



Information Governance Team

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Dear Sir/Madam

Freedom of Information Act 2000 (FOIA)

Request ID: FOI372901315

Thank you for your request for information relating to Pupil Data - Children Not in Education. We apologise for the delay.

You have requested the following information:

This FOI request is for information that is processed about children not in education. It is regards to existing practice on recording and retaining personal data at individual named child level, whether data is collected on a voluntary basis from the person, or otherwise.

For Question one, 1.1 to 1.4 , and in order to make it easy to respond, we expect a yes/no answer only for each scenario. For question 1.5 please explain if necessary in free text.

Question two may be met by providing a copy of a Data Protection Impact Assessment for each relevant dataset.

For Question three, we expect a yes/no answer; and/or the register name.

Question four does not ask for personal details.

Definitions

Child (anyone aged under 18)

Records (data in any digital format, ie. spreadsheets, databases etc)

Educational setting (Any provider of state funded education: nursery, infant, primary,

secondary, FE, AP, Hospital school, YOI etc)

Q1. On what grounds is a child's personal data processed in or on behalf of the Council

1.1 When a child is deregistered

- a. To receive an education otherwise than at school: Yes
- b. Due to permanent exclusion: Yes
- c. Due to unauthorised and unexplained absence (authorised absence plus ten days or 20 days) for which reasonable enquiries have been unable to resolve: Yes
- d. To move from state into independent (private) education: Yes
- e. To move out of independent (private) education to anything else: Yes

1.2 When the destination from the following is unknown

- f. Nursery: Yes
- g. Alternative provision: Yes
- h. Custody: Yes
- i. Post-16 education: Yes

1.3 When the authority becomes aware of

- j. A child being educated otherwise than at school: Yes
- k. A child about whose education there is nothing known: Yes
- l. A child whose parents the authority considers to be failing to provide a suitable education: Yes

1.4 When the authority has children in its geographical area that may be passing through but not in education

- m. child born outside England: Yes
- n. a child of a service family (army, navy etc): No
- o. a child of a family without permanent address: Yes

1.5 Please provide any other circumstances or grounds in which the authority becomes aware of children not in education, about which they may make a record, for any other reason not listed.

None.

Q2. About the databases or registers currently processed.

2.1. For each scenario and/or separate records used, please provide
a. the relevant Data Protection Impact Assessment

Please see DPIA attached for Education Inclusion & Attendance.

b. If no DPIA exists, the name/title of the database/spreadsheet used.
Capita One database

c. If no DPIA exists, the field names (ie which data items may be collected):

For Electively Home Educated Children data is held by:

- Name
- DOB
- Curriculum Year/age/key stage
- School previously attended
- Social Care involvement
- Date EHE began.
- Suitable/not suitable/pending

For Children Missing from Education data is held by:

- Name
- DOB
- Alias
- Unique Pupil Number
- Unique Identification Number
- Gender
- Year Group
- Ethnicity
- Date child last attended school and school name
- First Language
- Address (including last know and previous)
- Details of siblings
- Details of parents/carers (including contact details)

- Whether the child is:
 - o A Looked After Child
 - o Gypsy, Roma or Traveller
 - o A Refugee or Asylum Seeker
 - o Living in temporary accommodation
 - o Subject to a Child Protection Plan
 - o An open case to Children's Social Services and name of Social Worker

d. If not listed in the DPIA or none exists, please state on which legislation does each data collection rely? i.e The Children Act 1989, Duty to identify 'Children Missing Education' (s436a Education Act 1996), Education (Pupil Registration) Regulations (England) 2006, Children Missing Education Statutory guidance for local authorities 2016, the Elective home education: departmental guidance for local authorities 2019 or state which if something else.)

Elective Home Education: The 2015 Elective Home Education guidance for Local Authorities and the relevant laws cited within this.

Children Missing in Education: The Children Act 1989, Duty to identify 'Children Missing Education' (s436a Education Act 1996), Education (Pupil Registration) Regulations (England) 2006 and Children Missing Education Statutory guidance for local authorities 2016.

e. The numbers of individuals in each database as of June 30, 2021.

Permanent Exclusions (Academic year 2020/21): 24 children

Elective Home Education: 359 children

Children Missing Education open cases: 298

f. The numbers of individuals in each database who are children on June 30, 2021.

Permanent Exclusions (Academic year 2020/21): 24 children

Elective Home Education: 359 children

Children Missing Education open cases: 298

g. The earliest record start date that is still retained by the authority for any of the above (i.e what is the oldest record currently processed includes those who may no longer be children)

We can confirm that we hold this information and it is accessible to you via the Council website, please use the following link:-

https://www.coventry.gov.uk/downloads/file/25748/retention_and_disposal_schedule

We therefore do not have to provide the information as per Section 21 of the FOIA.

h. where children are listed as 'unknown' (at any age including post-16 in Youth Employability Services) what data sources are used to create a record or make an intervention? (ie Revenue and Benefits data, Pre 16 Risk of NEET Indicator, UCAs, social media etc)

In accordance with statutory requirements other Local Authorities, Housing providers, Schools, Other Coventry City Council Teams, Health Providers, Early Help Providers, Social Care, Police and Charitable Organisations.

Q3. Does the Local Authority maintain a record of other parties to whom such data has been distributed or shared?

Yes.

Q4. Where does responsibility (Job title, Department no personal details requested) for

a) processing and b) the oversight of the above processing sit?

For a and b, the designated data owner, and this will vary dependent on the data.

The supply of information in response to a FOI/EIR request does not confer an automatic right to re-use the information. You can use any information supplied for the purposes of private study and non-commercial research without requiring further permission. Similarly, information supplied can also be re-used for the purposes of news reporting. An exception to this is photographs. Please contact us if you wish to use the information for any other purpose.

For information, we publish a variety of information such as: [FOI/EIR Disclosure Log](#), [Publication Scheme](#), [Facts about Coventry](#) and [Open Data](#) that you may find of useful if you are looking for information in the future.

If you are unhappy with the handling of your request, you can ask us to review our response. Requests for reviews should be submitted within 40 days of the date of receipt of our response to your original request – email: infogov@coventry.gov.uk

If you are unhappy with the outcome of our review, you can write to the Information Commissioner, who can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or email icocasework@ico.org.uk.

Please remember to quote the reference number above in your response.

Yours faithfully

Information Governance

DPIA Attendance and Inclusion

This template is an example of how you can record your DPIA process and outcome. It follows the process set out in the ICO's DPIA guidance.

You should start to fill out the template at the start of any project involving the use of personal data (following completion of the DPIA screening questionnaire where it has indicated the need), or if you are making a significant change to an existing process. The final outcomes should be integrated back into your project plan.

PLEASE NOTE: The [Blue](#) text are links to definitions/explanations of what is being asked on this form; please refer to link information when completing this DPIA.

Submitting Data controller details

Name of Data controller (organisation)	Attendance & Inclusion
Project/Process Name	Online Fixed Penalty Notice webforms
Name of contact/DPO for the Data Controller (Include name and job title)	[REDACTED] (Attendance & Inclusion Manager), [REDACTED] DPO.

Identify the need for a DPIA

Explain broadly what the project aims to achieve and what [type of processing](#) it involves? Online processing

You may find it helpful to refer to or link to other documents, such as a project proposal.

Summarise why you identified the need for a DPIA.

Upon completion of DPIA screening questionnaire which indicated a DPIA was required.

This is due to processing data on a large scale and processing of data concerning vulnerable data subjects (children and young people).

As part of the LA's statutory responsibilities, the Attendance & Inclusion service process and issue Fixed Penalty Notices (FPN) and court summons to parents of compulsory aged children who failed to attend school regularly. Currently schools refer these pupils who meet the criteria for FPN's by submitting a written (paper) referral form via email to our generic inbox.

The referrals forms include the following data collected includes:

- Child's name,
- Child's D.O.B,
- Language spoken at home
- Home address including postcode
- school name and year group
- A copy of attendance registration certificate

Parent information is also collected and includes:

- Title
- Full Name
- Address including postcode
- Occupation,
- Contact number
- Carer's details as secondary option if child resides with non-biological parent who has PR

Additional data collected specific for the purposes of issuing a fixed penalty notice includes:

- Confirmation if parents had requested leave prior to child accruing unauthorized leave
- Dates of leave
- Number of school days missed
- Upload copy of letter requesting leave (from parent)
- Upload copy of letter either authorizing or rejecting request (from school)
- Copy of attendance registration certificate which details attendance % and confirms dates of leave taken.
- Is child known to social care
- Name of Headteacher and signature or name of person submitting form on behalf of HT.

Weblink: http://myaccount.coventry.gov.uk/service/Penalty_notice_for_unauthorised_absence_in_term_time_application

In order to improve efficiency of processing referrals from 1st September 2020 we will publish a webform on our CCC webpage which will allow schools to submit referrals for FPN's online. This DPIA request is in relation to this project. This will save time on administration and improve the accuracy of data collected as all fields are mandatory and a referral cannot be submitted until all fields are complete. Once forms are submitted online, they will transfer directly in to the teams SharePoint site after which the team will process and issue FPN.

For security purpose we will only share the link with schools so they can access this webform. The webform will not be visible to the general public on our website.

Describe the processing

How will you collect, use, store and delete data?

What is the source of the data?

Will you be sharing data with anyone?

You might find it useful to refer to a flow diagram or other way of describing data flows. [What types of processing identified as likely high risk](#) are involved? (your ROPA should have identified these.)

Collection/Use/Storage

The webform link will be shared with all Head Teachers in Coventry City to share with attendance leads in school. Once a referral is submitted online this transfer into the teams SharePoint site which has restricted access for admin and management only. SharePoint site can be monitored in terms of access and audits can be undertaken to check who last visited folder/files.

Storage/Deletion/Shared with

Each FPN will be recorded in a sub folder crated in SharePoint by the name of the school the child attends at the time of referral. All FPN's are saved for a minimum of three years after which they are deleted. They will remain in an archive folder in SharePoint (again with restricted access for managers only). The only time the webform referrals will be share with anyone is if the case proceeds to court. For example, if a parent fails to pay an FPN, the matter is referred to the LA legal team and the webform is shared as an exhibit for court action.

Collection/Source of Data Collection/ Deletion

The information collected and processed is deemed accurate as it is shared by the school the child is on roll at. Schools regularly undertake census updates for pupils attending their school. If in the instance a FPN is issued in error (i.e. incorrect address or mis-spelt name) the FPN is withdrawn in accordance to our Code of Conduct (see link [Code of Practice: Penalty Notices](#)) and if appropriate re-issued.

Describe the scope of the processing

What is the nature of the data, and does it include [special category or criminal offence data](#)
 How much data will you be collecting and using? How often?
 How long will you keep it?
 How many individuals are affected?
 What geographical area does it cover?

Schools can request for FPN's for any child of compulsory school age (5 years and over – 16 years old/NCY 11) attending a Coventry City school. This includes mainstream, Academies, Special schools and PRU's.

No Special category or criminal offence data is collected.

On average we issue 2000 FPN's every academic year.

For 2018/19 we issued 2499 FPN's in total.

A copy of FPN's is retained for three years and will be saved out teams SharePoint site.

See Form B for details of data collected.

Only unpaid FPN's are shared with legal team as exhibits for prosecution.

What is the nature of your relationship with the individuals?

The LA is acting on behalf of schools as school attendance enforcement is a statutory responsibility. Parents can contact the service to make payment (online options also available). Parents can and do call to appeal however once an FPN has been issued it can only be withdrawn if the HT agrees to this – See code of conduct. Until schools submit referrals for FPN's we have no contact with parents. Only at the point of receiving a request for FPN, do we contact parents in writing to confirm an FPN has been issued. All our contact is made with parents via post. Parents do have the option to call the team to make payment should they wish to do this over the phone. No involvement or contact with children is ever made in respect of this process.

How much control will they have?

Schools will be held responsible for ensuring the data they submit is accurate and up to date. IN line with the code of conduct if an FPN has been issued incorrectly or data on the FPN is incorrect, this will be withdrawn and re-issued. Parents will only be sent documentation via post for their child. No other details are shared other than that which is relevant to them.

Would they expect you to use their data in this way?

Yes. FPN's can only be issued to parents if we have details such as their name, address etc. Since the attendance enforcement legislation came into effect, LA's have been issuing FPN's and so this is not a new process. Details of how and why we process data can be found in Attendance &

inclusion Privacy Notice and in code of conduct. Reference to this the privacy Notice is made of webforms.

Do they include children or other vulnerable groups?

Potentially yes. Again, we would only come to know of this once schools submit referrals. On our web-based referral form we ask the schools to confirm if child is known to social care and if the social worker has been consulted on issuing a FPN. Prior to any prosecution, information is shared with social care to ensure they are in support of legal action

Are there prior concerns over this type of processing or security flaws?

Other than human error and inaccurate data submitted no

Is it novel in any way?

No. other LA's have a similar system in place for schools to submit referrals online. This is not a new process just a change of method

What is the current state of technology in this area?

The service has undergone a restructure within the last 12 months and since then the team has embraced new technology such as the introduction of using Capita One for recording and reporting and use of SharePoint for storage of confidential files. These new web-based form will further enhance the teams shift to a more digitalized mode of working. No security flaws. Measures in place to ensure webform is not accessible to members of the public and forms once submitted can only be accessed by those given permission to access folders in team SharePoint site.

Are there any current issues of public concern that you should factor in?

None

Are you signed up to any approved code of conduct or certification scheme (once any have been approved)

Our Fixed Penalty Code of Conduct has been approved by Councilor Kevin Maton and Director of Education Kirston Nelson. This is available on our website under the Attendance weblink

Describe the context of the processing (purposes of the processing)

What do you want to achieve?

What is the intended effect on individuals?

What are the benefits of the processing for you, and more broadly?

- Digital platform for schools to submit request for FPN's rather than emailing written requests. This will reduce administration time and reduce the time spent chasing schools for incomplete or error strewn forms as all fields in the webform will be mandatory and so cannot be submitted until fully complete. Often school fail to confirm if a child is of compulsory school age and so much time is spent

by team liaising with schools to gather information which has not be submitted on original request. Webforms will speed up the process in how many FPN's we issue and will help us in reporting to the DFE annually in terms of how many FPN's are for holiday and how many are for unauthorised absence.

- What is the intended effect on individuals?
Reduce the chances of FPN's being issued in error. This will reduce the number of calls we receive to appeal FPN's issued. FPN's will be issued quicker and so parents will be made aware of offence rather than waiting for 4-6 weeks for confirmation.
- This new process will ensure all data is stored safely and accessible if ever required for legal purposes or to respond to FOI enquiries.
The webform places an emphasis back onto schools to ensure they submit accurate data for the LA to process whereas in the past the LA has been constantly chasing schools for information which leads to time delays and poor use of admin time.

Consultation process

Consider how to consult with relevant stakeholders: describe when and how you will seek individuals' views – or

justify why it's not appropriate to do so.

Who else do you need to involve within your organisation?

Do you need to ask your processors to assist?

Do you plan to consult information security experts, or any other experts?

Webforms have been created with support from LA web designers.

Schools will be notified via email and newsletter once the link is published on our website. We will allow a transition process of 4 weeks once the link is live to ensure all schools are aware and able to refer via the new webform.

We will liaise with the legal team to ensure the new webform (PDF) is suitable as an exhibit for prosecution.

Security of webform discussed with CCC web Editors and this will be further explored with legal team.

Assess necessity and proportionality

Describe compliance and proportionality measures, in particular:

- what is your lawful basis for processing?
- Does the processing actually achieve your purpose?
- Is there another way to achieve the same outcome?
- How will you prevent function creep? How will you ensure data quality and data minimisation?
- What information will you give data subjects?
- How will you help to support data subjects' rights?
- What measures do you take to ensure processors comply?
- How do you safeguard any international transfers?

What is your lawful basis for processing?

School attendance enforcement is apart of the LA's statutory responsibility (Education Act 1996 S4441 & S4441A), and the lawful basis for processing is Public Task.

Does the processing actually achieve your purpose?

The current processing system (paper-based referral) has been transferred into a webform. No additional fields have been created. All data is relevant and required for the LA to process and issue FPN's.

Is there another way to achieve the same outcome?

Web based form is preferred method of receiving referrals as outlined above. In addition to this the digital storage of data is preferred due to lack of storage space in Friar Gate and minimising risk of data breaches/GDPR issues. Presently, we receive paper-based referrals via email.

How will you prevent function creep? How will you ensure data quality and data minimisation?

We only ask for the information required to issue the FPN and/or prosecute parents via single justice process. No additional information is requested thus ensuring data quality and minimization.

What information will you give data subjects?

Parents will receive data that is relevant to them such as their full name, address, child's name and D.O.B and the school their child is registered at. These details will be included in the official Penalty Notice sent to parents via post.

How will you help to support data subjects' rights?

We will ensure we keep data safe and secure for up to 3 years and then delete from our SharePoint site. Ensure we adhere to the Attendance Privacy Notice and FPN Code of Conduct by having robust processes in place to minimize any breaches of data protection. For example only admin staff having access to referrals with sensitive data, managers regularly reviewing processes and practice.

What measures do you take to ensure processors comply?

Line manager regularly undertakes audit of work including processing of data and compliance with data protection. Ensure all staff have completed mandatory training including safeguarding of

children and data protection. Review staff understanding and performance via 1-1 supervision meetings.

How do you safeguard any international transfers?

Only staff who process referrals requests (2 admin staff) and the management team will have access to SharePoint folders for FPN's thus reducing risk. SharePoint leaves a digital footprint of all files/folders that are viewed and this can be monitored/audited as and when required by management or IT services.

Identify and assess risks

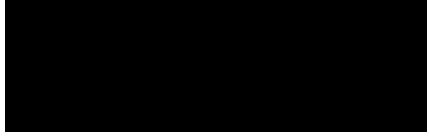
Describe source of risk and nature of potential impact on individuals. Include associated compliance and corporate risks as necessary. Please see Risk Matrix HERE	Likelihood of harm	Severity of harm	Overall risk
Website/SharePoint gets hacked for data Processor error in data input FPN issued to incorrect address	Remote, possible or probable Possible Possible Possible	Minimal, significant or severe Significant Significant Minimal	Low, medium or high Low Medium Low

Identify measures to reduce risk

Identify additional measures you could take to reduce or eliminate risks identified as medium or high risk in step 5

Risk	Options to reduce or eliminate risk	Effect on risk Eliminated reduced accepted	Residual risk Low medium high	Measure approved by the relevant IAO Yes/no
Digital webform being intercepted by third party/ Hacked	<p>Weblink for referrals sent directly to schools. Not accessible to general members of public.</p> <p>Once submitted data transfers to team SharePoint site. Only admin staff with permissions can access files/folders in SharePoint. Digital footprint of all file accessed, this can be monitored by management and IT services</p>	Reduced	Low	Yes
Processor error in data input	All staff undertake and complete mandatory training in safeguarding and data protection annually. Line manager checks final copies of FPN's prior to notices being posted.	reduced	Low	Yes
FPN's issued to incorrect address	Data submitted by schools is deemed most up to date and accurate as they complete census check throughout the year. We cross check this on our records and social care records. Any discrepancies in address are highlighted and sent back to the school prior to issuing the FPN	Reduced	Low	Yes

Sign off and record outcomes

Item	Name/position/date	Notes
Measures approved by:	 Kirston Nelson Director of Education & Skills 4 th August 2020	Integrate actions back into project plan, with date and responsibility for completion
Residual risks approved by:		If accepting any residual high risk, consult the ICO before going ahead, VIA THE DPO TEAM
DPO advice provided:		DPO should advise on compliance, step 6 measures and whether processing can proceed
Summary of DPO advice: Approved. 4 th August 2020		
DPO advice accepted or overruled by:		If overruled, you must explain your reasons
Comments:		
Consultation responses reviewed by:		If your decision departs from individuals' views, you must explain your reasons
Comments:		
This DPIA will kept under review by:	The DPO Team (Information Governance)	The DPO should also review ongoing compliance with DPIA