"/> No pork | <input type="checkbox"/> Halal food only | <input type="checkbox"/> Seafood allergy |
| <input type="checkbox"/> Vegetarian | <input type="checkbox"/> No beef | <input type="checkbox"/> Other (please specify) | |

MEDICAL INFORMATION - *please tick all that are appropriate*

Including allergies, medication requirements:			
<input type="checkbox"/> Multiple Sclerosis	<input type="checkbox"/> Diabetes	<input type="checkbox"/> Asthma	<input type="checkbox"/> Eczema
<input type="checkbox"/> Tuberculosis	<input type="checkbox"/> Epilepsy	<input type="checkbox"/> Arthritis	<input type="checkbox"/> A.D.H.D.

If your child uses an inhaler, is it carried on their person? Yes / No

Have any other services been involved with your child (e.g. Health Visitor; Social Services; Education Psychologist; Bilingual Support Service; Speech Therapist; Child & Family Guidance; Portage; Teacher Advisers; Assessment Unit; Diagnostic Unit; etc)

Is there any other information you feel we should be aware of? Please specify.

SIBLINGS

Information on other children in the family will only be used in relation to this application to the school or in support of our responsibilities to safeguard and promote the welfare of children.

Name	DOB	School	Relationship	Position of this child in the family (i.e. if this child has one older and one younger sibling – write 2/3)

ETHNIC/CULTURAL INFORMATION

Please complete the following, this will help us to see how well children from different groups are doing. We want to make sure that **all** children are treated fairly and do well at school

ETHNICITY – Please tick one box only

<p><i>White</i></p> <p><input type="checkbox"/> British</p> <p><input type="checkbox"/> Irish</p> <p><input type="checkbox"/> Traveller of Irish Heritage</p> <p><input type="checkbox"/> Gypsy/Roma</p> <p><input type="checkbox"/> Any other white background</p>	<p><i>Asian or Asian British</i></p> <p><input type="checkbox"/> Indian</p> <p><input type="checkbox"/> Pakistani</p> <p><input type="checkbox"/> Bangladeshi</p> <p><input type="checkbox"/> Any other Asian background</p> <p><i>Mixed</i></p> <p><input type="checkbox"/> White & Black Caribbean</p>	<p><i>Other</i></p> <p><input type="checkbox"/> Any other ethnic group</p> <p><i>Chinese</i></p> <p><input type="checkbox"/> Chinese</p>
<p><i>Black or Black British</i></p> <p><input type="checkbox"/> Caribbean</p> <p><input type="checkbox"/> African</p> <p><input type="checkbox"/> Any other black background</p>	<p><input type="checkbox"/> White & Black African</p> <p><input type="checkbox"/> White & Asian</p> <p><input type="checkbox"/> Any other mixed background</p>	

WHAT IS YOUR CHILD'S RELIGION? Please tick one box only

<input type="checkbox"/> Christianity	<input type="checkbox"/> Sikhism	<input type="checkbox"/> Judaism	<input type="checkbox"/> No Religion
<input type="checkbox"/> Buddhism	<input type="checkbox"/> Islam	<input type="checkbox"/> Hinduism	Other _____

LANGUAGE - Collected by school for the Department for Education

Language spoken at home		Second home language (if applicable)	
--------------------------------	--	---	--

NATIONALITY

COUNTRY OF BIRTH

--	--

VISAS This information is important and will enable us to meet our children missing education responsibilities and to plan for any absences which may impact upon school attendance.

If your child is the subject of a visa to be in the UK please state:

Type of visa:	Expiry date:

ADDITIONAL INFORMATION**SPECIAL EDUCATIONAL NEEDS AND DISABILITY**

Does your child have additional needs such as autism spectrum condition, dyslexia, dyspraxia, hearing impairment, visual impairment? If yes, please give details:

Does your child have a Statement of Special Educational Needs? **Yes \ No**
(please circle)

Does your child have an Education Health & Care Plan? **Yes \ No** (please circle)

HOW DO YOU NORMALLY TRAVEL TO SCHOOL

- Dedicated School Bus Walk Car/Van Other
 Public Service Bus Cycle Car Share
 Bus (type not known) Taxi Train _____

School use only:

LA provided transport: Route

SERVICE CHILD INDICATOR – This information allows schools to apply for additional funding to help raise attainment.

Are either of the parents, service personnel serving in regular HM Forces? **Yes / No**

CARE STATUS - This information allows schools to apply for additional funding to help raise attainment.

Is your child looked after i.e. in the care of, or provided with accommodation by, an English local authority? **Yes/No**

Has your child ceased to be looked after because of:

Adoption	Yes/No
A Special Guardianship Order	Yes/No
A Child Arrangements Order	Yes/No
A Residence Order	Yes/No

MEALS – please tick as appropriate

- | | |
|---|---|
| <input type="checkbox"/> Entitled to Free School Meal (If Known – See Section Below) | <input type="checkbox"/> Paid School Meal |
| <input type="checkbox"/> Entitled to Universal Infant Free Meal (Pupils in Years R, 1 and 2 only) | <input type="checkbox"/> Goes Home |
| | <input type="checkbox"/> Packed lunch |

FREE SCHOOL MEALS

The information captured in this section will be used by the school or the Local Authority to check your child's eligibility for free school meals and Pupil Premium Eligibility (the completion of this box is optional). If your child is in Years R, 1 or 2 and therefore entitled to the Universal School Meal it is worth checking for free school meal eligibility as this may result in the schools entitlement to Pupil Premium for your child.

I declare that the information I have given is true and if I give information that is incorrect or incomplete action may be taken against me.

	Parent One (claimant)	Parent Two
Full Name		
Date of birth		
National Insurance Number		
NASS number		

Tick this box only if you do not want a check to be carried out on the eligibility for Free School Meals / Pupil Premium for your child.

Please note pupil premium gives the school more funding for your child's education. By ticking this box your child will not benefit from this additional funding, if eligible.

You can also perform your own FSM eligibility check by visiting our website at:

<https://www.cloudforedu.org.uk/ofsm/southampton/>

Please select the correct school name from the list on the second page of the on line form and if eligible, the school will be notified of this.

SCHOOL HISTORY

PREVIOUS EDUCATION DETAILS (Most Recent First) – INCLUDING ELECTIVE HOME EDUCATION

School / Pre-School Name	Contact Details	Date of arrival (dd/mm/yy)	Date of leaving (dd/mm/yy)	Reason For Leaving
	Address: Telephone:			
	Address: Telephone:			
	Address: Telephone:			
For pupils being admitted into Reception Year only, please include the number of terms spent in pre-school education, where known.				

PARENTAL DECLARATION

DATA PROTECTION STATEMENT:

What happens to your personal information?

The purpose of this form is to collect data for further processing within the school/LA systems. By signing this form, you understand that the school/LA will process the data in the exercise of their statutory duties. The data will be processed in accordance with the purposes notified by the school/LA to the Information Commissioner's Office and specified on our Privacy Notice. Both the school and the LA are subject to data protection legislation. The information given will be entered onto a computer and will form part of the school's database. This information will also be shared with the school nurse and dental health and as per the Privacy Notice and may be used in support of our responsibilities to safeguard and promote the welfare of children. Schools cannot enrol a child and create an admission register without certain information, contained on this form.

DECLARATION OF PERSON WITH LEGAL RESPONSIBILITY:

I declare the above information to be correct to the best of my knowledge at the time of completion.

I agree to notify the school of any change in my child's circumstances.

Signed: _____

Date: _____

Relationship to child: _____

Information about pupils in schools, alternative provision and pupil referral units

We, **xxxxxxx**, are a data controller for the purposes of data protection. We collect information from you and may receive information about you from your previous setting or education provider, local authorities, the Department for Education (DfE) and the Learning Records Service (<https://www.gov.uk/government/publications/learning-records-service-the-plr-for-learners-and-parents>).

A great deal of the information we collect is included in the Pupil Registration Form, completed on your child's admission to the school which, when signed, gives us your permission to process the data. In addition, we collect information on national curriculum assessment results, attendance, academic progress, medical issues, safeguarding and special educational needs and disabilities.

We hold this personal data and use it to:

- Meet our statutory duty to create and maintain an admission register under the Education (Pupil Registration) (England) Regulations 2006 and subsequent amendments, without which schools are unable to enrol a pupil.
- Support teaching and learning. In order to facilitate this, we may share information with the software supplier (listed at the end of this document) to set up the systems needed for pupils and parent/carers to access.
- Monitor and report on academic progress.
- Provide appropriate pastoral care (Keeping Children Safe in Education 2016).
- Assess how well we, as an education provider, are doing.
- Co-operate with Southampton City Council and external partners to improve the well-being of children, under the duty of the Children Act 2004. [Working Together to Safeguard Children \(2015\)](#)
- Share information with Southampton City Council and external partners to support the duty to safeguard and promote the welfare of children, under the Children Act 1989, Section 17. [Working Together to Safeguard Children \(2015\)](#)
- Share data with professionals commissioned by the school or working with a pupil such as the School Nurse or health services.
- Comply with our statutory duty under the Education (Pupil Information) (England) Regulations 2005 Statutory Instrument and subsequent amendments in The Education (Pupil Information) (England) (Amendment) 2008 to create a Common Transfer File when a child ceases to be registered at a school and becomes a registered pupil at another school in England or Wales. This would also apply to pupils who are dually registered at more than one school. If a Common Transfer File cannot be sent to a new school when a pupil leaves, one must be sent to the DfE Lost Pupil Database.
- Provide information via statutory census returns to the DfE and in turn this will be available for the use of Southampton City Council to carry out its official functions, or a task in the public interest. Further information can be found online at <https://www.gov.uk/government/publications/school-census-2016-to-2017-guide-for-schools-and-las>
- Send pupil information to Southampton City Council on a regular basis in accordance with our information sharing agreement to enable the local authority to meet its duty under data protection legislation to ensure that the data it holds is accurate and also to carry out its official functions, or a task, in the public interest.

- Notify Southampton City Council on a termly basis of all pupils on a reduced timetable so that the local authority can comply with statutory Ofsted requests for data at the time of inspection.
- Comply with the statutory requirements of the Education (Pupil Registration) (England) Regulations 2006 and subsequent amendments, notifying Southampton City Council if a child leaves the school and providing forwarding details. A failure to provide this information will result in pupils being recorded as a “Child Missing Education”, in accordance with the government definition.
- Provide attendance information to Southampton City Council so that its duties under the Anti-Social Behaviour Act 2003, Section 444 of the Education Act 1996 and Section 36 of the Children Act 1989 (Education Supervision Orders) can be met.
- Provide exclusion information to Southampton City Council so that its duty Under Section 19 of the Education Act 1996 can be met.
- Meet our duty to provide information about any exclusions within the last 12 months to the Secretary of State and (in the case of maintained schools and PRUs) the local authority, in accordance with The Education (Information About Individual Pupils) (England) Regulations 2006.

Schools will also provide and receive information as a result of school admissions processes; in-year admissions, coordinated admission schemes, mandatory Fair Access Protocols and as required under the admission policies of individual schools. This information is needed in order to accurately rank applicants so that places are offered to those who are entitled to them.

Your information will not be used for any other purpose or shared with any other organisation unless provided for by law or covered in this Privacy Notice.

The school members of staff responsible for data protection, who should be contacted in writing if you would like to receive a copy of the information about you that we hold or share, are:

XXXXXX

For information on how long the school will store the information collected please refer to the school XXXXXX Policy.

Should you have any concerns with how your data is being processed, the following steps should be taken:

- Step 1: Contact the school Data Protection Officer.
- Step 2: If concerns remain unresolved, follow the school Complaints procedure.
- Step 3: Contact the Information Commissioner's Office (www.ico.org.uk)

For further information on the circumstances under which you have the right to request access to, or rectification\erasure of, your personal data please visit the Information Commissioner’s website.

Southampton City Council has a duty under the Children Act 2004 to co-operate with their partners in health and youth justice to improve the wellbeing of children in their area and will agree information sharing agreements with partners to enable them to carry out official functions, or a task in the public interest.

The DfE may also share pupil level personal data that we supply to them, with third parties. This will only take place where legislation allows it to do so and it is in compliance with the data protection principles. Decisions on whether DfE releases this personal data to third parties are subject to a robust approval process and are based on a detailed assessment of who is requesting the data, the purpose for which it is required, the level and sensitivity of data requested and the arrangements in place to store and handle

the data. To be granted access to pupil level data, requestors must comply with strict terms and conditions covering the confidentiality and handling of data, security arrangements and retention and use of the data.

For more information on how this sharing process works, please visit:

<https://www.gov.uk/guidance/national-pupil-database-apply-for-a-data-extract>

For information on which third party organisations (and for which project) pupil level data has been provided to, please visit: <https://www.gov.uk/government/publications/national-pupil-database-requests-received>

If you require more information about how the Local Authority (LA) and/or DfE store and use your information, then please go to the following websites:

- www.youngsouthampton.org/privacynotice.aspx and
- <http://media.education.gov.uk/assets/files/doc/w/what%20the%20department%20does%20with%20data%20on%20pupils%20and%20children.doc>
- <http://www.education.gov.uk/researchandstatistics/datatdatam/b00212337/datause>

If you are unable to access these websites we can send you a copy of this information. Please contact the LA or DfE as follows:

- **Solicitor for Education:** Legal Services, Southampton City Council, Ground Floor, Civic Centre, SO14 7LY
- **Public Communications Unit:** Department for Education, Sanctuary Buildings, Great Smith Street, London, SW1P 3BT
Website: www.education.gov.uk

Email: www.education.gov.uk/help/contactus

Telephone: 0370 000 2288

School postal address	
School e-mail address	
School telephone number	
Software supplier	

Information about pupils in secondary schools, alternative provision and pupil referral units

We, **xxxxxxx**, are a data controller for the purposes of data protection. We collect information from you and may receive information about you from your previous setting or education provider, local authorities, the Department for Education (DfE) and the Learning Records Service (<https://www.gov.uk/government/publications/learning-records-service-the-plr-for-learners-and-parents>).

A great deal of the information we collect is included in the Pupil Registration Form, completed on your child's admission to the school which, when signed, gives us your permission to process the data. In addition, we collect information on national curriculum assessment results, attendance, academic progress, medical issues, safeguarding and special educational needs and disabilities.

We hold this personal data and use it to:

- Meet our statutory duty to create and maintain an admission register under the Education (Pupil Registration) (England) Regulations 2006 and subsequent amendments, without which schools are unable to enrol a pupil.
- Support teaching and learning. In order to facilitate this, we may share information with the software supplier (listed at the end of this document) to set up the systems needed for pupils and parent/carers to access.
- Monitor and report on academic progress.
- Provide appropriate pastoral care (Keeping Children Safe in Education 2016).
- Assess how well we, as an education provider, are doing.
- Co-operate with Southampton City Council and external partners to improve the well-being of children, under the duty of the Children Act 2004. [Working Together to Safeguard Children \(2015\)](#)
- Share information with Southampton City Council and external partners to support the duty to safeguard and promote the welfare of children, under the Children Act 1989, Section 17. [Working Together to Safeguard Children \(2015\)](#)
- Share data with professionals commissioned by the school or working with a pupil such as the School Nurse or health services.
- Comply with our statutory duty under the Education (Pupil Information) (England) Regulations 2005 Statutory Instrument and subsequent amendments in The Education (Pupil Information) (England) (Amendment) 2008 to create a Common Transfer File when a child ceases to be registered at a school and becomes a registered pupil at another school in England or Wales. This would also apply to pupils who are dually registered at more than one school. If a Common Transfer File cannot be sent to a new school when a pupil leaves, one must be sent to the DfE Lost Pupil Database.
- Provide information via statutory census returns to the DfE and in turn this will be available for the use of Southampton City Council to carry out its official functions, or a task in the public interest. Further information can be found online at <https://www.gov.uk/government/publications/school-census-2016-to-2017-guide-for-schools-and-las>
- Send pupil information to Southampton City Council on a regular basis in accordance with our information sharing agreement to enable the local authority to meet its duty under data protection legislation to ensure that the data it holds is accurate and also to carry out its official functions, or a task, in the public interest.

- Notify Southampton City Council on a termly basis of all pupils on a reduced timetable so that the local authority can comply with statutory Ofsted requests for data at the time of inspection.
- Comply with the statutory requirements of the Education (Pupil Registration) (England) Regulations 2006 and subsequent amendments, notifying Southampton City Council if a child leaves the school and providing forwarding details. A failure to provide this information will result in pupils being recorded as a “Child Missing Education”, in accordance with the government definition.
- Provide attendance information to Southampton City Council so that its duties under the Anti-Social Behaviour Act 2003, Section 444 of the Education Act 1996 and Section 36 of the Children Act 1989 (Education Supervision Orders) can be met.
- Provide exclusion information to Southampton City Council so that its duty Under Section 19 of the Education Act 1996 can be met.
- Meet our duty to provide information about any exclusions within the last 12 months to the Secretary of State and (in the case of maintained schools and PRUs) the local authority, in accordance with The Education (Information About Individual Pupils) (England) Regulations 2006.
- When your child applies for further education or training, the school / LA may forward information to colleges or providers in order to aid your child’s transition into further education or training

This information will include their contact details, national curriculum assessment results, attendance information, any exclusion information, where they go after they leave us and personal characteristics such as their ethnic group, any special educational needs they may have as well as relevant medical information. *For pupils enrolling for post 14 qualifications, the Learning Records Service will give us the unique learner number (ULN) and may also give us details about your learning or qualifications.*

Once our pupils reach the age of 13, the law requires us to pass on certain information to Southampton Local Authority who have responsibilities in relation to the education or training of 13-19 year olds. We may also share certain personal data relating to children aged 16 and over with post-16 education and training providers in order to secure appropriate services for them. A parent/guardian can request that **only** their child’s name, address and date of birth be **passed to Southampton** Local Authority by informing [*insert name of school administrator*]. This right is transferred to the child once he/she reaches the age 16. For more information about services for young people, please go to our local authority website.

Careers guidance – schools that pass young people’s information to careers guidance services or the national careers service may wish to set out details here.]

Schools will also provide and receive information as a result of school admissions processes; in-year admissions, coordinated admission schemes, mandatory Fair Access Protocols and as required under the admission policies of individual schools. This information is needed in order to accurately rank applicants so that places are offered to those who are entitled to them.

Your information will not be used for any other purpose or shared with any other organisation unless provided for by law or covered in this Privacy Notice.

The school members of staff responsible for data protection, who should be contacted in writing if you would like to receive a copy of the information about you that we hold or share, are:

XXXXXX

For information on how long the school will store the information collected please refer to the school **XXXXXX** Policy.

Should you have any concerns with how your data is being processed, the following steps should be taken:

- Step 1: Contact the school Data Protection Officer.
- Step 2: If concerns remain unresolved, follow the school Complaints procedure.
- Step 3: Contact the Information Commissioner's Office (www.ico.org.uk)

For further information on the circumstances under which you have the right to request access to, or rectification\erasure of, your personal data please visit the Information Commissioner's website.

Southampton City Council has a duty under the Children Act 2004 to co-operate with their partners in health and youth justice to improve the wellbeing of children in their area and will agree information sharing agreements with partners to enable them to carry out official functions, or a task in the public interest.

The DfE may also share pupil level personal data that we supply to them, with third parties. This will only take place where legislation allows it to do so and it is in compliance with the data protection principles. Decisions on whether DfE releases this personal data to third parties are subject to a robust approval process and are based on a detailed assessment of who is requesting the data, the purpose for which it is required, the level and sensitivity of data requested and the arrangements in place to store and handle the data. To be granted access to pupil level data, requestors must comply with strict terms and conditions covering the confidentiality and handling of data, security arrangements and retention and use of the data.

For more information on how this sharing process works, please visit:

<https://www.gov.uk/guidance/national-pupil-database-apply-for-a-data-extract>

For information on which third party organisations (and for which project) pupil level data has been provided to, please visit: <https://www.gov.uk/government/publications/national-pupil-database-requests-received>

If you require more information about how the Local Authority (LA) and/or DfE store and use your information, then please go to the following websites:

- www.youngsouthampton.org/privacynotice.aspx and
- <http://media.education.gov.uk/assets/files/doc/w/what%20the%20department%20does%20with%20data%20on%20pupils%20and%20children.doc>
- <http://www.education.gov.uk/researchandstatistics/datatdatam/b00212337/datause>

If you are unable to access these websites we can send you a copy of this information. Please contact the LA or DfE as follows:

- **Solicitor for Education:** Legal Services, Southampton City Council, Ground Floor, Civic Centre, SO14 7LY
- **Public Communications Unit:** Department for Education, Sanctuary Buildings, Great Smith Street, London, SW1P 3BT
Website: www.education.gov.uk
Email: www.education.gov.uk/help/contactus
Telephone: 0370 000 2288

School postal address	
School e-mail address	
School telephone number	
Software supplier	