



Special Educational Needs and Disability Team Privacy Notice

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Special Educational Needs and Disability Team Privacy Notice

Updates

We may update or revise this Privacy Notice at any time so please refer to the version published on our website for the most up-to-date details: Council's [Primary Privacy Notice](#).

What personal data may we require and who might we share this with?

When a Child or Young Person (C/YP) is referred for an Education, Health and Care Plan Needs Assessment (EHCA), Wigan Council will be required to collect personal data which includes:

- The C/YP's full name (including any middle names)
- The C/YP's date of birth
- The C/YP's home address
- The C/YP's parent/carer(s) contact details
- Details relating to the C/YP's Special Educational Needs (SEN)
- Details relating to the C/YP's education/school history
- Details relating to the C/YP's progress, attainment, attendance and any exclusions
- The C/YP's Unique Pupil Number and/or Unique Learner Number
- The C/YP's medical information (including their NHS patient number)
- Details relating to the C/YP's social care needs
- Details about family, household, living circumstances and/or information about the C/YP's parent/carer(s).

The Special Educational Needs and Disability (SEND) Service will also seek to obtain information about any professionals and services from across Education, Health and Care who are or have previously worked with your C/YP. These professionals and services will include:

- The C/YP's school, namely the SEN Coordinator (SENCO) or their counterpart
- The Educational Psychology Service
- The Targeted Education Support Service
- The Special School Outreach Service
- The Early Learning Childcare Team
- The Specialist Sensory Education Team
- The Ethnic Minority Achievement Service
- The Inclusion Service
- The Youth Offending Team
- Therapy Services (i.e. Speech and Language Therapy, Occupational Therapy, Physiotherapy)
- Community Paediatrics
- Child and Adolescent Mental Health Service
- Startwell Teams.

Equally, personal data may be shared with these professionals and services when the C/YP is known to the service, or when it is deemed to be of benefit to them.

How will we collect your personal data?

Your C/YP's personal data may be gathered through one or a combination of the below:

- Completion of a request for a Statutory Assessment, either electronically or paper copy
- Meetings with you, and your child/young person
- Consultation with other professionals
- Professional/relevant service reports or council databases
- Post, email and telephone conversations as appropriate
- Section 23 notifications from health partners
- Other local authorities where appropriate.

When we request personal data from you, we will:

- Ensure that you understand why this is required and inform you of any purposes that this will be used
- Only ask that you provide what is necessary for any work we are undertaking
- Ensure that access is only granted to authorised staff on a need to know basis.

We ask that you:

- Provide us with accurate information
- Inform us of any changes that affect your personal data as and when these occur
- Notify us as soon as possible if you detect any mistakes or inaccuracies in the information/data we hold about you and/or your C/YP.

How will we use your personal data?

We will use your personal data for a variety of functions which include:

- To ensure that professionals and services understand how they can best support and help you and your C/YP
- To support our work with your child in his/her school or setting, or in your home or another setting for those children who are unable to attend school because of ill health
- To develop an Education, Health and Care Plan (EHCP) if this is the outcome of your C/YP's EHCNA, containing details of your C/YP's SEN, Health and Social Care needs, as well as any provision they require to ensure these are met
- To initiate formal consultations with education settings to determine whether they can meet your C/YP's needs, prior to naming an early years setting, school or college in an EHCP
- To signpost you and your C/YP to appropriate avenues of support
- To inform local demand and determine which services and interventions need to be commissioned in the Wigan Borough
- To help develop and improve local services
- To ensure compliance with legislative frameworks and Wigan Council's high-quality standards through quality assurance, audits and monitoring
- To ensure the appropriate delegation and protection of public funds.

We will also use your personal data anonymously for reporting purposes and will ensure that data cannot be traced back to you and your C/YP. Examples of when this might occur include:

- To determine how well the council and its partners are supporting C/YP and their families
- To help design improved services which are responsive to local demand and need
- To inform funding and commissioning decisions

- To inform performance management and improve service delivery
- To inform training and development needs
- To submit national surveys and government returns.

Our legal basis for using personal data UK GDPR

The information you provide to the SEN Team helps us to support children, young people and families and we are required to use the information in order to meet our legal responsibilities in accordance with the Children and Families Act (2014) and to carry out tasks in the public interest. We rely on the following lawful basis under UK GDPR: Legal obligation and Public Task.

The information you provide enables us to fulfil our duties including:

- Statutory advice to the Local Authority as part of an education, health and care needs assessment
- Monitoring of provision and outcomes as part of the annual review process for children and young people who have an EHCP
- Monitoring of the quality of provision for children and young people with special educational needs.

The information you give us ensures that we can:

- Undertake an appropriate assessment of need
- Determine whether a C/YP needs additional support which can only be accessed through having an EHC Plan
- Make informed decisions about which educational setting can best meet your C/YP's SEN.

Sharing data under data protection law

We may be required or permitted, under data protection legislation, to disclose your personal data without your explicit consent, for example if we have a legal obligation to do so, such as when we feel that you or others are at risk.

Data Transfers beyond European Economic Area (EEA)

All council data is processed wholly within the UK.

Automated Decisions

For this service all the decisions we make about you involve human intervention.

Retaining personal data

We will store your personal data securely and confidentially and when we no longer have a need to keep it, we will delete/destroy it securely.

We only keep your personal data up to the age of 25 years for non-statutory files and 35 years from closure for statutory files (such as EHC Plan's).

Further processing of personal data

If we wish to use your personal data for a new purpose, not covered by this Privacy Notice, then we'll provide you with a new notice.

The new notice will:

- explain this new use before we start the processing,
- set out the relevant purposes and processing conditions.

Where necessary, we'll seek your consent to the new processing, if we start to use your personal data for a purpose not mentioned in this Privacy Notice.

What are your rights relating to personal data?

When we collect your personal data, we'll tell you how we are going to use it. Where we process your personal data, you have a number of rights under data protection law. See the Council's [Primary Privacy Notice](#). Also see [General Data Protection Regulation and FOI](#), [Accessibility Statement](#), [Cookies Policy](#), [Disclaimer](#).

If you require any more information about that contained in this privacy notice, you can contact the SEND Service, email: [SENDS Admin](#)

If you have questions about this privacy notice, want to exercise any of your legal rights, or you have a complaint about how your personal data has been used, email: [Legal - Information Governance](#), [Data Protection Officer](#)

Consent Form

Referrer

| | | | |
|-------------------------|--|---------------|--|
| Name of Referrer | | Agency | |
| Position | | Date | |
| Signature | | | |

Parents/Carers

You should note that by signing this form you are agreeing to the gathering and sharing of information as detailed in the attached Privacy Notice.

| | | | |
|-----------------------------|--|-------------|--|
| Name of Parent/Carer | | Date | |
| Signature | | | |

Parents/Carers **must** be given a copy of the completed referral and the Privacy Notice. The referral should also be accompanied by the Medical Questionnaire completed by the parent/carer or young person, where appropriate.

This referral and supporting documents can be sent by email to [EHC - Referrals](#)