

THE EDUCATION WELFARE SERVICE – PERSONAL RECORDS AND CONFIDENTIALITY

School attendance and legal responsibilities

There are a number of laws and regulations concerning school attendance and child protection including: Children Acts 1989 and 2004, Education Acts 1996 and 2002, Crime and Disorder Act 1998 and Anti-social Behaviour Act 2003.

All children aged between 5 and 16 must by law receive an education. Once a child is registered at a school, it is the parents' legal duty to ensure that their child attends school regularly and punctually. If a school is concerned about the pattern of a child's attendance or punctuality, the parents will be contacted to discuss the issue. If the problem continues, or if there is no response, the school will make a referral to the EWS.

An Education Welfare Officer (EWO) will contact parents to inform them of their legal duties regarding school attendance and if possible assist them to resolve the problem. The EWO may arrange meetings at the home, at school or elsewhere. The EWO will have contact with the school and the child and with appropriate organisations such as Health or Social Services or voluntary agencies. If however there is a lack of co-operation by the parents and the child fails to return to regular attendance at school, the EWS may recommend legal action by the Local Education Authority to enforce school attendance. This could include an application for an Education Supervision Order in the Family Proceedings Court or parents can be prosecuted in the Magistrates Court. Convictions for school attendance offences will result in a criminal record and the court has powers to impose orders upon parents, fines

and imprisonment in severe cases.

The following laws and regulations govern child employment and children in entertainment: Children and Young Persons Act 1963, Children (Protection at Work) Regulations 1998, Child Performance Regulations 1968 and local bylaws. The EWS is responsible for regulation and issuing of child employment permits and for child performance and chaperone licences. Details of the relevant procedures and requirements are available from the EWS Senior Administrative Officer.

Personal information and confidentiality

In order to carry out its duties and work successfully and plan, monitor and review service provision, the EWS needs to collect and record relevant information about children and families. The personal details an EWO asks of a family are necessary to carry out the EWO's role and function. The information requested will include personal details such as the names, dates of birth and addresses of the children and adults involved. Information will also be collected about the educational and social history of the children involved and any problems affecting the children's attendance at school. Information is held in both manual and computer files. Whatever the format of the data, the EWS takes necessary steps to comply with its legal requirements including under the Data Protection Act 1998.

Personal information will only be used for the provision of an education welfare service and in discharging EWS duties including legal enforcement and child protection. It will not be used for other purposes. The EWS holds and uses information that is relevant to the exercise

of its functions and ensures that no excessive details are asked from families. EWOs check to ensure that personal information is accurate and kept up to date when working with families. Personal records held are stored safely and are only made available to staff who need to use them. The records are normally kept until the youngest child in the family is beyond school leaving age by seven years. Out of date files and information is destroyed through a confidential waste system.

Child Employment Permits and Child Performance and Chaperone Licences

Child performance licence and employment permit application forms are held for one year following approval and then destroyed. Copies of licences or work permits are kept for a further year and then destroyed. Children's names and addresses remain on a separate database until they exceed school age. Chaperone application forms are held with the relevant police, Social Services and interview checks and references. These documents are kept for the period that the chaperone is approved by the LEA. Each chaperone completes an annual declaration to renew their licence. Any licences not renewed are destroyed with their documentation at the end of the year. If a chaperone moves to another LEA the file is posted on. Chaperones' names and addresses are held on a database until no longer relevant.

The Education Welfare Service works in partnership with other agencies

The EWS works in partnership with children and families. The Service is also under a duty to work closely with other agencies involved in the

welfare and protection of children. The main agencies the EWS links with are:

- Social Services Departments
- Police
- NHS (community and hospital services)
- Education Departments within the Royal Borough and in other areas
- Private and voluntary organisations
- Youth Offending and Probation Services
- Connexions

Personal information about individuals will only be shared outside the Service for legitimate reasons connected with legal enforcement of school attendance, child employment or child protection or with assisting children and families in need. EWOs may have to pass on information on to some of these organisation or bodies. Normally the personal information will be shared having obtained the consent of the individual. However, in exceptional circumstances, it may be necessary to share information without the individual's consent. This is only considered if:

- it is required by law
- a criminal or unethical behaviour is involved
- there is a serious danger to the data subject or another person (including a child)

Individual's right to see their personal information

Individuals have rights to see personal information held about them. However there are a number of circumstances where these rights do not apply including where the information:

- is likely to cause harm to the individual or someone else's physical or mental condition

- would reveal the identity of another individual who has asked not to be identified
- was provided by a third party who hasn't given permission for it to be shared with the individual
- is held for the purpose of preventing or detecting crime
- is covered by legal professional privilege
- is not about the individual

For individuals who wish to view relevant information held on EWS records, a subject access request should be made to the Education Welfare Service by formally writing to:

Hilary Shaw
Principal Education Welfare Officer
The Education Welfare Service
Isaac Newton Professional Development Centre
108A Lancaster Road
London W11 1QS

If you have any questions or wish to discuss any aspect of this information, please call 020 7598 4886 and ask for Hilary Shaw or John Young.

The Education Welfare Service

Personal Records and Confidentiality



THE ROYAL BOROUGH OF
**KENSINGTON
AND CHELSEA**

The role of the Education Welfare Service

The Royal Borough of Kensington and Chelsea's Education Welfare Service carries out the Local Education Authority's statutory responsibilities for promoting, encouraging and enforcing regular school attendance of children of compulsory school age who are resident in the Royal Borough. The service's main task is to assist schools in improving pupils' attendance and reducing unnecessary absence and truancy. Education Welfare Officers work together with schools, parents and pupils and with other agencies to achieve these aims. The Education Welfare Service (EWS) carries out responsibilities in a number of other areas connected with children's welfare such as child employment permits, chaperone and child performance licences. The EWS is in regular contact with a number of other education departments both locally and nationally and with statutory and voluntary agencies as part of the child protection network. The EWS contributes to the work to reduce youth offending and social exclusion.