

Pan-London 16-19 Year Old Leaver Notification Process: Provider Toolkit

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Pan-London Leaver Notification Process – supporting you to fulfil the new duty to notify your home local authority when 16-18 year olds leave provision early

Colleagues

We are committed to providing learning that focuses on the needs of young people and ensures that every young Londoner has a personal route to success. We do however recognise that there are times when, despite our best efforts, young people who study or train with us make the decision to leave a course before completion. It has always been important that young people who make this choice receive timely support from local services to help them re-engage in learning. With the introduction of Raising the Participation Age and the ever greater need to prepare young people for further learning and work, this support is essential.

Since the introduction of Raising the Participation Age, all education and training providers are under a duty to notify their home local authority as soon as young people leave learning early, so that appropriate support can be made available to help them re-engage.

The London Councils Pan-London Leaver Notification Process is designed to enable London's education and training providers to quickly and efficiently carry out this duty to inform their home borough when 16 and 17 year olds leave early. By engaging in this process you will be ensuring that local authorities get the information they need to support young people to participate in learning, training or work.

We are therefore pleased to endorse the Pan-London Leaver Notification Process and recommend that all London's providers take full advantage of it to help them not only fulfil their duty, but to continue ensuring the participation, achievement and progression of all London's young people.

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The Pan-London 16-19 Leavers Notification Process

Why we have implemented this process

The start of the academic year 2013/14 saw the introduction of Raising the Participation Age. This means that all young people will be required to continue in education or training until their 18th birthday¹.

With this change comes a statutory duty that requires all providers of education or training for 16 and 17 year-olds to inform their home local authority² if a young person (aged 16 or 17) drops out of learning. This is so they can be contacted swiftly and offered support to help them re-engage.

A pan-London approach

Large numbers of young people in London travel outside of their resident borough to learn. London's boroughs will need to receive timely information to be able to effectively assist and support their residents who leave out-of-borough provision to re-engage as well as for those who study in borough.

London Councils has therefore developed a simple process to make it easy for institutions to send leaver information to their home borough and then for that information to be quickly and easily shared with the boroughs in which those young people live.

The process explained

This process has been designed to enable the transfer of information both simply and securely, with minimum bureaucracy for providers and local authorities.

- All education and training providers in London are asked to complete monthly a local authority leavers and joiners (LALJR) form using a standard Microsoft Excel template (see appendix B) on the dates given in the monthly return schedule (see appendix A).
- Providers will use a secure data portal to send the return to their home local authority.
- All the names of Leavers and Joiners listed on the submitted returns will be matched and uploaded by the local authority support service within a week of receipt.
- Local authority's will receive monthly reports and provide support as appropriate to help young people to re-engage.

¹ The Education and Skills Act 2008 places a duty on young people to participate in education or training until the age of 18 **or until attaining a level 3 qualification if earlier**

² Participation of Young People Statutory Guidance - [Annex 2: Duties on other organisations in relation to Raising the Participation Age](#), Department for Education 2014

Instructions for providers

What you need to have in place

- 1 A privacy notice which informs all young people who enrol at your institution that you will share certain information about them with the local authority. If you do not already have one in place your local authority data protection team will be able to advise you on suitable wording (see appendix D for an example privacy notice); you can view the privacy notice code of practice on the [Information Commissioner's Office](#) website to; and the following link on the Department for Education's website provides [suggested text and information for issuing privacy notices](#).
- 2 A data sharing agreement/information sharing protocol with your home local authority. Your local authority will arrange this with you if you do not already have one in place (see appendix C for an example information sharing protocol).
- 3 A designated person to complete and send the monthly LALJR forms (see appendix B). This person will need access to your institutions Leaver and Joiner information *and* information about young people who have opted out of the privacy notice.
- 4 An electronic copy of the return form (<http://www.londoncouncils.gov.uk/rpatoolkits> Appendix B).
- 5 The letter confirming your home local authority details.
- 6 The monthly return schedule (see appendix A).
- 7 Access to the internet.

Making the return - the monthly process

- 1 Complete the monthly LALJR form (<http://www.londoncouncils.gov.uk/rpatoolkits> Appendix B) with as much information as possible.
- 2 Go to <http://www.londoncouncils.gov.uk/rpa> and complete the 'About You' fields

Send files to London Councils

Under Raising the Participation Age legislation local authorities are required to make arrangements to identify young people resident in their area who are not participating and education and training providers are required to inform their local authority if a young person (aged 16 or 17) has dropped out of learning.

The pan-London leaver notification process has been set up to enable all London providers to simply and securely inform their home local authority of any young people they have on roll, who leave before completing their course.

Please use this site to upload your monthly Leavers and Joiners return and securely transfer it to your recipient London local authority.

All fields are required.

For a NIL Return, please submit without uploading any files.

About you

Please enter your contact details.

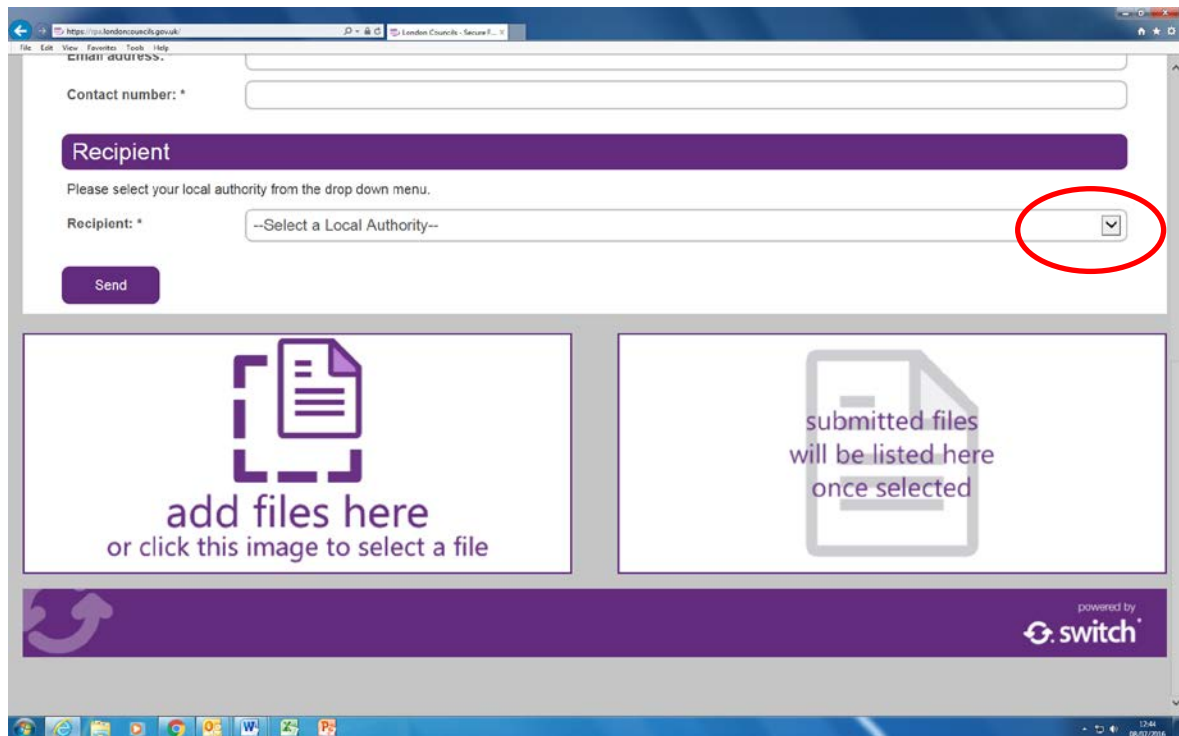
Name: *

Organisation: *

Email address: *

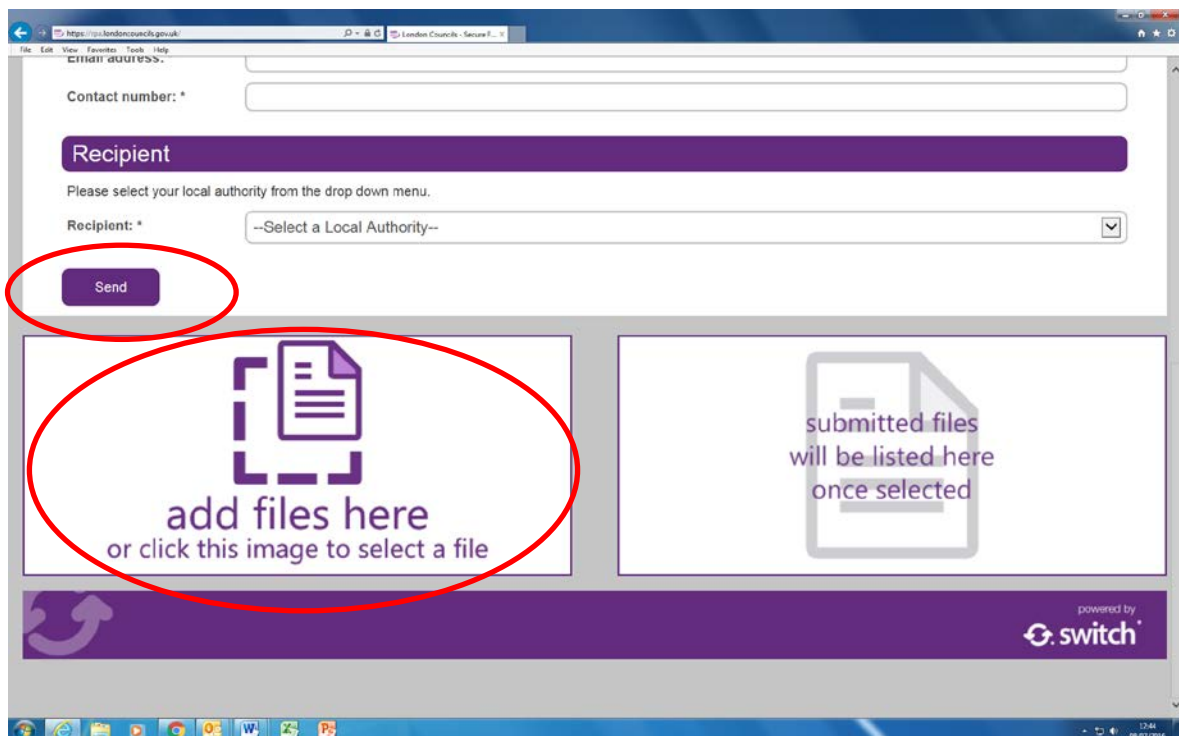
Contact number: *

- 3 Select your home local authority from the drop-down menu.



The screenshot shows a web browser window with the URL <https://londoncouncils.gov.uk>. The page has a purple header and a white main area. At the top, there is a 'Contact number: *' field. Below it is a purple bar labeled 'Recipient'. Underneath, it says 'Please select your local authority from the drop down menu.' and 'Recipient: *'. A dropdown menu is shown with the text '--Select a Local Authority--'. A red circle highlights the dropdown arrow on the right side of the menu. Below the dropdown is a purple 'Send' button. The bottom section of the page has two white boxes: the left one says 'add files here or click this image to select a file' with a document icon, and the right one says 'submitted files will be listed here once selected' with a document icon. The footer is purple with a 'switch' logo and the text 'powered by switch'.

- 4 Upload the completed monthly LALJR form at **add files here** and then click **Send**.



This screenshot is identical to the previous one, but with two red circles. One circle highlights the 'Send' button, and the other circle highlights the 'add files here or click this image to select a file' area, which includes a document icon.

- 5 If you have no Leavers or Joiners on any given month, skip steps 1 and 4 and click **Send**.

Return Date
16 September 2016
7 October 2016
4 November 2016
2 December 2016
6 January 2017
3 February 2017
3 March 2017
7 April 2017
5 May 2017
2 June 2017
7 July 2017
4 August 2017
15 September 2017

October and November 2016 returns

Providers are asked to provide a baseline return of all post-16 enrolments to their local authority.



E-mail _____

For an Excel version of this form go to: <http://www.londoncouncils.gov.uk/rpatoolkits> Appendix B

LOCAL AUTHORITY NAME

Raising the Participation Age and support for 16 and 17 year olds who are Not in
Education, Employment or Training

2016 to

INFORMATION SHARING PROTOCOL

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- 6. BREACH OF AGREEMENT**
- 7. CONCLUSION**
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1. PURPOSE OF THE PROTOCOL

Local Authorities are working together with schools, colleges and other training providers to meet the requirements of Raising the Participation Age (RPA) and to continue to support 16 and 17 year-olds who are Not in Education, Employment or Training (NEET).

Under the Education and Skills Act 2008 (ESA 2008) local authorities have a statutory duty to 'assist, encourage and enable' young people aged 13 to 19 (and young adults with a learning difficulty and/or disability up to the age of 25) to participate in education or training. This responsibility includes tracking young people's participation. In addition, the ESA 2008 places two new duties on local authorities with regard to 16 and 17 year-olds relating to RPA:

- A local authority in England must ensure that its functions are (so far as they are capable of being so) exercised so as to promote the effective participation in education or training of persons belonging to its area to whom Part 1 of ESA 2008 applies, with a view to ensuring that those persons fulfil the duty to participate in education or training.
- A local authority in England must make arrangements to enable it to establish (so far as it is possible to do so) the identities of persons belonging to its area to whom Part 1 of ESA 2008 applies but who are failing to fulfil the duty to participate in education or training.

The ESA 2008 also places a duty on sixth forms, colleges and other training providers to:

- Inform local authority support services if a young person (aged 16 or 17) has dropped out of learning (section 13 ESA 2008).

For the purposes of this document, support services include the following: **<each local authority area should clearly define which services are to be specifically subject to this protocol>**:

Youth Services, Connexions Services, Information, Advice and Guidance Services, School and College based Learning Mentors, Targeted or Specialist Youth Support Services covering issues such as substance misuse and drugs rehabilitation, leaving care, teenage parents/parents to be, sports and leisure, housing, and health (including mental health), Youth Offending Services/Teams.

This Information Sharing Protocol ("Protocol") has been developed to ensure information sharing for the purpose of tracking and monitoring young people's participation and to enable education providers and local authorities to fulfil statutory duties placed upon them through the ESA 2008. The agreement has been produced to assist education providers and local authorities to facilitate the sharing of all personal, sensitive and non-personal data ("Data").

This agreement does not give carte blanche licence for the wholesale sharing of information. Information sharing must take place within the constraints of the law, relevant guidance, and service specific requirements and is underpinned with the ethos of informed consent and client confidentiality being tantamount to any information sharing between local authorities and education providers.

All information and Data sharing must be undertaken within the realms of current legislation and legal frameworks.

2. PRINCIPLES

Young people have the right to confidentiality and therefore information that identifies individuals should be shared only when there are clear and valid reasons for doing so. This Protocol sets out the conditions under which information should be shared for the purpose of tracking young people's participation (section 68 ESA 2008).

These arrangements are for all young people aged 13 to 19 and young adults with a learning difficulty and/or disability up to the age of 25 ("Scope").

This Protocol identifies how the notification and exchange of information will take place between <local authority name> ("Local Authority") and <education provider name> ("Education Provider").

This Protocol outlines the principles and operational guidelines for how information and personal Data relating to an individual who is in Scope of this agreement is securely managed between the Education Provider and Local Authority for the purpose of tracking young people's participation.

The aim of this agreement is to share young people's information safely in compliance with the law, whilst respecting a young person's rights to privacy and confidentiality.

To ensure that young people's Data is adequately and appropriately protected, the Protocol between the Local Authority and Education Provider will be employed as a formal agreement for the exchange and sharing of young people's personal information.

The following key principles guide the sharing of information and Data between the Education Provider and Local Authority for the purpose of tracking young people's participation.

The Education Provider and Local Authority are fully committed to ensuring that if they share information and Data for the purpose of tracking young people's participation, it is in accordance with their legal, statutory and common law duties, and, that it meets the requirements of any additional guidance.

The Local Authority will use the Data to carry out their statutory duties and responsibilities:

- To encourage, enable or assist young people to participate in education, employment or training
- To track and support young people
- To support vulnerable young people to engage

Principle 7 of the Data Protection Act 1998 requires that appropriate measures should be in place to protect personal information from unauthorised access, loss, damage or destruction. The Local Authority and Education Provider are responsible for the security of information they receive and hold. The Education Provider and Local Authority must take all necessary care and employ appropriate physical, technical and organisational safeguards to protect the personal data under this Protocol. The Education Provider must agree with the Local Authority the standards

required for protecting the data, for example, safeguards for information in electronic format, security of data in transmission.

3. CONSENT

It is policy to gain young people's consent to share their information wherever practical. If information sharing is necessary, but the gaining of consent is impractical (e.g. where there has been no contact with the young person for a period of time) information can still be shared between the Education Provider and the Local Authority. The legal basis for sharing without consent in this instance is that it is necessary for the exercise of the Secretary of State's function of providing services under *Section 114 of the Learning and Skills Act 2000*. This is in conjunction with the Children Act 2004 section 10, 11 and 12.

The Data Protection Act 1998 has put in place numerous safeguards regarding the use of personal Data by organisations. The Act gives rights to those about whom Data is held, known as data subjects. This includes:

- the right to know the types of Data being held
- why it is being held, and
- to whom it may be communicated.

Privacy notices are designed to meet those needs of the Act. Privacy notices must be issued to new learners at the Education Provider for which Data are being provided in the school census or Individualised Learner Record (ILR).

4. AUDIT

The Education Provider and Local Authority must have appropriate governance and risk assessment measures in place, to assure the safe storage, access and utilisation of young people identifiable Data. Policies should be available for audit purposes with evidence of clear review dates. Evidence to be retained for 7 years.

5. THE LEGAL FRAMEWORK FOR SHARING

The principal legislation concerning the protection and use of this information is listed below:

- Education and Skills Act 2008
- Education Act 2011
- Human Rights Act 1998 (article 8)
- Freedom of Information Act 2000
- Data protection Act 1998
- Common Law Duty of Confidence

6. BREACH OF AGREEMENT

In accordance with the Data Protection Act, the Data Controller maintains all responsibility for personal Data regardless of whether a Data Processor is acting on

behalf of the Data Controller in that instance. If this Protocol is breached the Data Controller will bear responsibility. The Data Controllers covered in this Protocol should therefore ensure that they have taken appropriate technical and organisational measures against unauthorised or unlawful processing of personal data and against accidental loss to, destruction of, or damage to, personal Data. If the Data Processor uses the data covered in this Protocol in an unlawful manner they may be subject to prosecution.

Without prejudice, any breach of the Protocol shall constitute a material breach, and thus the responsible party will notify the Protocol partner as soon as it is discovered, and shall use best endeavours to rectify any breach assessing the extent and risk to any individual persons whose Data has been lost, damaged or misused, in order to minimise and to mitigate its effects.

7. CONCLUSION

This agreement acknowledges and provides a means whereby members of the public, staff, education providers and the local authorities can be confident that where information and Data is shared between the Education Provider and Local Authority for the purpose of tracking young people's participation, it is done so appropriately and securely and will not be utilised outside the scope of tracking young people's participation for the purposes of delivering the duties outlined in section 68 of the ESA 2008.

8. APPENDIX A – Declaration & Agreement

We the undersigned have read and fully understand the contents of this Information Sharing protocol, and confirm agreement and compliance.

Signed on behalf of the London Borough of <local authority name>:

.....

Signatory Name:	
Job Title/Position in Organisation:	
Signature:	
Date:	
Contact Details (email & telephone number):	

Signed on behalf of <education provider name>:

.....

Signatory Name:	
Job Title/Position in Organisation:	
Signature:	
Date:	
Contact Details (email & telephone number):	

For a Word version of this protocol go to: <http://www.londoncouncils.gov.uk/rpatoolkits>
Appendix C

Privacy Notices:

Information about pupils in schools, alternative provision, pupil referral units and children in early years settings

Suggested wording

Data Protection Act 1998: How we use pupil information

We collect and hold personal information relating to our pupils and may also receive information about them from their previous school, local authority and/or the Department for Education (DfE). We use this personal data to:

- support our pupils' learning
- monitor and report on their progress
- provide appropriate pastoral care; and
- assess the quality of our services

This information will include their contact details, national curriculum assessment results, attendance information, any exclusion information, where they go after they leave us and personal characteristics such as their ethnic group, any special educational needs they may have as well as relevant medical information. *For pupils enrolling for post 14 qualifications, the Learning Records Service will give us the unique learner number (ULN) and may also give us details about your learning or qualifications.*

[For institutions with students aged 13+]

Once our pupils reach the age of 13, the law requires us to pass on certain information to **[insert name of local authority or the provider of Youth Support Services in your area]** who have responsibilities in relation to the education or training of 13-19 year olds. We may also share certain personal data relating to children aged 16 and over with post-16 education and training providers in order to secure appropriate services for them. A parent/guardian can request that **only** their child's name, address and date of birth be passed to **[insert name of local authority or the provider of Youth Support Services in your area]** by informing **[insert name of school administrator]**. This right is transferred to the child once he/she reaches the age 16. *For more information about services for young people, please go to our local authority website **[insert link]**.*

[Careers guidance – schools that pass young people's information to careers guidance services or the national careers service may wish to set out details here.]

We will not give information about our pupils to anyone without your consent unless the law and our policies allow us to do so. If you want to receive a copy of the information about your son/daughter that we hold, please contact:

- **[insert name/contact details of your school administrator].**

[For schools:] We are required, by law, to pass certain information about our pupils to our local authority (LA) and the Department for Education (DfE).

[For academy and free school use only:] We are required, by law, to pass some information about our pupils to the Department for Education (DfE). This information will, in turn, then be made available for use by the LA.

DfE may also share pupil level personal data that we supply to them, with third parties. This will only take place where legislation allows it to do so and it is in compliance with the Data Protection Act 1998.

Decisions on whether DfE releases this personal data to third parties are subject to a robust approval process and are based on a detailed assessment of who is requesting the data, the purpose for which it is required, the level and sensitivity of data requested and the arrangements in place to store and handle the data. To be granted access to pupil level data, requestors must comply with strict terms and conditions covering the confidentiality and handling of data, security arrangements and retention and use of the data.

For more information on how this sharing process works, please visit:

<https://www.gov.uk/guidance/national-pupil-database-apply-for-a-data-extract>

For information on which third party organisations (and for which project) pupil level data has been provided to, please visit: <https://www.gov.uk/government/publications/national-pupil-database-requests-received>

If you need more information about how our local authority and/or DfE collect and use your information, please visit:

- our local authority at [\[insert relevant LA website link\]](#); or
- the DfE website at <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>

For a Word version of this notice go to: the Department for Education's website [Data protection: privacy notice model documents](#) or <http://www.londoncouncils.gov.uk/rpatoolkits> Appendix D