



THE SCHOOL CENSUS 2016/17

Guidance for members, workplace reps and Divisions in England

Members, workplace reps and Divisions will be rightly concerned about the changes made to this year's census form. The Department for Education (DfE) is asking schools to record the nationality and country of birth of pupils for the very first time – a move which closely mirrors recent proposals by the Government to require employers to disclose the nationality of staff. It is now clear that the DfE has in years passed disclosed individual pupil information gleaned from census returns to the Home Office and police. The law does not require pupils or parents to pass over information when requested, but some schools have inappropriate practices, e.g. failing to advise pupils and parents of their right to refuse disclosure, or asking young pupils who do not understand what is being asked of them for their data.

To help schools understand their responsibilities and to ensure that information is collected and shared fairly and in line with the consents given by pupils and parents, below is a sample letter to the school leadership team. It may be used by school groups to request that the school adopts a policy statement of fair processing. This letter may be amended by school groups to take account of local circumstances.

Dear Headteacher

The School Census 2016/17

I am writing to you to express the concerns of our NUT school group regarding the additional information schools have been asked to collect for this year's census returns. We understand the Department for Education has asked for details of pupils' nationality and country of birth on the basis that there is currently a dearth of information held to understand how effective the education sector is for foreign nationals.

It has now been disclosed that in some cases information which has been provided to the DfE as part of the census data has been passed to the Home Office and police without the pupils or their families being asked for consent or even informed. This is not only a possible contravention of Data Protection principles but also risks damaging the relationship between the school and the pupils and their families.

Our NUT school group believes it is important for that relationship of trust that parents and pupils know that information given by them to the school will only be shared with organisations for the purposes which have been stated. Attached is a document that sets out the principles that this NUT school group believes should be adopted by the governing body and made available to parents. Please take this letter as a formal request to place this item on the agenda for the next and subsequent governors' meetings.

I would be pleased to discuss this or happy to attend the governing body meeting to present the document.

School Census Data

The School is required each year to submit a school census return, including a set of named pupil records. This is a statutory requirement and the school is obliged to ask parents/carers either to confirm the details it holds on their child or to provide information that is required for the census but is not already held. Parents/carers are under no obligation to provide such information when it is requested.

To ensure that personal and sensitive personal data relating to pupils is processed in a manner consistent with the spirit of the Data Protection Act (DPA), the school will:

- 1. Only request census information from parents/carers and not from pupils*
- 2. Inform parents/carers in writing why census data is being requested and to whom it may be communicated;*
- 3. Inform parents/carers in writing of their right to refuse to disclose information requested;*
- 4. Request parental/carer consent before any data is passed to a third party;*
- 5. Not disclose pupil data to third parties unless the relevant conditions under the DPA are met;*
- 6. Not use pupil data for purposes other than the purpose for which it was collected unless parents/carers are first informed of the school's intended change of use and give their consent to the change of use;*
- 7. Not ask parents to provide copies of passports or passport numbers, or to present their child's passport for inspection.*
- 8. Review operation of the policy annually.*
- 9. Take any necessary steps relating to translation of this policy statement and display it on the school's website.*