

Re-analysis of education trials for children's social care Privacy Notice

Summary

This project is being undertaken to better understand what changes to education would most help children who are “involved with” the social care system¹. In particular, for scientific purposes, we are using data to analyse 83 trials conducted by the EEF to understand whether these programmes work for children in the social care system and whether they work the same for them as for other students. This will benefit schools or those tasked with making a personal education plan or running a virtual school.

We will not collect new data on children and young people for this project but we are using data previously collected by the Education Endowment Foundation (EEF) and by the Department for Education. The data that we will receive will be anonymised and the Centre will not be able to tell who a particular child is in the data. No data is stored on What Works Centre for Children's Social Care systems and all data will be processed on secure servers held by the Office for National Statistics.

The What Works Centre for Children's Social Care is unable to personally inform the children and young people involved in the EEF trials about their data being processed for this research as the Centre does not have access to the names and contact information of participants in EEF trials. For that reason, this privacy notice acts as notification of this research.

Your data will be included in the analysis if you have participated in one of the 83 trials. Please see the list of trials in the appendix of the trial protocols (“Re-analysis of education trials for children's social care” via <https://whatworks-csc.org.uk/evidence/research-projects/>). If you would like to ask for information held, for your data to be rectified or deleted or for restriction of processing, please fill in [this form](#) and we will refer the case to the DfE and request either a new data extract to be created or notice of which rows to delete from the data (identified by a meaningless identifier).

Under the General Data Protection Regulation (GDPR), the lawful basis we rely on for processing child and young person's information is legitimate interests for the purposes of improving the evidence base in children's social care. We are committed to upholding your rights under the GDPR, which are further explained here:

<https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/individual-rights/>.

¹ The technical meaning of this is to “receive a statutory intervention”.

Privacy Notice (How we use child and young person's information)

The categories of child and young person's information that we process include:

- Individual characteristics (gender, age, academic year, language (English or other), and free school meal eligibility)
- Special Educational Need and Disability (SEND) status
- attendance (number of unauthorised absences and possible sessions)
- assessment and attainment (such as key stage results)
- involvement in children's social care (child in need plan, child protection plan, looked after child and referral / plan dates)
- involvement in Education Endowment Foundation trial

Please note that the researchers will not have access to any information which could directly identify the children involved. For instance, the school that the child attended will appear as a number rather than the name of the school or address. The researchers will also not be able to take any data out of the secure systems in which it is stored by the Office for National Statistics.

To access the current list of categories of information we process for this project please see the trial protocols "Re-analysis of education trials for children's social care" via

<https://whatworks-csc.org.uk/evidence/research-projects/>.

Why we use child and young person's information

We use child and young person's data for scientific purposes to promote educational attainment for children who have undergone a statutory intervention, in order to increase the knowledge base in this area. This will benefit schools or those tasked with making a personal education plan or running a virtual school.

Collecting child and young person's information

We will not collect children and young people's information as an organisation for this project but are using data previously collected by the Education Endowment Foundation (EEF) and by the Department for Education.

Education Endowment Foundation Data Archive

The EEF collect data to evaluate their trials. The EEF Data Archive is held by the ONS Secure Research Service and accessed securely. For more information about the data that the EEF collects please see their data specifications:

https://educationendowmentfoundation.org.uk/public/files/Evaluation/Subsubmitting_your_data_to_the_EEF_archive/EEF_DataCollection_Specification.pdf

Department for Education

The Department for Education (DfE) collects personal data from educational settings and local authorities via various statutory data collections. The submission of the school census returns

(including characteristics, special education needs and disability, attendance, assessment and attainment) is a statutory requirement on schools under Section 537A of the *Education Act 1996*.

Involvement in children's social care comes from the children in need census and children looked after census. The data in the children in need census are collected under section 83 of the Children Act 1989. The data in the children looked after census are collected under the SSDA903 statistical return.

The law allows the Department to share pupils' personal data with certain third parties including researchers. Please see the section on "How Government uses your data" for more information.

All data held by DfE are under a combination of software and hardware controls which meet the current [government security policy framework](#).

Storing child and young person's data

The data is maintained on the Office for National Statistics Secure Research Service systems and accessed via Limited Organisational Access arrangements. No data is stored on What Works Centre for Children's Social Care systems. The project will be complete by March 2020 and so access to the composite dataset will be revoked by then.

Requesting access to your personal data

Under data protection legislation, parents and pupils have the right to request access to information about them that we hold.

You also have the right to:

- to ask us for access to information about you that we hold
- to have your personal data rectified, if it is inaccurate or incomplete
- to request the deletion or removal of personal data where there is no compelling reason for its continued processing
- to restrict our processing of your personal data (i.e. permitting its storage but no further processing)
- to object to direct marketing (including profiling) and processing for the purposes of scientific/historical research and statistics
- not to be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect on you

This privacy notice serves as informing children and young people and their parents as the What Works Centre for Children's Social Care does not have access to the names and contact information of participants in EEF trials. If you would like to ask for information held, for your data to be rectified or deleted or for restriction of processing, please fill in [this form](#) and we will refer the case to the DfE and request either a new data extract to be created or notice of which rows to delete from the data (identified by a meaningless identifier). We will not be processing the data for the purposes of direct marketing and you will not be subject to decisions based on automated processing.

If you have a concern or complaint about the way we are collecting or using your personal data, you should raise your concern with us in the first instance or directly to the Information Commissioner's Office at <https://ico.org.uk/concerns/>

Last updated

We may need to update this privacy notice periodically so we recommend that you revisit this information from time to time. This version was last updated on 10th April 2019.

Contact

If you would like to discuss anything in this privacy notice, please contact: Vicky Clayton, Senior Researcher, What Works Centre for Children's Social Care who is the Lead Contact for the project, on vicky.clayton@nesta.org.uk

How Government uses your data

The pupil data that we lawfully share with the DfE through data collections:

- underpins school funding, which is calculated based upon the numbers of children and their characteristics in each school.
- informs 'short term' education policy monitoring and school accountability and intervention (for example, school GCSE results or Pupil Progress measures).
- supports 'longer term' research and monitoring of educational policy (for example how certain subject choices go on to affect education or earnings beyond school)

Data collection requirements

To find out more about the data collection requirements placed on us by the Department for Education (for example; via the school census) go to

<https://www.gov.uk/education/data-collection-and-censuses-for-schools>

The National Pupil Database (NPD)

Much of the data about pupils in England goes on to be held in the National Pupil Database (NPD).

The NPD is owned and managed by the Department for Education and contains information about pupils in schools in England. It provides invaluable evidence on educational performance to inform independent research, as well as studies commissioned by the Department.

It is held in electronic format for statistical purposes. This information is securely collected from a range of sources including schools, local authorities and awarding bodies.

To find out more about the NPD, go to

<https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>

Sharing by the Department

The law allows the Department to share pupils' personal data with certain third parties, including:

- schools and local authorities
- researchers
- organisations connected with promoting the education or wellbeing of children in England
- other government departments and agencies

- organisations fighting or identifying crime

For more information about the Department's NPD data sharing process, please visit:

<https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

Organisations fighting or identifying crime may use their legal powers to contact DfE to request access to individual level information relevant to detecting that crime. Whilst numbers fluctuate slightly over time, DfE typically supplies data on around 600 pupils per year to the Home Office and roughly 1 per year to the Police.

For information about which organisations the Department has provided pupil information, (and for which project) or to access a monthly breakdown of data share volumes with Home Office and the Police please visit the following website:

<https://www.gov.uk/government/publications/dfE-external-data-shares>

How to find out what personal information DfE hold about you

Under the terms of the Data Protection Act 2018, you're entitled to ask the Department:

- if they are processing your personal data
- for a description of the data they hold about you
- the reasons they're holding it and any recipient it may be disclosed to
- for a copy of your personal data and any details of its source

If you want to see the personal data held about you by the Department, you should make a 'subject access request'. Further information on how to do this can be found within the Department's personal information charter that is published at the address below:

<https://www.gov.uk/government/organisations/department-for-education/about/personal-information-charter>

To contact DfE: <https://www.gov.uk/contact-dfe>

GDPR Legal Basis

Under the General Data Protection Regulation (GDPR), the lawful basis we rely on for processing child and young person's information is legitimate interests for the purposes of improving the evidence base in children's social care.

The legal basis of legitimate interest is a three part test:

Purpose test: are you pursuing a legitimate interest?

We are a research group within an innovation charity, whose purpose is to improve the evidence base in children's social care. We consider the processing of the data requested to be in our legitimate interests because it will enable us to produce research in this area, which will benefit schools or those tasked with making a personal education plan or running a virtual school.

Necessity test: is the processing necessary for that purpose?

The processing is necessary for the purpose because the original trials do not contain information on social care status, so we cannot answer research questions on the basis of already published reports. Also the existing evidence base on this area is very thin, so we could not rely on systematic reviews. If this processing cannot occur, it will mean that it is more difficult to plan future evaluations in this sector and teachers, social workers and virtual head teachers are more likely to rely on approaches without evidence, with downstream effects for children involved in statutory social care.

Balancing test: do the individual's interests override the legitimate interest

We believe this processing falls within generally socially acceptable uses of this kind of data - it is scientific research in the public interest by a charity and for the benefit of a vulnerable group.

We therefore believe that the individuals' interests do not override our legitimate interest in this processing.

In addition, special category data is processed under GDPR Article 9(2)(j). The processing is considered necessary for archiving, scientific, historical research or statistical purposes.

This processing constitutes "scientific research" as it will be used to create evidence on pre-defined, specific hypotheses around what works to promote educational attainment for children who have undergone a statutory intervention, in order to increase the knowledge base in this area. Please see the published protocols for more information of the scientific research (Re-analysis of education trials for children's social care, available here: <https://whatworks-csc.org.uk/evidence/research-projects/>).

The special category data we are processing is data concerning gender, and health, specifically special educational need (SEN) and disability. Not being able to assign gender, SEN status or disability status to our data limits the scientific value of this research because they are known to be a moderators of academic performance and may be confounders for the effect of having had a statutory social care intervention.