



DISCOVERY
EDUCATIONAL TRUST

Privacy Notice – Special Educational Needs and Disabilities (SEND)

Special Educational Needs & Disabilities (SEND)

Special Educational Needs and Disabilities (SEND) can affect a child or young person's ability to learn. They can affect their:

- behaviour or ability to socialise, for example, they struggle to make friends;
- reading and writing, for example, because they have dyslexia;
- ability to understand things;
- concentration levels, for example, because they have ADHD;
- physical ability.

Additional support is available, which includes:

- SEN support - <https://www.gov.uk/children-with-special-educational-needs/special-educational-needs-support>;
- Education, Health and Care Plan (EHCP) - <https://www.gov.uk/children-with-special-educational-needs/extra-SEN-help>.

Discovery Educational Trust (DET) and its Schools need to use personal information to support young people with SEND. For example:

- Name of the young person;
- Home address of the young person;
- Date of birth and Year Group of the young person;
- Name of parent/carer;
- Contact telephone numbers and email address of parent/carer;
- Date the pupil started or left;
- Needs Assessment;
- Relevant educational, health and care history;
- Details of other relevant professionals and agencies involved with the young person and family;
- Entitlement to Free School Meal and Pupil Premium Grant information;
- Gender;
- Language spoken at home;
- Appropriate Key Stage test results and current levels;
- National assessment data, if relevant;
- Needs and actions taken to support SEN.

DET and its Schools also use some special category (more sensitive) personal information. For example:

- Health information;
- Ethnicity;
- Religion.

This information is provided by parent/carers, the Local Authority, health agencies, and any previous educational settings. It is used to deliver DET/its Schools' statutory education duties, and to support those with additional needs.

Each DET School is the Data Controller for this information. The legal basis for using personal data for this purpose is Legal Obligation and A Task in the Public Interest. The legal basis for processing special category personal data is Substantial Public Interest (Data Protection Act 2018 Schedule 1, Part 2, Section 6 (2) (a) and Section 18 (1) (b) (i)). The underpinning legislation and statutory guidance are set out below:

- The Special Educational Needs and Disability Regulations 2014;
- SEND Code of Practice Jan 2015;
- Section 20 and Section 66 of the Children & Families Act 2014;
- Keeping Children Safe in Education 2023;
- Requirements of Ofsted framework and evaluation schedule;
- Working Together to Safeguard Children 2018;
- Statutory Advice for parents - <https://www.gov.uk/children-with-special-educational-needs>.

DET and its Schools may need to share information to support a young person's additional needs. In some cases, the law requires DET/its Schools to share information. Sharing is supported by an Information Sharing Protocol or contract. Please note that DET and its Schools only share the minimum information required for each purpose. Information may be shared with:

- Department for Education for statutory purposes - <https://www.gov.uk/guidance/data-protection-how-we-collect-and-share-research-data>;
- The Local Authority for statutory purposes – please refer to relevant Local Authority's website for privacy information;
- Health providers to identify and support needs;
- Other education providers to ensure that the right support is in place when young people move educational setting;
- Regulatory bodies, e.g. Ofsted, The Information Commissioner's Office, for compliance purposes.

This information is held by the current School until the young person changes their compulsory education setting, when the SEN record moves with them. The previous school may retain limited information to meet statutory returns obligations. The last education setting attended retains the information for a minimum of 25 years from the date of birth of the pupil, in line with the Limitations Act.

Technology systems are used to manage Trust and School records, and technology suppliers are subject to contractual obligations to assure the security of the information in the system.

No personal information is routinely available outside of the UK. Should a transfer of personal information be necessary, DET/its Schools only do so where it is permitted by law, and where appropriate safeguards are in place.

For information about your rights in relation to this use of your personal information please see Section 5 of the DET overarching privacy notice.