

PRIVACY NOTICE

SPECIAL EDUCATIONAL NEEDS AND DISABILITIES (SEND)

Who we are

Halton Borough Council (HBC) collects, uses and is responsible for certain personal information about you and we are responsible as controller of that personal information under Data Protection law.

Halton Borough Council Services for Children and Young People with Special Educational Needs or Disabilities (SEND) collect and hold information about you in order to carry out its duties under the Children and Families Act 2014 in relation to statutory assessment processes and the ongoing monitoring of children and young people who have education, health and care plans. This includes information and advice sought for annual review, tracking information, disagreement resolution and mediation processes and processes relating to appeals to the Special Educational Need and Disability Tribunal (SENDT). We also administer and approve additional high needs funding applications for children and young people in relation to the special educational provision they may require across early years, school and post compulsory settings. We work in a coordinated way with other children and young people's services in HBC and with partner organisations to ensure we deliver the best possible outcomes for children and young people with SEND in Halton, and to ensure we are fully compliant with the Children and Families Act 2014 and associated regulations and Code of Practice.

We collect information from parents or carers for children and young people below or within the school age, and from young people themselves if they are aged 16 or over and no longer in compulsory education.

What legal basis allows you to use my information?

We collect and use pupil information to comply with our legal obligations as outlined in the Children and Families Act 2014. If we need to collect special category (sensitive) personal information, we rely upon reasons of substantial public interest (equality of opportunity or treatment), for social security or social protection law, and for the establishment, exercise or defence of legal claims whenever courts are acting in their judicial capacity.

Who will my information be shared with?

- Teams within HBC working to improve outcomes for children and young people
- Commissioned providers of local authority services (such as education or health services)
- Schools, colleges and early years providers as well as wider education or training providers
- Local multi-agency forums which provide SEND advice, support and guidance
- Educational Psychologists
- Partner organisations signed up to the Information Sharing Agreements, where necessary, which may include NHS teams, health visitors, midwives, district councils, housing providers, Police, school nurses, doctors and mental health workers
- Other local authorities and social care or health providers outside of the Local Authority
- Department of Education
- Providers of independent advice and guidance
- Mediation services

We share information that we have gathered as part of a statutory needs assessment to identify the setting to be named in section I of a child or young person's EHC Plan (this includes consulting in accordance with parental or young person choice as well as with those providers we feel would be suitable). We share information to resolve disagreements as part of formal and informal processes in relation to mediation, Ways Forward meetings or formal appeals through the Special Educational Needs and Disability Tribunal

We will share personal information with law enforcement or other authorities if required by applicable law.

How long will you keep this information for and why?

SEND records are retained until the 75th anniversary of the child's birthday, in line with the Council's Retention Schedule.

How will my information be stored?

Your information will be securely stored on the Management Information System used by the Council. We have appropriate security measures in place to prevent personal information from being accidentally lost, or used or accessed in an unauthorised way. We limit access to your personal information to those who have a genuine business need to know it. Those processing your information will do so only in an authorised manner and are subject to a duty of confidentiality.

Will my data be transferred abroad and why?

No

What rights do I have when it comes to my data?

You have the right to:

- Right to be informed – through this Privacy Notice
- Right to rectification – you have the right to have personal data rectified if it is inaccurate or incomplete.
- Right to erasure – you have the right to have personal data erased and to prevent processing however the right to erasure does not apply in some circumstances.
- Right to restrict processing – you have the right to block or suppress processing of your data, however this right does not apply in some circumstances.
- Right to object to processing (to certain types of processing only)
- Right of Access - you have the right under the Data Protection Act 2018 (General Data Protection Regulation 2018) to request a copy of your information and to know what it is used for and how it has been shared. This is called the right of subject access. To request a copy of your data or ask questions about how it is used download a copy of our form from <https://www4.halton.gov.uk/Pages/councildemocracy/Data-Protection.aspx> and send it to Information Governance Service, Halton Borough Council, Service Improvement Division, Municipal Building, Widnes, WA8 7QF. Or email informationgovernanceservice@halton.gov.uk

Source of data

We also obtain personal information from:

- other organisations or teams that can provide us with advice and information (such as Adult or Children's Social Services, educational psychologists, mental health services, doctors, school nurses and other NHS providers);
- schools or post-16 settings currently or previously attended; and
- early education providers currently or previously attended (such as nurseries, pre-schools, childminders).

Who is the Data Controller for the information I provide?

Halton Borough Council is the Data Controller for the personal information you provide. The Council's Data Protection Officer can be contacted on 0151 511 7003 or by email to Peter.Richmond@halton.gov.uk

Who can I complain to if I am unhappy about how my personal data is used?

You can complain directly to the Council's Data Protection Officer by writing to:

Data Protection Officer, Information Governance Service, Halton Borough Council, Municipal Building, Widnes WA8 7QF.

You also have the right to complain to the Information Commissioner's Office using the following details:
The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.
Telephone: 08456 30 60 60 or 01625 54 57 45. Website: www.ico.org.uk