



Privacy Notice: SEND Tribunal – Single Route of Redress National Trial

Who we are

This work is being carried out by the Special Educational Needs and Disability (SEND), Alternative Provision and Attendance Unit, which is a part of the Department for Education (DfE). For the purpose of data protection legislation, the DfE is the data controller for the personal data processed as part of the SEND Tribunal single route of redress national trial.

How we will use your information

We receive your personal data from HM Courts and Tribunals Service (HMCTS) and local authority SEND teams and are processing it in order to evaluate the single route of redress national trial. This trial extends the powers of the SEND Tribunal to make non-binding recommendations about the health and social care aspects of Education, Health and Care (EHC) plans as part of a special educational appeal. Previously, appeals could only be made to the SEND Tribunal over the educational aspects of EHC plans. These extended powers should make things easier for families, so that parents and young people do not need to seek different routes of redress for the EHC plans. The powers also allow the SEND Tribunal to consider the needs of the child or young person in a holistic, person-centred way.

We have commissioned IFF Research and Belmana to help us better understand the outcomes of the trial and families' experiences of the new process. Your information will be shared with the evaluators and used as part of the evaluation. This is necessary to inform future policy development and to inform a decision as to whether to continue with the new Tribunal powers after the trial ends. The sharing of your information will not have any direct consequences for you – it will not affect your appeal or how the recommendations are implemented.

More information about the national trial is available from [GOV.UK](https://www.gov.uk).

The nature of your personal data we will be using

The categories of your personal data that we will be using for this project are:

- Contact details of appellant (parent or young person) including name, address, telephone number and email address
- Date of birth, gender and ethnicity of the child or young person
- Type of special educational need or disability of the child or young person
- Household income
- Details of engagement with the local authority (LA), Clinical Commissioning Group (CCG), and SEND Tribunal
- Details of the Tribunal case, including whether it was resolved before the hearing; and the recommendations made
- Responses to interviews/surveys
- Details of the extent to which recommendations were implemented, and the rationale behind whether they were implemented or not. This may include additional medical/personal details provided by the LA/CCG.

Personal details will not be disclosed outside IFF Research and Belmana and no identifying details will be included in the report. No details of individual responses will be disclosed beyond the project team and data will be anonymised wherever possible. No data identifying an individual will be published and there will be no direct consequences for you in the sharing of your personal details.

The Legal Basis

The legal basis underpinning this data processing is:

Section 29 of the Education Act 1996 and the Special Educational Needs and Disability (First-Tier Tribunal Recommendations Power) Regulations 2017.

Why our use of your personal data is lawful

In order for our use of your personal data to be lawful, we need to meet one (or more) conditions in the data protection legislation. For the purpose of this project, we are meeting the relevant conditions because the data processing is necessary for the exercise of a function of a Government Department in order to make a decision on national government policy; this information is needed in order for government Ministers to decide whether these extended rights for parents and young people should continue after the trial ends.

The processing of the special category personal data, including whether the child or young person has a special educational need or disability, is lawful because the processing is necessary for reasons of substantial public interest based in law which is proportionate and respects the data protection rights of the individuals concerned.

Who we will make your personal data available to

We sometimes need to make personal data available to other organisations. These might include contracted partners (who we have employed to process your personal data on our behalf) and/or other organisations (with whom we need to share your personal data for specific purposes).

Where we need to share your personal data with others, we ensure that this data sharing complies with data protection legislation. For the purpose of this project we are employing IFF Research and Belmana to process your personal data on our behalf. This means that they will use your personal data to:

- Contact you about the evaluation
- Link interview/survey findings to Tribunal management information and other administrative data as relevant
- At an aggregate level work out patterns/characteristics that affect Tribunal outcomes/LA processes
- Inform the final evaluation report.

How long we will keep your personal data

We will keep your personal data for up to 1 year after the end of the evaluation, until March 2022, after which point it will be securely destroyed. Please note that, under Data Protection Legislation and in compliance with the relevant data processing conditions, we can lawfully keep personal data processed purely for research and statistical purposes for 3 years following research closure.

Your data protection rights

You have the right:

- to ask us for access to information about you that we hold
- to have your personal data rectified, if it is inaccurate or incomplete
- to request the deletion or removal of personal data where there is no compelling reason for its continued processing
- to restrict our processing of your personal data (i.e. permitting its storage but no further processing)
- to object to direct marketing (including profiling) and processing for the purposes of scientific/historical research and statistics
- not to be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect on you

If you need to contact us regarding any of the above, please do so via the DfE site at: <https://www.gov.uk/contact-dfe>.

Further information about your data protection rights appears on the Information Commissioner's website at: <https://ico.org.uk/for-organisations/guide-to-data-protection/principle-6-rights/>.

You have the right to raise any concerns with the Information Commissioner's Office (ICO) via their website at <https://ico.org.uk/concerns/>.

Last updated

We may need to update this privacy notice periodically so we recommend that you revisit this information from time to time. This version was last updated on 24 May 2018.

Contact information:

If you have any questions about how your personal information will be processed, please contact us at SEN.Implementation@education.gov.uk.

To speak to the evaluators, please contact IFF Research on SENDtrial@iffresearch.com or 0800 035 6051 (this number is free to call).