

# **Pan-London 16-19 Year Old Leaver Notification Process: Local Authority Toolkit**

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## The Pan London 16-19 Leavers Notification Process

### Why we have this process

The start of the academic year 2013/14 saw the introduction of Raising the Participation Age. This means that all young people will be required to continue in education or training until their 18th birthday<sup>1</sup>.

A statutory duty that requires all providers of education or training for 16 and 17 year-olds to inform their home local authority if a young person (aged 16 or 17) drops out of learning. This is so they can be contacted swiftly and offered support to help them re-engage.

### A pan-London approach

As large numbers of young people in London travel outside of their resident borough to learn, London's boroughs will need to receive timely information to be able to effectively assist and support their residents leaving out-of-borough provision to re-engage.

London Councils has developed a simple process to make it easy for institutions to send leaver information to their home borough and then for that information to be quickly and easily shared with the boroughs in which those young people live.

### The process explained

This process has been designed to enable the transfer of information both simply and securely, with minimum bureaucracy for providers and local authorities.

- All education and training providers in London are asked to complete monthly a local authority leavers and joiners (LALJR) form using a standard Microsoft Excel template (see appendix B) on the dates given in the monthly return schedule (see appendix A). Where boroughs wish to, they may also request that providers in their area inform them about young people at serious risk of dropping out ('wobblers').
- Providers will use a secure data portal, hosted on the London Councils website, to send the return to their home local authority.
- All the names of Leavers and Joiners listed on the submitted returns will be matched and uploaded by the local authority support service within a week of receipt.
- Local authority's will produce/receive monthly reports and provide support as appropriate to help young people to re-engage.

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<sup>1</sup> The Education and Skills Act 2008 places a duty on young people to participate in education or training until the age of 18 **or until attaining a level 3 qualification if earlier**

## Instructions for local authorities

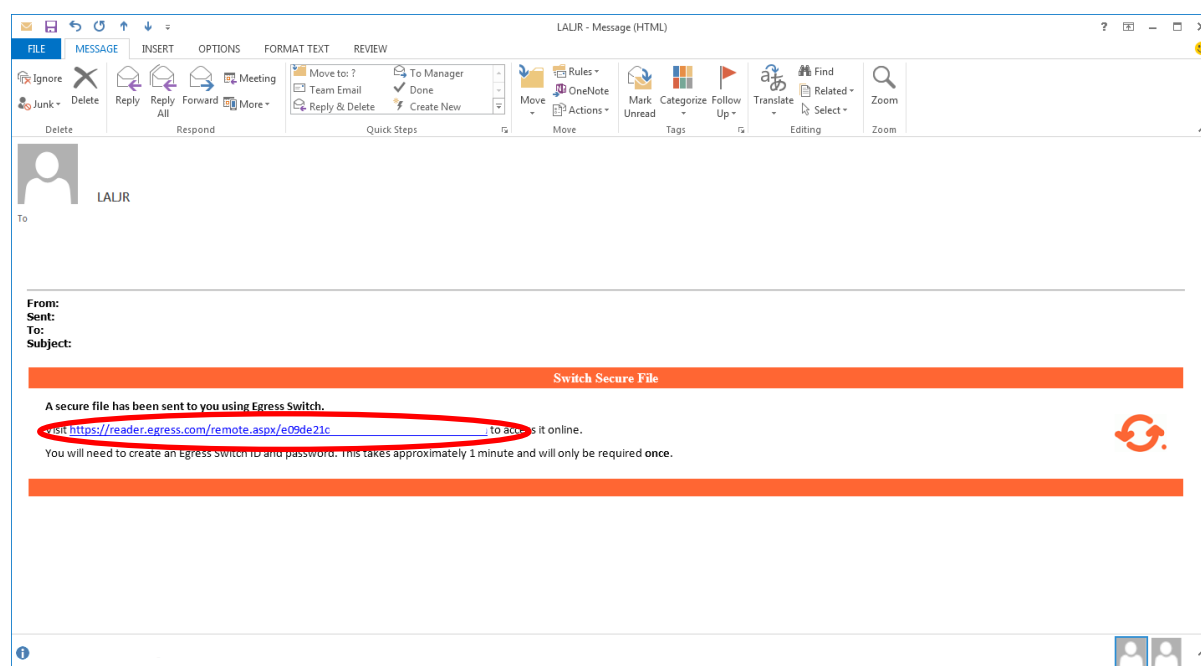
### *What you need to have in place*

- 1 A data sharing agreement/information sharing protocol with all the education and training providers in your borough (see appendix C for an example information sharing protocol).
- 2 A designated person responsible for receiving and processing the monthly LALJR forms (see appendix B) i.e. matching and entering information on to a client record system (for example, IYSS). The designated person will be either in your sub-regional unit, your contracted IAG provider or your own local authority team.
- 3 A designated officer who will receive the monthly joiners and leavers reports from the sub-regional unit, contracted IAG provider or local authority team.

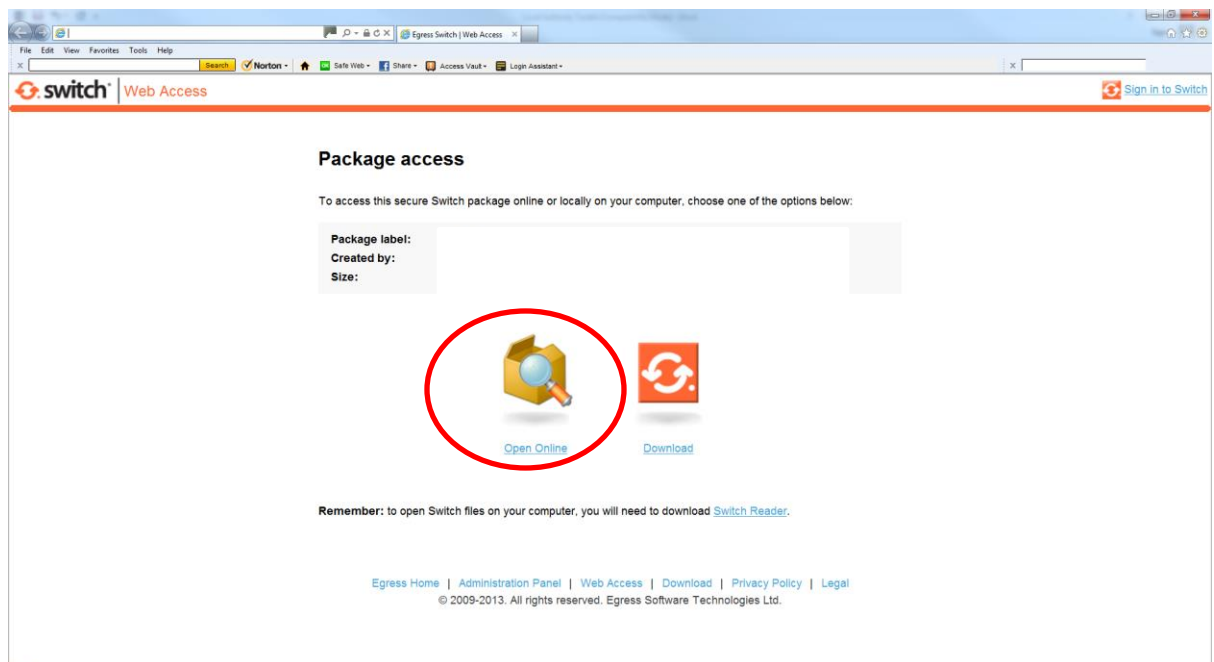
### *The monthly process*

- 1 The forms are received via email (subject title: LALJR) by the designated organisation/team/officer.

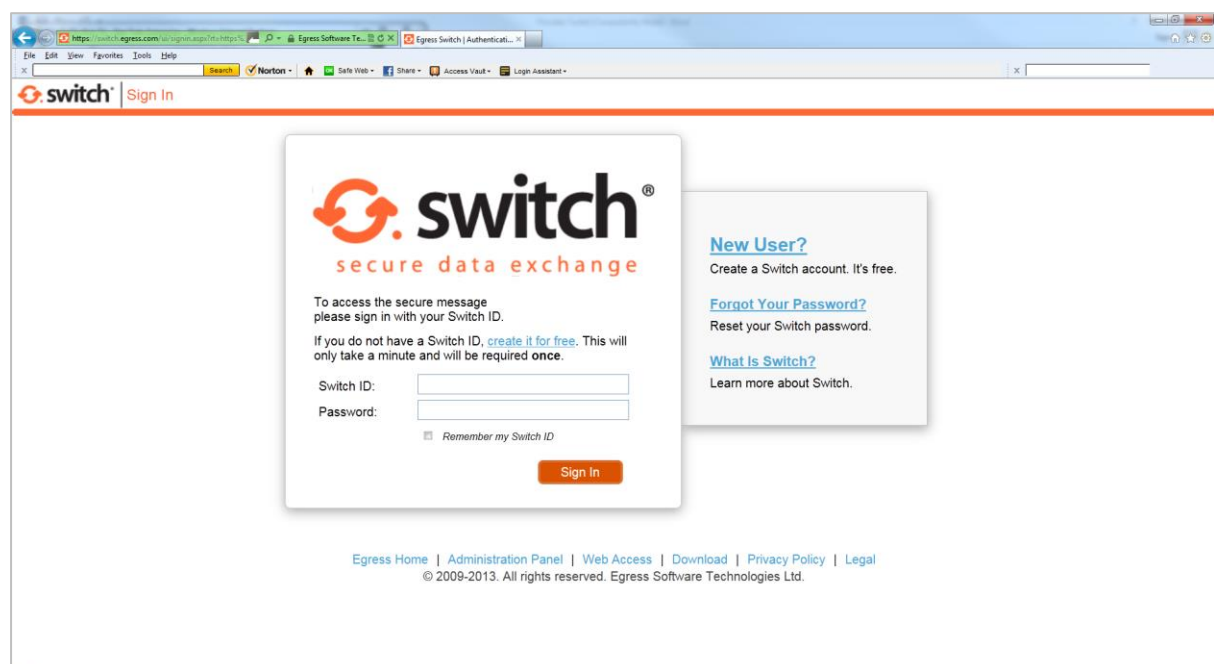
*Click on the link to access the file*



Click **Open Online**



Go to your existing secure Switch account or set one up to access the file



- 2 The learner information on the forms is matched and uploaded to the client record system by the designated organisation/team/officer.
- 3 The designated organisation/team/officer produces a monthly report of all the leavers and joiners for the local authority and sends it to the officer nominated to receive the report.
- 4 A nominated officer receives the monthly joiners and leavers report from the relevant organisation/team/officer and this is then used as appropriate to inform local authority intervention work.



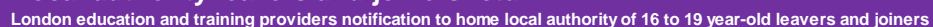
<b>Return Date</b>
21 September 2018
5 October 2018
9 November 2018
7 December 2018
4 January 2019
8 February 2019
8 March 2019
5 April 2019
3 May 2019
7 June 2019
5 July 2019
9 August 2019
20 September 2019

**October and November 2018 returns**

Providers are asked to provide a baseline return of all post-16 enrolments to their local authority.





E-mail: [shirley@shirleydavis.com](mailto:shirley@shirleydavis.com)

For an Excel version of this form go to: <http://www.londoncouncils.gov.uk/rpatoolkits> Appendix B



**LOCAL AUTHORITY NAME**

Raising the Participation Age and support for 16 and 17 year olds who are Not in  
Education, Employment or Training

2018 to

**INFORMATION SHARING PROTOCOL**

**Following the introduction of the Data Protection Regulation  
and the Data Protection Act 2018, local authorities are advised  
to seek advice from their legal teams to ensure that  
information sharing protocols comply with current legislation  
and borough requirements**

# **CONTENTS**

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- 6. BREACH OF AGREEMENT**
- 7. CONCLUSION**
- 8. APPENDIX A – Declaration & Agreement**

## 1. PURPOSE OF THE PROTOCOL

Local Authorities are working together with schools, colleges and other training providers to implement Raising the Participation Age (RPA) and to continue to support 16 and 17 year-olds who are Not in Education, Employment or Training (NEET).

Under the Education and Skills Act 2008 (ESA 2008) local authorities have a statutory duty to 'assist, encourage and enable' young people aged 13 to 19 (and young adults with a learning difficulty and/or disability up to the age of 25) to participate in education or training. This responsibility includes tracking young people's participation. In addition, the ESA 2008 places two new duties on local authorities with regard to 16 and 17 year-olds relating to RPA:

- A local authority in England must ensure that its functions are (so far as they are capable of being so) exercised so as to promote the effective participation in education or training of persons belonging to its area to whom Part 1 of ESA 2008 applies, with a view to ensuring that those persons fulfil the duty to participate in education or training.
- A local authority in England must make arrangements to enable it to establish (so far as it is possible to do so) the identities of persons belonging to its area to whom Part 1 of ESA 2008 applies but who are failing to fulfil the duty to participate in education or training.

The ESA 2008 also places a duty on sixth forms, colleges and other training providers to:

- Inform local authority support services if a young person (aged 16 or 17) has dropped out of learning (section 13 ESA 2008).

For the purposes of this document, support services include the following: **<each local authority area should clearly define which services are to be specifically subject to this protocol>**:

*Youth Services, Connexions Services, Information, Advice and Guidance Services, School and College based Learning Mentors, Targeted or Specialist Youth Support Services covering issues such as substance misuse and drugs rehabilitation, leaving care, teenage parents/parents to be, sports and leisure, housing, and health (including mental health), Youth Offending Services/Teams.*

This Information Sharing Protocol ("Protocol") has been developed to ensure information sharing for the purpose of tracking and monitoring young people's participation and to enable education providers and local authorities to fulfil statutory duties placed upon them through the ESA 2008. The agreement has been produced to assist education providers and local authorities to facilitate the sharing of all personal, sensitive and non-personal data ("Data").

This agreement does not give carte blanche licence for the wholesale sharing of information. Information sharing must take place within the constraints of the law, relevant guidance, and service specific requirements and is underpinned with the ethos of informed consent and client confidentiality being tantamount to any information sharing between local authorities and education providers.

All information and Data sharing must be undertaken within the realms of current legislation and legal frameworks.

## 2. PRINCIPLES

Young people have the right to confidentiality and therefore information that identifies individuals should be shared only when there are clear and valid reasons for doing so. This Protocol sets out the conditions under which information should be shared for the purpose of tracking young people's participation (section 68 ESA 2008).

These arrangements are for all young people aged 13 to 19 and young adults with a learning difficulty and/or disability up to the age of 25 ("Scope").

This Protocol identifies how the notification and exchange of information will take place between <local authority name> ("Local Authority") and <education provider name> ("Education Provider").

This Protocol outlines the principles and operational guidelines for how information and personal Data relating to an individual who is in Scope of this agreement is securely managed between the Education Provider and Local Authority for the purpose of tracking young people's participation.

The aim of this agreement is to share young people's information safely in compliance with the law, whilst respecting a young person's rights to privacy and confidentiality.

To ensure that young people's Data is adequately and appropriately protected, the Protocol between the Local Authority and Education Provider will be employed as a formal agreement for the exchange and sharing of young people's personal information.

The following key principles guide the sharing of information and Data between the Education Provider and Local Authority for the purpose of tracking young people's participation.

The Education Provider and Local Authority are fully committed to ensuring that if they share information and Data for the purpose of tracking young people's participation, it is in accordance with their legal, statutory and common law duties, and, that it meets the requirements of any additional guidance.

The Local Authority will use the Data to carry out their statutory duties and responsibilities:

- To encourage, enable or assist young people to participate in education, employment or training
- To track and support young people
- To support vulnerable young people to engage

The sixth data protection principle of the Data Protection Act 2018 requires that appropriate measures should be in place to protect personal information from unauthorised access, loss, damage or destruction. The Local Authority and Education Provider are responsible for the security of information they receive and hold. The Education Provider and Local Authority must take all necessary care and employ appropriate physical, technical and organisational safeguards to protect the personal data under this Protocol. The Education Provider must agree with the Local

Authority the standards required for protecting the data, for example, safeguards for information in electronic format, security of data in transmission.

### **3. CONSENT**

It is policy to gain young people's consent to share their information wherever practical. If information sharing is necessary, but the gaining of consent is impractical (e.g. where there has been no contact with the young person for a period of time) information can still be shared between the Education Provider and the Local Authority. The legal basis for sharing without consent in this instance is that it is necessary for the exercise of the Secretary of State's function of providing services under *Section 114 of the Learning and Skills Act 2000*. This is in conjunction with the Children Act 2004 section 10, 11 and 12.

The Data Protection Act 1998 has put in place numerous safeguards regarding the use of personal Data by organisations. The Act gives rights to those about whom Data is held, known as data subjects. This includes:

- the right to know the types of Data being held
- why it is being held, and
- to whom it may be communicated.

Privacy notices are designed to meet those needs of the Act. Privacy notices must be issued to new learners at the Education Provider for which Data are being provided in the school census or Individualised Learner Record (ILR).

### **4. AUDIT**

The Education Provider and Local Authority must have appropriate governance and risk assessment measures in place, to assure the safe storage, access and utilisation of young people identifiable Data. Policies should be available for audit purposes with evidence of clear review dates. Evidence to be retained for 7 years.

### **5. THE LEGAL FRAMEWORK FOR SHARING**

The principal legislation concerning the protection and use of this information is listed below:

- Education and Skills Act 2008
- Education Act 2011
- Human Rights Act 1998 (article 8)
- Freedom of Information Act 2000
- General Data Protection Regulation
- Data protection Act 2018
- Common Law Duty of Confidence

## **6. BREACH OF AGREEMENT**

In accordance with the Data Protection Act, the Data Controller maintains all responsibility for personal Data regardless of whether a Data Processor is acting on behalf of the Data Controller in that instance. If this Protocol is breached the Data Controller will bear responsibility. The Data Controllers covered in this Protocol should therefore ensure that they have taken appropriate technical and organisational measures against unauthorised or unlawful processing of personal data and against accidental loss to, destruction of, or damage to, personal Data. If the Data Processor uses the data covered in this Protocol in an unlawful manner they may be subject to prosecution.

Without prejudice, any breach of the Protocol shall constitute a material breach, and thus the responsible party will notify the Protocol partner as soon as it is discovered, and shall use best endeavours to rectify any breach assessing the extent and risk to any individual persons whose Data has been lost, damaged or misused, in order to minimise and to mitigate its effects.

## **7. CONCLUSION**

This agreement acknowledges and provides a means whereby members of the public, staff, education providers and local authorities can be confident that where information and Data is shared between the Education Provider and Local Authority for the purpose of tracking young people's participation, it is done so appropriately and securely and will not be utilised outside the scope of tracking young people's participation for the purposes of delivering the duties outlined in section 68 of the ESA 2008.



## 8. APPENDIX A – Declaration & Agreement

We the undersigned have read and fully understand the contents of this Information Sharing protocol, and confirm agreement and compliance.

**Signed on behalf of the London Borough of <local authority name>:**

.....

Signatory Name:	
Job Title/Position in Organisation:	
Signature:	
Date:	
Contact Details (email & telephone number):	

**Signed on behalf of <education provider name>:**

.....

Signatory Name:	
Job Title/Position in Organisation:	
Signature:	
Date:	
Contact Details (email & telephone number):	

For a Word version of this protocol go to: <http://www.londoncouncils.gov.uk/rpatoolkits>  
Appendix C



**Privacy Notice (How we use pupil information)**

**[Suggested wording to give to pupils and parents to explain how information about pupils is used in educational settings such as; schools, alternative provision, pupil referral units and early years providers. You must review and amend to reflect local needs and circumstances, as you will process data that is not solely for use within data collections]**

**The categories of pupil information that we process include:**

- personal identifiers and contacts (such as name, unique pupil number, contact details and address)
- characteristics (such as ethnicity, language, and free school meal eligibility)
- safeguarding information (such as court orders and professional involvement)
- special educational needs (including the needs and ranking)
- medical and administration (such as doctors information, child health, dental health, allergies, medication and dietary requirements)
- attendance (such as sessions attended, number of absences, absence reasons and any previous schools attended)
- assessment and attainment (such as key stage 1 and phonics results, post 16 courses enrolled for and any relevant results)
- behavioural information (such as exclusions and any relevant alternative provision put in place)

**[Settings need to add to this list other categories of pupil information that they process. These might include, for example; trips and activities, catering and free school meal management and identity management/authentication]**

This list is not exhaustive, to access the current list of categories of information we process please see **[link to website or location of data asset register / current privacy notice]**

**Why we collect and use pupil information**

**[Setting to insert both the purposes and lawful bases for collecting and using pupil information]**

We collect and use pupil information, for the following purposes:

- a) to support pupil learning
- b) to monitor and report on pupil attainment progress
- c) to provide appropriate pastoral care
- d) to assess the quality of our services
- e) to keep children safe (food allergies, or emergency contact details)
- f) to meet the statutory duties placed upon us for DfE data collections

**[Settings need to add to this list any other reasons for which they collect and use pupil information]**

Under the General Data Protection Regulation (GDPR), the lawful bases we rely on for processing pupil information are:

**[Setting to document the lawful basis for each purpose (must include a basis from Article 6, and one from Article 9 where data processed is special category data from the GDPR-from 25 May 2018). Ensure you list all relevant legislation that supports the lawful basis. For DfE data collections see relevant legislation for each specific [data collection](#) you collect data for]**

- for the purposes of **[Insert purpose / purposes]** in accordance with the legal basis of **[Insert legal basis]**

In addition, concerning any special category data:

- conditions **[Insert conditions]** of [GDPR - Article 9](#)

**[Settings to extend to list lawful basis / bases for each purpose that they are processing]**

## How we collect pupil information

We collect pupil information via **[explain method of data collection used, for example registration forms at the start of the school year or Common Transfer File (CTF) or secure file transfer from previous school]**

Pupil data is essential for the schools' operational use. Whilst the majority of pupil information you provide to us is mandatory, some of it requested on a voluntary basis. In order to comply with the data protection legislation, we will inform you at the point of collection, whether you are required to provide certain pupil information to us or if you have a choice in this.

## How we store pupil data

We hold pupil data securely for the set amount of time shown in our data retention schedule. For more information on our data retention schedule and how we keep your data safe, please visit **[link to website]**

**[Settings should explain or reference the appropriate data retention documents that show where data is held, the security arrangements (high level), and policies about safe use of data within the setting. Ideally, this section should link to policies that are easily accessible and regularly reviewed].**

## Who we share pupil information with

We routinely share pupil information with:

- schools that the pupils attend after leaving us
- our local authority
- youth support services (pupils aged 13+)
- the Department for Education (DfE)

**[Settings need to amend and extend this list to include all other parties with whom they regularly share pupil information. Examples include, academy chains, federations, Multi Academy Trusts (MATs), school nurse, NHS.]**

## Why we regularly share pupil information

We do not share information about our pupils with anyone without consent unless the law and our policies allow us to do so.

**[Setting to explain why they share pupil data and insert any relevant legislation for sharing it with those named in 'Who we share pupil information with' section. It is also useful to state how the data is transferred and link to any data retention policies where available]**

## Youth support services

### **Pupils aged 13+ [For use by educational settings with students aged 13+:]**

Once our pupils reach the age of 13, we also pass pupil information to our local authority and / or provider of youth support services as they have responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996.

This enables them to provide services as follows:

- youth support services
- careers advisers

The information shared is limited to the child's name, address and date of birth. However where a parent or guardian provides their consent, other information relevant to the provision of youth support services will be shared. This right is transferred to the child / pupil once they reach the age 16.

Data is securely transferred to the youth support service via **[insert method used]** and is stored **[insert storage]** and held for **[insert data retention period]**.

### **Pupils aged 16+ [For use by educational settings with students aged 16+:]**

We will also share certain information about pupils aged 16+ with our local authority and / or provider of youth support services as they have responsibilities in relation to the education or training of 13-19 year olds under section 507B of the Education Act 1996.

This enables them to provide services as follows:

- post-16 education and training providers
- youth support services
- careers advisers

Data is securely transferred to the youth support service via **[insert method used]** and is stored **[insert storage]** and held for **[insert data retention period]**.

For more information about services for young people, please visit our local authority website.

## Department for Education

The Department for Education (DfE) collects personal data from educational settings and local authorities via various statutory data collections. We are required to share information about our pupils with the Department for Education (DfE) either directly or via our local authority for the purpose of those data collections, under:

**[Setting to insert relevant legislation for their sharing of pupil information with DfE. See relevant legislation for each specific [data collection](#) you complete]**

### **Examples for school census:**

**[For use by maintained schools only:]** section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

**[For use by academies and free schools only:]** regulation 5 of The Education (Information About Individual Pupils) (England) Regulations 2013.

**[For use by pupil referral units only:]** regulation 4 of The Education (Information About Individual Pupils) (England) Regulations 2013.

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

For more information, please see 'How Government uses your data' section.

### 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. To make a request for your personal information, or be given access to your child's educational record, contact **[setting to include details of their administrator / Data Protection Officer]**

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- a right to seek redress, either through the ICO, or through the courts

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/>

### Contact

**If you would like to discuss anything in this privacy notice, please contact: [Setting to insert name / address / contact details of its administrator or Data Protection Officer]**

### 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
- 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>

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

*For a Word version of this notice go to: the Department for Education's webpage [Data protection: privacy notice model documents](#)*