



Privacy Notice (How we use pupil information)

At Upton-by-Chester High School, we aim to provide a positive, aspirational learning environment to support our children to achieve their potential. In order to do this we need to work in partnership with parents, students, governors, the Local Authority and carefully selected outside agencies.

We are the Data Controller for the purposes of the General Data Protection Regulation (GDPR) and the personal data we hold is used to support our teaching and learning, monitor and report on your child's progress and to provide appropriate pastoral care.

Upton-by-Chester High School complies with the GDPR requirements and is registered as a "Data Controller" with the Information Commissioner's Office (Reg. No. Z5826772).

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

- Personal information (such as name, unique pupil number and address)
- Characteristics (such as ethnicity, language, nationality, country of birth and free school meal eligibility)
- Attendance information (such as sessions attended, number of absences and absence reasons)
- Assessment information (such as grades (including calculated GCSE / A Level grades for 2020), forecasts and exam/test results). Further details about calculated grades and your rights are included within Appendix 1.
- Medical information (such as allergies, medication)
- Special Educational Needs
- Behaviour information (positive and negative behaviour and exclusion information)
- CCTV footage
- Post 16 learning information
- Student destination information when they leave the school

Why we collect and use this information

We collect and hold personal information relating to our students and those involved with their care. We may also receive information from any schools previously attended, the Local Authority and/or the Department for Education (DfE).

We use this personal information to:

- support pupil learning
- support pupil welfare
- monitor and report on pupil progress
- provide appropriate pastoral care
- assess the quality of our services
- process any complaints and grievances
- provide a cashless catering service
- protect any vulnerable individuals
- prevent and detect crime
- comply with the law regarding data sharing

The lawful basis on which we use this information

The main reason that the school processes personal data is because it is necessary in order to comply with the school's legal obligations and to enable it to perform tasks carried out in the public interest.

The school may also process personal data if at least one of the following applies:

- In order to protect the vital interests of an individual
- There is explicit consent
- For establishment, exercise or defence of legal claims or whenever courts are acting in a judicial capacity
- For reasons of public interest in the area of public health
- For reasons of substantial public interest, based on law, which is proportionate in the circumstances and which has provided measures to safeguard the fundamental rights and the interest of the individual.

Collecting pupil 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 pupil data

Personal data will not be retained by the school for longer than necessary in relation to the purposes for which they are collected. The school keeps all records on students until they reach the age of 25 years old.

Who we share pupil information with

We routinely share pupil information with:

- schools that the pupil's attend after leaving Upton-by-Chester High School
- our Local Authority
- the Department for Education (DfE)
- the NHS
- Awarding bodies and exam boards
- Tour companies providing school trips
- Social services and linked agencies for health and welfare (MASH, CAMS, Educational Psychologists)
- Police
- School photography companies
- SISRA (an online service that allows us to assess performance and ability) and other third party learning providers
- Aspens Services Limited to provide on-site cashless catering services

Why we 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.

We share pupils' data with the Department for Education (DfE) on a statutory basis. This data sharing underpins school funding and educational attainment policy and monitoring.

We are required to share information about our pupils with our local authority (LA) and the Department for Education (DfE) under Section 3 of The Education (Information About Individual Pupils) (England) Regulations 2013.

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>

Youth support services

Pupils 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

A parent or guardian can request that only their child's name, address and date of birth is passed to their local authority or provider of youth support services by informing us. This right is transferred to the child / pupil once he/she reaches the age 16.

Pupils 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

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

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.

We are required by law, to provide information about our pupils to the DfE as part of statutory data collections such as the school census and early years' census. Some of this information is then stored in the NPD. The law that allows this is the Education (Information About Individual Pupils) (England) Regulations 2013.

To find out more about the NPD, go to

<https://www.gov.uk/government/publications/national-pupil-database-user-guide-and-supporting-information>

The department may share information about our pupils from the NPD with third parties who promote the education or well-being of children in England by:

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

The Department has robust processes in place to ensure the confidentiality of our data is maintained and there are stringent controls in place regarding access and use of the data. Decisions on whether DfE releases 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 store and handle the data

To be granted access to pupil information, organisations must comply with 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/guidance/data-protection-how-we-collect-and-share-research-data>

For information about which organisations the department has provided pupil information, (and for which project), please visit the following website: <https://www.gov.uk/government/publications/dfe-external-data-shares>

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

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. Requests for personal information must be made in writing and addressed to the Headteacher, Upton-by-Chester High School, St James Avenue, Chester CH2 1NN.

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

Queries & Complaints

For any general questions or advice about the school's data protection procedures please contact our Data Protection Lead Officer Mr Arnall (arnullj@uptonhigh.co.uk); our School Business Manager Mr Hancox (hancoxs@uptonhigh.co.uk); or the School's Data Protection Officer (schoolDPO@cheshirewestandchester.gov.uk), or write to:

School Data Protection Officer
Cheshire West and Chester Council
3rd Floor
4 Civic Way
Ellesmere Port
CH65 0BE

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/>



Calculated Grades

You will be aware that the GCSE, AS and A level examinations for 2020 have been cancelled and that the school is required to provide 'calculated grades' to the relevant exam boards.

It must be noted that the process and the procedure has not been developed by the school and we will follow the procedure as directed by the DfE and the Office of Qualifications and Examinations Regulation (Ofqual).

The Department for Education has produced a guide explaining what actions schools will take in producing a calculated grade and it can be found here:

<https://www.gov.uk/government/publications/coronavirus-covid-19-cancellation-of-gcses-as-and-a-levels-in-2020/coronavirus-covid-19-cancellation-of-gcses-as-and-a-levels-in-2020>

How will the school calculate grades, is there any automated profiling?

No, grades are not calculated using any form of automated process. The school will consider a range of things such as classwork and homework, results in assignments and any mock exams, any non-exam assessment or coursework undertaken, and general progress during the course.

We will send the exam boards two pieces of information for each of subject, based on what we know about a student's work and achievements:

- the grade we believe a student was most likely to achieve if teaching, learning and exams had happened as planned
- within each subject, the order of students at the school, by performance, for each grade.

This information will allow exam boards, to standardise grades across schools and colleges, to make sure that, as far as possible, results are fair and that students are not advantaged or disadvantaged because their schools or colleges are more generous or harsh than others when making those judgements.

That means the final grade a pupil gets get could be different from the one the school sends to the exam board.

Can students or parents see the grades the school submits?

No, it is important schools do not share provisional grades, nor rank orders, with students or parents and carers. This is to protect the integrity of the process and any inappropriate disclosure of assessment grades or rank order information will be considered malpractice by the exam boards, so staff have been reminded not to respond to any requests for such information.

It is important you don't ask teachers, or anyone else at the school, to tell you the grades they will be sending to the exam boards or where they have placed a pupil in the order of students; they will not be allowed to share this with you.

Can I still submit a Subject Access Request for my personal data?

Yes, but there are some conditions. While a request can be made for personal data – and this may include the work the staff member has based their grade on, including homework assignments, assessments, mock exams or other records – and while we normally have 30 days to respond to a Subject Access Request - the Information Commissioner's Office has confirmed that the 'exam scripts exemption' applies in relation to personal data relating to calculated grades.

This allows for longer response times for requests for access to pupil assessment information if they are received **before** the official results are announced. The timeframe for responding to these requests will be either:

- within five months of receiving the request; or
- within 40 days of announcing the exam results, whichever date is earliest.

Requests made after the results are announced will be dealt with as a normal subject access request.

It also has to be remembered that pupils taking exams will be considered over the age of competence in terms of data protection and so while they can submit a Subject Access Request for information the school holds on them, we can only accept requests from parents of those pupils with the express consent of the individual pupil.

What if I want to appeal against the grade submitted by the school?

Ofqual have decided that

- Students will not be able to appeal their centre assessment grade or rank order, nor will they be able to appeal against the process used by a centre.
- A student will be able to raise a complaint to their centre or exam board if they have evidence of bias or discrimination.
- Centres will be able to appeal to an exam board on the grounds that the wrong data was used to calculate a grade, or the grade was incorrectly communicated.

Ofqual believe that it would not be in the interests of all students, or the fairness of the arrangements overall, to allow individual appeals.

- Firstly, the appeal would have to be undertaken by someone better placed than the student's teachers to judge the grade they would likely have received if the exams had taken place – in the unique circumstances of this summer and they do not believe there is any such person.
- An appeal would also require students to have access to the information their school or college put forward before being submitted to exam boards. This may compromise the reliability of this year's approach.

- Furthermore, if one student successfully appealed against their position in the rank order, it would have negative implications for other students who would, in turn, need to be given an opportunity to appeal.

Ofqual currently intend that students who feel that their grades from the summer do not reflect their ability will have the opportunity to take their exams in the autumn series or in summer 2021. If they choose to do this, students will be able to use the higher of the two grades for future progression

