



NCER CIC CIN Analysis - Data protection and data sharing for Children in Need Data – Guidance and Assurance for LAs

The NCER cic Board and its Steering Group has decided to extend its service delivery in 2020 to all its 152 member authorities with the introduction of new processes to enable member authorities to import their CIN DFE data file 2019 and 2020 and to report on that data. This builds on the success of the NCER Children Looked after (CLA) project.

The purpose of this guidance document is to outline NCER's responsibilities regarding GDPR and in working with Angel Solutions Ltd regarding the development of NEXUS to include CIN reporting, secure data storage, to meet all external and regulatory requirements, the system matching of CIN data to existing data provided by local authorities and the DfE. The document is also intended to provide assurance to local authorities that data managed by NCER within its CIN analysis tool is handled under the highest standard of compliance with data protection regulations.

In order to ensure that member authorities' control who in their authority can access the CIN data authorities are encouraged to review their NEXUS system accounts ensuring all users including administrators have appropriate access to data. NCER will provide guidance notes so that the required system management activities can be put in place.

The new CiN analysis development will provide insight within Nexus, NCERs interactive web based reporting tool. Local Authorities will have visual summary reports for key indicators highlighting your Local Authorities performance and how this compares against key comparators (National, regional or all pupils in your Local Authority). In addition, there will be detailed reports that allow Local Authorities to view analysis using combinations of filters and aggregations from the CiN Census, School Census, Pupil Premium and end of Key Stage outcomes. Once again, comparators would be available to support your rapid identification of strengths and opportunities for improvement. Nexus will be populated months in advance of DfE data supporting critical reflection and evidenced based decision making at the earliest opportunity.

The functionality outlined above already exists for Local Authority cohorts and Virtual School cohorts of pupils. To achieve this additional functionality Local Authorities will be required to upload their CIN Census into NCERs online reporting tool Nexus.

The children in need census 2019 to 2020 covers all children who are referred to children's social care services including those where the outcome of the referral is that no further action is taken. This includes children looked after (CLA), those supported in their families or independently (CSF/I), and children who are the subject of a child protection plan.

A child in need is defined under the Children Act 1989 as a child who is unlikely to reach or maintain a satisfactory level of health or development, or their health or development will be significantly impaired without the provision of services, or the child is disabled.

In these cases, assessments by a social worker are carried out under section 17 of the Children Act 1989. The purpose of an assessment is to gather information and evidence about a child's developmental needs and the parents' capacity to meet these needs within the context of the wider family and community. This information should be used to inform decisions about the help needed by the child.

The children in need census includes all vulnerable children, including: unborn children; babies; older children; young carers; disabled children; and those who are in secure settings.

Children who were referred but with no further action - This include all children who were referred to children's social care services even if no further action was taken. The information required in the census submission is limited due to the no further outcome decision.

The census will also include cases that were open before and during any part of the year between 1 April 2019 and 31 March 2020. A case may have been opened before 1 April 2019, but it must have been open at some point between 1 April 2019 and 31 March 2020 to be counted.

The census also includes cases that are referred and assessed to be in need, and so become open, after 1 April 2019 (and before 31 March 2020). Open refers to children's cases where the local authority which assessed the child to be in need took some sort of action during the collection period.

The full list of CIN data to be imported by NCER member authorities for the successful operation of the analysis tool is -

CiN XML Census Return

Please note Local Authorities will also be required to import the following datasets. In the vast majority of cases Education Analysts have historically already been importing this data.

Additional files that are also required are –

1. EYFS (End of Key Stage outcomes)
2. Phonics (End of Key Stage outcomes)
3. KS1 (End of Key Stage outcomes)
4. KS2 (End of Key Stage outcomes)
5. KS4 (End of Key Stage outcomes)
6. School Census
7. Pupil Premium Import

NCER have requested a National Pupil Database (NPD) dataset from the DfE that covers all 152 local authorities. The advantage of the imports outlined above is the early analysis

opportunities provided to Local Authorities. These imports direct from Local Authorities will offer analysis months ahead of an NPD dataset and allow for more comprehensive analysis that includes matched datasets to Early Years Foundation Stage (EYFS) and Phonics outcomes. When NCER receive the NPD dataset analysis will switch to this data source.

General Data Protection Regulation (GDPR) NCER and Angel Solutions Compliance

NCER and its delivery partner Angel Solutions Ltd provide services to member authorities that involve the use of Personal Data and will include the above CIN data. NCER recognise that the correct and lawful treatment of Personal Data will ensure compliance with GDPR, maintain confidence in NCER and will provide for successful operations for ourselves, member local authorities and security for the data subjects concerned.

Protecting the confidentiality and integrity of personal data is a critical responsibility that NCER takes seriously at all times.

In particular NCER and Angel Solutions Ltd adhere to the principles relating to processing of Personal Data as set out in the GDPR which require Personal Data to be:-

1. processed lawfully, fairly and in a transparent manner;
2. collected only for specified, explicit and legitimate purposes;
3. adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed;
4. accurate and where necessary kept up to date;
5. not kept in a form which permits identification of individuals for longer than is necessary for the purposes for which the data is processed;
6. processed in a manner that ensures its security using appropriate technical and organisational measures to protect against unauthorised or unlawful processing and against accidental loss, destruction or damage;
7. not transferred to another country without appropriate safeguards being in place; and
8. made available to individuals and individuals allowed to exercise certain rights in relation to their personal data.

NCER (as Data Processor), Angel Solutions Ltd (as Sub Data Processor), and member authorities (as Data Controllers) are responsible for and must be able to demonstrate compliance with the data protection principles listed above going forward to comply with GDPR.

NCER had been working to ensure GDPR compliance since early 2017, and we have both taken specialist legal advice and consulted with local authorities through the NCER Steering Group. GDPR policies and procedures have been adopted by NCER and are also included into Angel Solutions Ltd annual ISO audited policies and procedures.

Whilst GDPR is a substantial piece of work for many organisations, NCER and Angel Solutions Ltd historical approach to security and privacy has meant that only low level IT system changes were needed. There are however important documentary and certification issues for NCER and its 152 member local authorities.

All 152 members of NCER have been asked to sign a Data Processing Agreement with NCER to enable the processing of personal information held within Nexus (for LAs) and Perspective Lite (for Schools). As of January 2020, 138 authorities have signed NCER DPA and work remains in progress to get the remaining 14 authorities to sign. Irrespective of whether an individual authority has signed the NCER DPA as requested all data protection safeguards are fully applied.

Angel Solutions Ltd on behalf of NCER have designed Nexus and Perspective Lite to be highly secure. Security tests are carried out by Angel Solutions with additional checks being carried out by an external Approved Security Tester.

All data used by Nexus and Perspective Lite are stored in Angel Solutions' secure environment. This is hosted by Rackspace. All data is fully encrypted in transit and at rest.

As a requirement of the DfE, Nexus and Perspective Lite undergo an annual IT Health Check (ITHC) by a CREST Approved Security Tester. This includes a secure code review. Angel Solutions have fully satisfied the DfE's security requirements in this area.

Angel Solutions is accredited under Cyber Essentials Plus (CE+).

Angel Solutions are fully accredited under ISO27001. Rackspace are fully accredited under ISO 27001.

All Angel Solutions staff are DBS or BPSS checked.

Please see below link to Angel Solutions Ltd security statement

<http://www.angelsolutions.co.uk/terms-and-conditions/security-statement/>

Legal duties under the General Data Protection Regulation for Children in Need: Local Authority (Data Controller) Privacy Notices

Being transparent and providing accessible information to individuals about how a local authority will use (process) their personal data is a key element of both the GDPR and the DPA 2018. The most common way to provide such information is through a privacy notice. For local authorities, this means that they must provide clear and accessible privacy notices that inform children, parents / carers and staff:

- what data is collected about them
- for what purposes the data is collected
- how the data is used (processed) - i.e. processed by NCER
- what the lawful basis is for processing
- for how long the data is retained
- with whom the data is shared with – i.e. shared with NCER to enable data processing.
- why the data is shared
- whether it is intended to transfer it to another country, and
- whether any automated decision-making or profiling is done

The DfE provides suggested wording for privacy notices that local authorities may wish to use. However, where the suggested wording is used, the local authority must review and amend the wording to reflect local business needs and circumstances. This is especially important, as the local authority will process data that is not solely for use within departmental data collections. The privacy notice should also include this link to the gov.uk webpage, which provides information on how the department processes data.

Legal duties under the General Data Protection Regulation: data security

Providers and local authorities have a (legal) duty under the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 to ensure that any personal data they process is handled and stored securely. For NCER cic this is met by the ICT security requirements undertaken by Angel Solutions in order to hold and use NPD data including CLA data.

Where personal data is not properly safeguarded, it could compromise the safety of individuals and damage our reputation. The responsibility as a data controller extends to those who have access to our data beyond the organisation where they are working on your behalf; for example, where external IT suppliers can remotely access your information – NCER cic.

All staff with access to personal data at Angel Solutions understand the importance of:

- protecting personal data
- being familiar with their security policy
- putting security procedures into practice

This document was approved by the NCER Board at its meeting held on 7th July 2020

Review date March 2021

Peter Richmond
NCER Managing Director
8th July 2020