

General Data Protection Regulation Policy (GDPR)

1. DATA PROTECTION POLICY

The School is registered under the Data Protection Legislation. Privacy law has been updated by the General Data Protection Regulations and a new Data Protection Act (for convenience defined as GDPR in this policy) and the GDPR will apply from 25th May 2018. St. Philips is an overseer and umbrella government for all parties as a subsidiary group of St. Philips Education group of which the school is a part.

About this Policy

Everyone has rights with regard to the way in which their personal data is handled. During the course of the School's activities it collects, stores and processes personal data about staff, pupils, their parents, suppliers and other third parties, and it is recognised that the correct and lawful treatment of this data will maintain confidence in the organisation and will provide for successful business operations.

Those who are involved in the processing of personal data are obliged to comply with this policy when doing so. Any breach of this policy may result in disciplinary action.

This policy sets out the basis on which the School will process any personal data we collect from individuals, or that is provided to us by individuals or other sources. It does not form part of any employee's contract of employment and may be amended at any time.

General Statement of the School's Duties

The School is required to process relevant personal data regarding individuals as part of its operation and shall take all reasonable steps to do so in accordance with this Policy.

Data Protection Controller

The School has appointed Sharon Tillet as the Data Protection Controller (DPC) who will endeavour to ensure that all personal data is processed in compliance with this Policy and the Principles of the GDPR. Any questions about the operation of this policy or any concerns that the policy has not been followed should be referred in the first instance to the Data Protection Champion.

The Principles

Anyone processing personal data must comply with the six principles of good practice as enshrined within the GDPR. These provide that personal data must be: -

- Fairly, transparently and lawfully processed
- Processed for a specified, explicit and legitimate purpose
- Adequate, relevant and not excessive
- Accurate and up to date
- Not kept for longer than necessary
- Secure with protection against unauthorised use and accidental loss

Personal Data

Personal data covers information relating to identifiable individuals, such as job applicants, current and former employees, agency, contract and other staff, pupils and their parents, suppliers and marketing and business contacts. It includes expressions of opinion about the individual, any indication of someone else's intentions towards the individual, information necessary for employment such as the worker's name and address and details for payment of salary.

Processing of Personal Data

The School's policy is to process personal data in accordance with the GDPR as set out above. All staff have a personal responsibility for the practical application of this policy. Staff should generally not process personal data unless:

- The individual whose details are being processed has consented to this;
- The processing is necessary to perform the School's legal obligations or exercise legal rights, or
- The processing is otherwise in the School's legitimate interests and does not unduly prejudice the individual's privacy.

When gathering personal data or establishing new data protection activities, staff should ensure that individuals whose data is being processed receive appropriate data protection notices to inform them how the data will be used. There are limited exceptions to this notice requirement. In any case of uncertainty as to whether a notification should be given, staff should contact the DPC.

Sensitive Personal Data

The School may, from time to time, be required to process special categories of sensitive personal data regarding an individual/s. Where sensitive personal data is processed by the School, the explicit consent of the individual will generally be required in writing.

The consent should be informed, which means it needs to identify the relevant data, why it is being processed and to whom it will be disclosed. Staff should contact the DPC for more information on obtaining consent to process sensitive personal data (such as racial or ethnic origin, trade union membership, political opinions, religious beliefs, sexual orientation or information concerning health).

Processing of Credit Card Data

The School complies with the requirements of the PCI Data Security Standard (PCI DSS). Staff who are required to process credit card data must ensure that they are aware of and comply with the most up to date PCI DSS requirements. If you are unsure in this regard please seek further guidance from the Bursar.

Accuracy, adequacy, relevance and proportionality

Staff should make sure data processed by them is accurate, adequate, relevant and proportionate for the purpose for which it was obtained. Personal data obtained for one purpose should not be used for unconnected purposes unless the individual has agreed to this or would otherwise reasonably expect the data to be used in this way. Individuals may ask the School to correct personal data relating to them which they consider to be inaccurate. If a member of staff receives such a request and does not agree that the personal data held is inaccurate, they should nevertheless record the fact that it is disputed and inform the DPC.

Staff must ensure that personal data held by the School relating to them is accurate and updated as required. If personal details or circumstances change, staff should inform the DPC so the School's records can be updated.

Rights of Individuals

Individuals have the right of access to information held by the School, subject to the provisions of the GDPR. Any individual wishing to access their personal data should put their request in writing to the DPC. Employees who receive a written request for personal data should forward it to the DPC immediately.

The School will endeavour to respond to any such written requests as soon as is reasonably practicable and in any event, within 30 days. The information will be imparted to the worker as soon as is reasonably possible after it has come to the School's attention. It should be noted that there are certain restrictions on the information to which individuals are entitled under applicable law. Children have the same rights as adults relating to their personal

data. These apply to access requested, correction of inaccurate information etc. The DPC must be informed of and manage requests from pupils and/or their parents/guardians and will have regard to the age of the pupil in each case.

Staff should not send direct marketing material to someone electronically (e.g. by email) unless there is an existing business relationship with them in relation to the services being marketed. From 25th May 2018, consent from the intended recipient of marketing materials should be obtained. There should be evidence of a specific 'opt' on file before sending emails or marketing literature to an individual (for example a request for a prospectus). Staff should abide by any request from an individual not to use their personal data for direct marketing purposes and should notify the DPC about any such request. Staff must contact the DPC for advice on direct marketing before starting any new direct marketing activity.

Exemptions

Certain data is exempted from the provisions of the Data Protection Act which includes the following:-

- The prevention or detection of crime;
- The assessment of any tax or duty;
- Where the processing is necessary to exercise a right or obligation conferred or imposed by law upon the School.

The above are examples only of some of the exemptions under the GDPR. Any further information on exemptions should be sought from the DPC.

Accuracy

The School will endeavour to ensure that all personal data held in relation to individuals is accurate and kept up to date. Individuals must notify the DPC of any changes to information held about them. An individual has the right to request that inaccurate information about them is erased.

Timely Processing

The School will not keep personal data longer than is necessary for the purpose or purposes for which they were collected and will take all reasonable steps to destroy, or erase from its systems, all data which is no longer required.

Enforcement

If an individual believes that the School has not complied with this Policy or acted otherwise than in accordance with the GDPR, the individual should utilise the School grievance or complaints procedure and should also notify the DPC. In certain cases, it may be appropriate to refer non-compliance to the information Commissioner's Office at <http://ico.org.uk>

Data Security

The School must ensure that appropriate security measures are taken against unlawful or unauthorised processing of personal data, and against the accidental loss of, or damage to, personal data. This is in relation to data belonging to both staff and pupils. As such, no member of staff is permitted to remove personal data from School premises, whether in paper or electronic form and wherever stored, without prior consent of the Head or Bursar. Where a member of staff is permitted to take data offsite it will need to be encrypted (if in electronic form), or stored in a lockable device and securely held whilst offsite (if in paper form).

2. CHILD PROTECTION - INDUCTION AND TRAINING

The School supports its staff and volunteers who work with children in providing them with appropriate training to carry out their individual responsibilities for child protection effectively. New staff will be made aware of the School's arrangements for safeguarding and child protection and their own responsibilities with regard to safeguarding the welfare of pupils at the School.

Induction training for staff will include:

- Definitions and signs and indicators of physical, emotional, sexual abuse and neglect, plus other specific safeguarding issues, for example, so-called 'honour based violence', child sexual exploitation (see sexual violence and Sex harassment between children Dec 2017) , forced marriage, female genital mutilation, radicalisation and bullying, including cyberbullying.
- A copy of the School's Child Protection Policy (including the staff behaviour policy, and the School's whistleblowing policy) which will provide staff with the contact details of the School's designated safeguarding lead and his/her deputy, plus information on the School's procedures for reporting abuse and allegations of abuse.
- Part One of the statutory 'Keeping Children Safe in Education' guidance which all staff must read. All senior members of staff and those staff working directly with children will also be required to read Annex A of Keeping Children Safe in Education in addition to Part One.

All staff and volunteers are required to attend regular refresher training in line with advice from the School's local safeguarding children's board. In addition, all staff receive safeguarding and child protection updates as required, but at least annually, to provide them with relevant skills and knowledge to safeguard children effectively. The designated persons will receive training every two years in order to provide them with the knowledge and skills to carry out their role. In addition to their formal training, the designated persons should update their knowledge and skills (for example via e-bulletins, meeting other designated safeguarding leads, or taking time to read and digest safeguarding developments), at regular intervals, but at least annually, to keep up with any developments relevant to their role. These will be found at INSETs every term and twilight.

If there is a breach of a safeguarding nature we will ensure that this is passed onto the LADO, St Philips Care Head office or the Local Authority.

3. CHILDCARE (DISQUALIFICATION) REGULATIONS 2009

The Childcare (Disqualification) Regulations 2009 ("the Regulations") provide that a person who is disqualified under the Regulations may not provide relevant childcare or be directly involved in the management of such provision. Further, the Regulations provide that we are prohibited from employing a disqualified person in connection with relevant childcare provision and it is an offence to knowingly employ such an individual.

Disqualification means disqualification from providing childcare. The list of criteria for disqualification is long (the full version can be seen in the DfE guidance which can be accessed here-

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/407788/disqual_stat-guidance_Feb_15.pdf) but the highlights are as follows:

1. inclusion on the Disclosure and Barring Service (DBS) Children's Barred List;
2. being found to have committed certain violent and sexual criminal offences against children and adults which are referred to in regulation 4 and Schedules 2 and 3 of the Regulations;
3. certain orders made in relation to the care of children which are referred to in regulation 4 and listed at Schedule 1 of the Regulations;

4. refusal or cancellation of registration relating to childcare, or children's homes, or being prohibited from private fostering, as specified in Schedule 1 of the Regulations;
5. living in the same household where another person who is disqualified lives or is employed (disqualification 'by association') as specified in regulation 9 of the Regulations;
6. being found to have committed an offence overseas which would constitute an offence regarding disqualification under the Regulations if it had been committed in any part of the United Kingdom.

The disqualification requirements apply to the following staff:

- Early years' provision - any member of staff who provides any care for a child up to and including reception age. This includes breakfast clubs, lunchtime supervision and after school care provided by the school both during and outside of school hours for this early years age range.
- Later years' provision, for children under 8 - save that the Regulations do not apply to education or supervised activity for children above reception age during school hours or in after school or co-curricular educational clubs. However, the Regulations do apply to before school settings, such as breakfast clubs and after school provision that would constitute childcare.
- The Regulations also apply to staff who are responsible for managing either the early or later years' provision in that setting. We are required to use our judgement to determine who is covered.

In order to demonstrate compliance with the Regulations it is important that we make you aware of the legislation, including the fact that the categories of worker affected may be disqualified by association if they live in the same household as a disqualified person or in a household where a disqualified person is employed.

We are also required to take steps to gather sufficient and accurate information about whether any member of staff in a relevant childcare setting is disqualified by association. With this in mind you must inform the Head/Bursar immediately of any circumstance that may impact on your suitability to work with children in accordance with the Regulations. You may be required to complete an annual self-declaration form to ensure that the information we hold in this regard is up to date.

Any failure to disclose such information may be treated as a disciplinary matter in accordance with the School's Disciplinary Procedure. If you are unsure as to whether you are covered by the Regulations or whether a disclosure is required you must seek guidance from the Head/Bursar.

4. DISCLOSURE OF CIRCUMSTANCES IMPACTING ON YOUR SUITABILITY TO WORK WITH CHILDREN

In addition staff are required to notify the School immediately if there are any reasons why they should not be working with children. You must immediately disclose to the Head/Bursar:

- any circumstances in which you are cautioned for, convicted of or charged with a criminal offence;
- any circumstances impacting on your suitability to work with children; and
- any medical conditions or medication that may impact on your suitability to work with children and/or the safety of pupils and/or staff generally.

A failure to make such a disclosure may be considered a disciplinary matter and could lead to dismissal. If you are unsure whether a particular circumstance impacts on your suitability to work with children you must seek guidance from the Head/Bursar.

Last Updated and reviewed September 2025

Next review September 2026