

Privacy Notice for Elective Home Education

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Version: 2

Review/Revision date: March 2025

Table of contents

- Introduction..... 3
- Why does Southend-on-Sea City Council collect information?..... 3
- How is your information retained? 3
- How long does Southend-on-Sea City Council keep the information? 4
- Will any information be shared? 4
- Why is ethnicity information requested? 4
- Your rights and access to your information 4
- Changes in your circumstances..... 4

Introduction

The responsibility for monitoring Elective Home Education sits within the Inclusion and Access Team. Local Authorities (LA) have a legal obligation (s437 Education Act 1996) to ensure that all children who are of statutory school age who reside in the area are in receipt of a 'suitable education'. Any/all parents have a legal right to educate their children 'otherwise' than at school, commonly referred to as 'Elective Home Education' (EHE).

Southend-on-Sea City Council has in place its own EHE policy and procedures, with due regard to legislation and guidance in order that it can meet its statutory duty. This duty applies in relation to children of compulsory school age who are not on a school roll and when the LA does not know if a child is receiving a suitable education otherwise than being at school. The parents/carers of all children identified as such will receive a letter from the LA, outlining the LAs procedures in relation to EHE.

Why does Southend-on-Sea City Council collect information?

The information you provide will help support your family through the EHE process. This information may also be used for statistical research purposes. All information you provide will be processed in line with Article 6 (1) of the UK GDPR (2018).

The initial EHE notification may be a formal written notification either from the parent/carer directly or from the current/ previous school. The LA may be notified via other internal or external means that a child is not on roll of a school. On receipt of notification a registration form/ questionnaire is sent to the parent/carer.

When schools notify the EHE team of your decision to withdraw your child to home educate, we ask the school to provide information on the child's current and expected levels of progress accompanied by a recent example of a child's literacy work. This baseline of your child's educational attainment will not only support parents in evidencing their child's progress at a later stage i.e. annual conversations but also contribute to the LA establishing that your child is receiving a 'suitable education according to their age, ability, aptitude as well as any special educational needs they may have (s7 and 436A Education Act 1996).

How is your information retained?

Article 6 (1) of the UK GDPR states that processing shall be lawful only if and to the extent that at least one of the following applies. The Act lists 6 lawful basis. In this instance, the council asserts that it is processing data under 6 (1)(e) "processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the data controller". In line with the ICO, the term Public Task to signify, reference is made to Article 6 (1)(e).

How long does Southend-on-Sea City Council keep the information?

Information is retained by the local authority until the child is 25. It is then destroyed securely.

Will any information be shared?

Personal data will not be disclosed to anyone other than the data subject (i.e. yourself or your child) unless we have your consent, or it is required by law. Where disclosure is allowed we will only share the minimum amount of relevant information on a need to know basis. However, information may be forwarded to other agencies without your consent, where the Council has a statutory duty to do so, such as in matters concerning the safety of children.

Additionally, Local Authorities have a duty under the Children Act 2004 to cooperate with their partners in health and youth justice to improve the well-being of children in their areas. As part of this duty, they will be required to maintain the accuracy of the information held on the Information Sharing (IS) Index about children and young people in their area. Statistical data will be shared in such a way that it does not support measures or decisions relating to individuals or identifies individuals in any results.

Information will be shared with the Connexions team to support the Raising Participation Age programme.

At no time will your information be passed to organisations external to The Council for marketing or sales purposes.

Why is ethnicity information requested?

Collection of ethnicity information is used to ensure equality of service provision. Provision of this information is optional. Any information you provide will be used solely to compile statistics on the EHE careers and experiences of pupils from different ethnic backgrounds, to help ensure that all children and young people have the opportunity to fulfil their potential. From time to time information will be used by the Local Authority to contribute to local and national statistics.

Your rights and access to your information

You have the right to request a copy of the information that we hold about you. Under the Act a child has a right to a copy of their own information. In certain circumstances requests may be made by a parent on behalf of their child, for example where the child is too young to understand or exercise their own rights.

Changes in your circumstances

We ask that you notify us immediately if there are any changes in your circumstances and personal details so we can maintain an accurate and up to date record of your information.