

School Workforce Privacy Notice 2022/2023

'Working together to achieve success'

The content of this privacy notice covers all members of the School Workforce, including Staff, Governors and Volunteers.

The categories of school workforce information that we collect, hold and share include:

- Personal information (such as name, address, birth certificate, employee and/or teacher number, national insurance number)
- Special categories of data including characteristics information such as gender, age, ethnic group
- Contact information (including emergency contact and next of kin details)
- Contract information (such as start dates, hours worked, post, roles and salary information)
- Recruitment information (such as application forms including work history and CPD, references, DBS checks, overseas criminal record checks where applicable)
- Payroll information (including bank details)
- Work absence information (such as number of absences, reasons and return to work information)
- Relevant medical information
- Qualifications and training (and, where relevant, subjects taught or courses attended)

We use school workforce data to:

- Enable the development of a comprehensive picture of the workforce and how it is deployed
- Inform the development of recruitment and retention policies
- Enable individuals to be paid

The lawful basis on which we use this information

On the 25th May 2018 the Data Protection Act 1998 was replaced by the General Data Protection Regulation (GDPR). The condition for processing under the GDPR is:

Article 6

1. Processing shall be lawful only if and to the extent that at least one of the following applies:
 - a) The Data subject has given consent;
 - b) Processing is necessary for compliance with a legal obligation to which the controller is subject;
 - c) To protect the vital interests of the data subject or of another person such as providing medical information to the emergency services;

Article 9

1. Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation shall be prohibited.
2. Paragraph 1 shall not apply if one of the following applies:



Our mission:

'Working together to achieve success'

- As active and healthy **individuals** who are inquisitive, have the belief to try new things and manage risks safely.
- As resilient, confident and independent **learners** who strive to achieve their best.
- As **honest, courteous and kind friends** who **respect** and value difference and have the **courage** to challenge discrimination.
- As active and **responsible** and **respectful citizens** who have a positive impact within their school, community and wider world.

- j) Processing is necessary for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in accordance with Article 89(1) based on Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

The Education Act 2005 sections 113 and 114 - is a statutory requirement on schools and local authorities for the submission of the school workforce census return, including a set of individual staff records.

Collecting this information

Whilst the majority of pupil information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with the General Data Protection Regulation, we will inform you whether you are required to provide certain pupil information to us or if you have a choice in this.

Storing this data

We hold school workforce data in accordance with record retention guidelines provided by the Information and Records Management Society. Please see Appendix 1 for further details.

Who we share pupil information with

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

We may share pupil information with the following:

- Local Authority (including
- Department for Education
- Sims who provide the School's Management Information System which allows us to keep a record of each staff member
- CPOMS Staffsafe who hold the School's Single Central Record

We are required to share information about our school employees with our local authority (LA) and the Department for Education (DfE) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments.

Data collection requirements:

The DfE collects and processes personal data relating to those employed by schools (including Multi Academy Trusts) and local authorities that work in state funded schools (including all maintained schools, all academies and free schools and all special schools including Pupil Referral Units and Alternative Provision). All state funded schools are required to make a census submission because it is a statutory return under sections 113 and 114 of the Education Act 2005

To find out more about the data collection requirements placed on us by the Department for Education including the data that we share with them, go to <https://www.gov.uk/education/data-collection-and-censuses-for-schools>.

The department may share information about school employees with third parties who promote the education or well-being of children or the effective deployment of school staff in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The department has robust processes in place to ensure that the confidentiality of personal data is maintained and there are stringent controls in place regarding access to it and its use. Decisions

on whether DfE releases personal data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data
- the purpose for which it is required
- the level and sensitivity of data requested; and
- the arrangements in place to securely store and handle the data

To be granted access to school workforce information, organisations must comply with its strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data.

For more information about the department’s data sharing process, please visit:

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

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

Requesting access to your personal data

Under data protection legislation, staff have the right to request access to information about them that we hold. To make a request for your personal information, contact Mrs Helen Taylor.

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
- claim compensation for damages caused by a breach of the Data Protection regulations

If you have a concern about the way we are collecting or using your personal data, we request that you raise your concern with us in the first instance. Alternatively, you can contact 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:

Mrs Helen Taylor – Deputy Headteacher

Reviewed by the Subject Leader:	Next review date:
Autumn 2022	Autumn 2024

Appendix 1 – School Workforce Retention Guidelines

Basic file description	Statutory Provisions	Retention Period [operational]	Action at the end of the administrative life of the record	Personal Information
Recruitment				
All records leading up to the appointment of a headteacher		Date of appointment plus 6 months. Add to personnel file and return until end of appointment + 6 years, except in cases of negligence or claims or child abuse then at least 15 years.	SECURE DISPOSAL	Yes
All records leading up to the appointment of a member of staff/governor – unsuccessful candidates		Date of appointment of successful candidate + 6 months	SECURE DISPOSAL	Yes
Pre-employment vetting information – DBS Checks – successful candidates	DBS Update Service Employer Guide June 2014; Keeping Children Safe in Education 2018 (Statutory Guidance from DoE) Section 73, 74	Application forms, references and other documents – for the duration of the employee’s employment + 6 years	SECURE DISPOSAL	Yes
Forms of proof of identity collected as part of the process of checking ‘portable’ enhanced DBS disclosure		Where possible this process should be carried out using the online system. If it is necessary to take a copy of documentation then it should be retained on the staff personal file.	SECURE DISPOSAL	Yes

Basic file description	Statutory Provisions	Retention Period [operational]	Action at the end of the administrative life of the record	Personal Information
Pre-employment vetting information – Evidence proving the right to work in the United Kingdom – successful candidates	An Employer's Guide to Right to Work Checks [Home Office, May 2015]	Where possible these documents should be added to the staff personnel file, but if they are kept separately then the Home Office requires that the documents are kept for the termination of employment + not less than 2 years	SECURE DISPOSAL	Yes
Operational Staff Management				
Staff personnel file	Limitation Act 1980 (Section 2)	Termination of employment + 6 years, unless the member of staff is part of any case which falls under the terms of reference of IICSA. If this is the case then the file will need to be retained until IICSA enquiries are complete	SECURE DISPOSAL	Yes
Annual appraisal/assessment records		Current year + 6 years	SECURE DISPOSAL	Yes
Sickness absence monitoring		<p>Sickness records are categorised as sensitive data. There is a legal obligation under statutory sickness pay to keep sickness records for sickness monitoring. Sickness records should be kept separate from accident records.</p> <p>It could be argued that where sickness pay is not paid then current year + 3 years is acceptable, whilst if sickness pay is made then it becomes a financial record and current year + 6 years applies. The actual retention may depend on internal auditors. Most seem to accept current year + 3 years as being acceptable as this gives them, 'benefits' and Inland Revenue have time to investigate if they need to</p>	SECURE DISPOSAL	Yes

Basic file description	Statutory Provisions	Retention Period [operational]	Action at the end of the administrative life of the record	Personal Information
Staff training – where the training leads to continuing professional development		Length of time required by the professional body	SECURE DISPOSAL	Yes
Staff training – except where dealing with children, e.g. first aid or health and safety		This should be retained on the personnel file	SECURE DISPOSAL	Yes
Staff training – where the training relates to children, e.g. safeguarding or other child related training		Date of the training + 40 years [This retention period reflects that the IICSA may wish to see training records as part of an investigation]	SECURE DISPOSAL	Yes
Disciplinary and Grievance Processes				
<i>Where schools are in any doubt as to which categories disciplinary records fall under, then HR or legal advice should be sought from the Local Authority.</i>				
Records relating to any allegation of a child protection nature against a member of staff	KCSiE 2018 Working together to safeguard children. A guide to inter-agency working to safeguard and promote the welfare of children 2018	Until the person's normal retirement age or 10 years from the date of the allegation (whichever is the longer) then REVIEW. Note: allegations that are found to be malicious should be removed from personnel files. If found they are to be kept on the file and a copy provided to the person concerned UNLESS the member of staff is part of any case which falls under the terms of reference of IICSA. If this is the case then the file will need to be retained until IICSA enquiries are complete	SECURE DISPOSAL These records must be shredded	Yes

Basic file description	Statutory Provisions	Retention Period [operational]	Action at the end of the administrative life of the record	Personal Information
Disciplinary proceedings: Oral warning		Date of warning + 6 months	SECURE DISPOSAL [If warnings are placed on personal files then they must be weeded from the file]	
Written warning – level 1		Date of warning + 6 months		
Written warning – level 2		Date of warning + 12 months		
Final warning		Date of warning + 18 months		
Case not found		If the incident is related to child protection then see above, otherwise dispose of at the conclusion of the case	SECURE DISPOSAL	
Payroll and Pensions				
Absence record		Current year + 3 years	SECURE DISPOSAL	Yes
Batches	Taxes Management Act 1970 Income and Corporation Taxes 1988	Current year + 6 years	SECURE DISPOSAL	Yes
Bonus sheets	Taxes Management Act 1970 Income and Corporation Taxes 1988	Current year + 3 years	SECURE DISPOSAL	Yes

Basic file description	Statutory Provisions	Retention Period [operational]	Action at the end of the administrative life of the record	Personal Information
Car Allowance Claims	Taxes Management Act 1970 Income and Corporation Taxes 1988	Current year + 3 years	SECURE DISPOSAL	Yes
Car Loans	Taxes Management Act 1970 Income and Corporation Taxes 1988	Current year + 6 years	SECURE DISPOSAL	Yes
Car mileage output	Taxes Management Act 1970 Income and Corporation Taxes 1988	Current year + 6 years	SECURE DISPOSAL	Yes
Income tax from P60		Current year + 6 years	SECURE DISPOSAL	Yes
Insurance	Taxes Management Act 1970 Income and Corporation Taxes 1988	Current year + 6 years	SECURE DISPOSAL	Yes

Basic file description	Statutory Provisions	Retention Period [operational]	Action at the end of the administrative life of the record	Personal Information
Maternity payment		Current year + 3 years	SECURE DISPOSAL	Yes
National Insurance – schedule of payments	Taxes Management Act 1970 Income and Corporation Taxes 1988	Current year + 6 years	SECURE DISPOSAL	Yes
Overtime	Taxes Management Act 1970 Income and Corporation Taxes 1988	Current year + 3 years	SECURE DISPOSAL	Yes
Part time fee claims	Taxes Management Act 1970 Income and Corporation Taxes 1988	Current year + 6 years	SECURE DISPOSAL	Yes
Pay packet receipt by employee		Current year + 2 years	SECURE DISPOSAL	Yes
Payroll awards		Current year + 6 years	SECURE DISPOSAL	Yes

Basic file description	Statutory Provisions	Retention Period [operational]	Action at the end of the administrative life of the record	Personal Information
Payroll – gross/net weekly or monthly	Taxes Management Act 1970 Income and Corporation Taxes 1988	Current year + 6 years	SECURE DISPOSAL	Yes
Payroll reports	Taxes Management Act 1970 Income and Corporation Taxes 1988	Current year + 6 years	SECURE DISPOSAL	Yes
Payslips - copies	Taxes Management Act 1970 Income and Corporation Taxes 1988	Current year + 6 years	SECURE DISPOSAL	Yes
Pension payroll	Taxes Management Act 1970 Income and Corporation Taxes 1988	Current year + 6 years	SECURE DISPOSAL	Yes

Basic file description	Statutory Provisions	Retention Period [operational]	Action at the end of the administrative life of the record	Personal Information
Personal bank details		If employment ceases then end of employment + 6 years Until superseded + 3 years	SECURE DISPOSAL	Yes
Sickness records		Current year + 3 years	SECURE DISPOSAL	Yes
Staff returns		Current year + 3 years	SECURE DISPOSAL	Yes
Superannuation adjustments	Taxes Management Act 1970 Income and Corporation Taxes 1988	Current year + 6 years	SECURE DISPOSAL	Yes
Superannuation reports	Taxes Management Act 1970 Income and Corporation Taxes 1988	Current year + 6 years	SECURE DISPOSAL	Yes

Basic file description	Statutory Provisions	Retention Period [operational]	Action at the end of the administrative life of the record	Personal Information
Tax forms		<p>The minimum requirement – as stated in Inland Reenue Booklet 490 – is for at least 3 years after the end of the tax year to which they apply.</p> <p>Originals must be retained in paper/electronic format. It is a corporate decision to retain for current year + 6 years.</p> <p>Employees should retain for 22 months after current tax year</p>	SECURE DISPOSAL	Yes
Time sheets/ flexi time		Current year + 3 years	SECURE DISPOSAL	Yes