

Pan-London 16-19 Year Old Leaver Notification Process: Local Authority 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 last year 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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Chairman
London Work-Based Learning Alliance

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 birthday from summer 2015¹.

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

As 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 leaving out-of-borough provision to re-engage.

London Councils has 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). Where boroughs wish to, they may also request that providers in their area inform them about young people at serious risk of dropping out ('wobblers').
- Providers will use a secure data portal, hosted on the London Councils website, 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 produce/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 local authorities

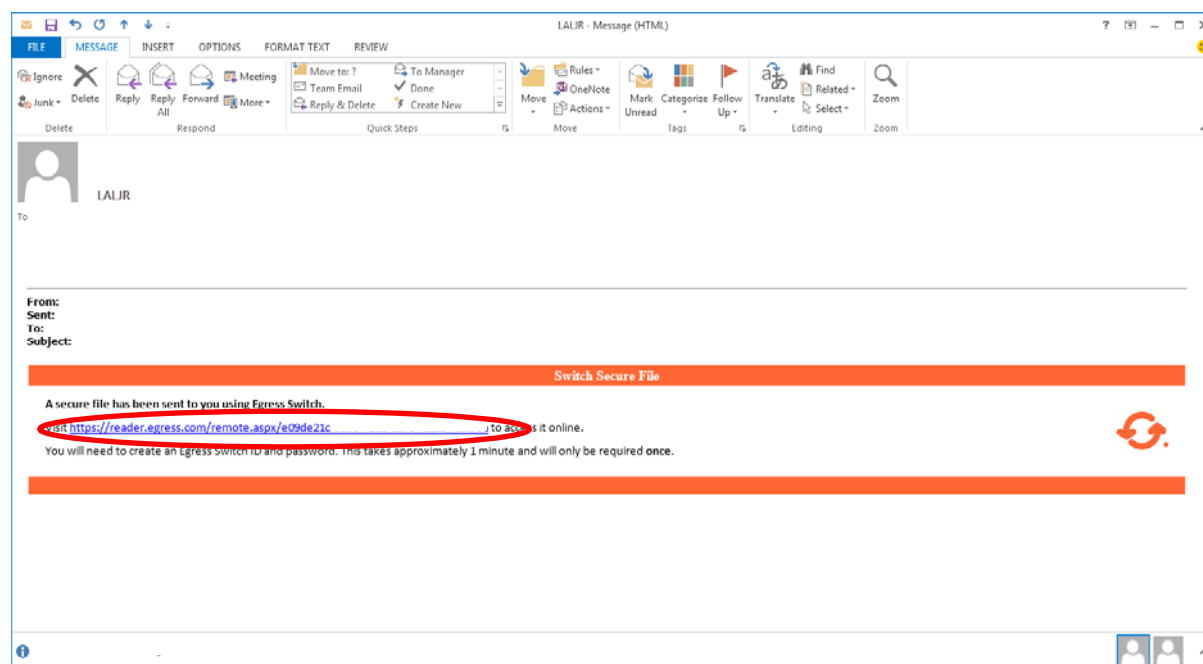
What you need to have in place

- 1 An adapted cover letter signed by your Director of Children's Services and whoever else you deem appropriate
- 2 A procedure for communicating the process (the cover letter and flyer) to all local education and training providers.
- 3 A data sharing agreement/information sharing protocol with all the education and training providers in your borough (see appendix C for an example information sharing protocol).
- 4 A designated person responsible for receiving and processing the monthly LALJR forms (see appendix B) i.e. matching and entering information on to a client record system (for example, IYSS). The designated person will be either in your sub-regional unit, your contracted IAG provider or your own local authority team.
- 5 A designated officer who will receive the monthly joiners and leavers reports from the sub-regional unit, contracted IAG provider or local authority team.
- 6 Before the process goes "live" local authorities are strongly advised to run a test to check that forms uploaded and sent to them via the portal are received by the correct designated person/people and that the e-mail is not blocked by the authorities quarantine system or going to spam.

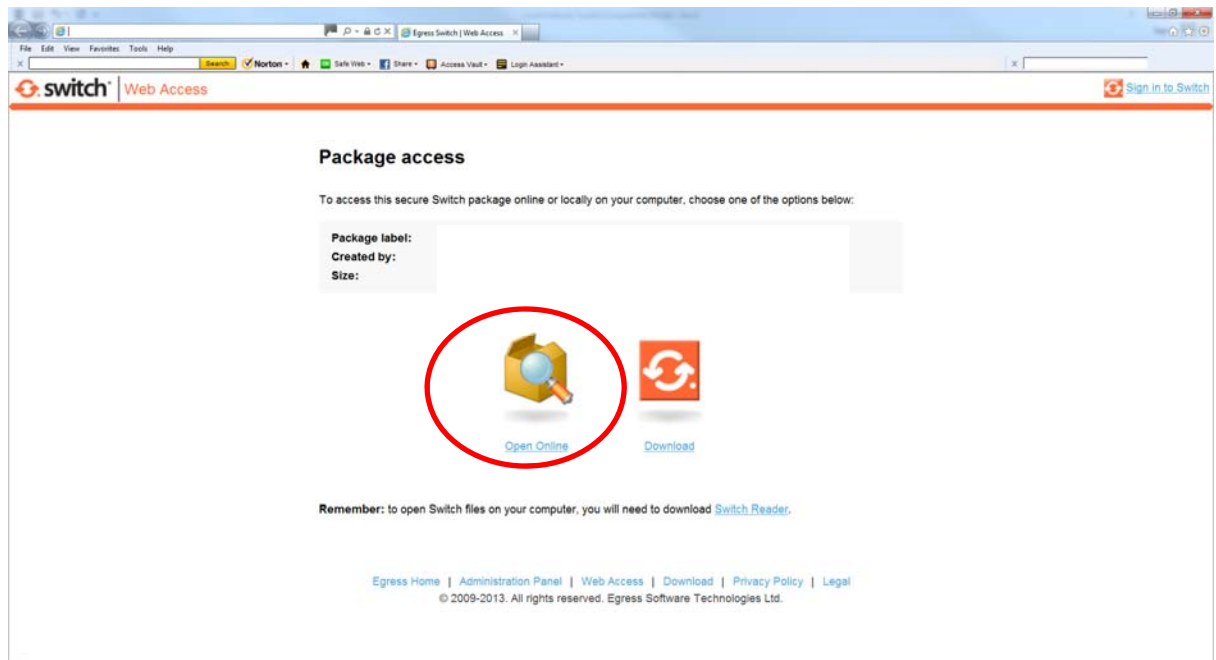
The monthly process

- 1 The forms are received via email (subject title: LALJR) by the designated organisation/team/officer.

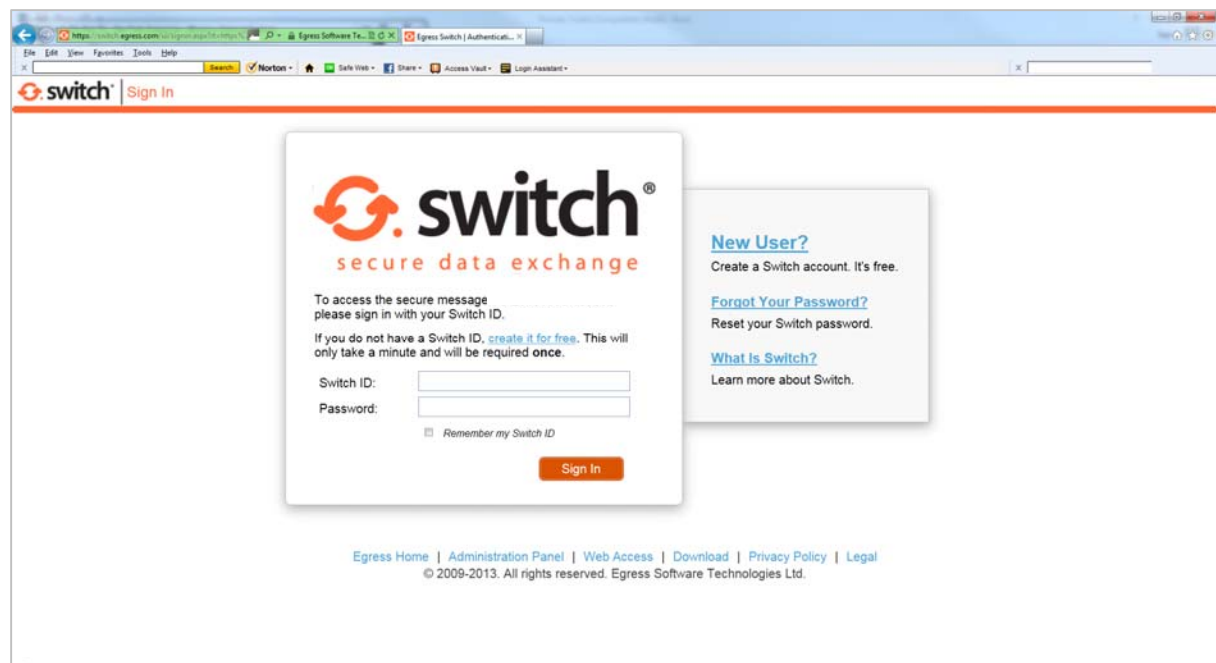
Click on the link to access the file



Click **Open Online**



Go to your existing secure Switch account or set one up to access the file



- 2 The learner information on the forms is matched and uploaded to the client record system by the designated organisation/team/officer.
- 3 The designated organisation/team/officer produces a monthly report of all the leavers and joiners for the local authority and sends it to the officer nominated to receive the report.
- 4 A nominated officer receives the monthly joiners and leavers report from the relevant organisation/team/officer and this is then used as appropriate to inform local authority intervention work.



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

Dear

As you will be aware, Raising the Participation Age came into effect in the 2013/14 academic year. This means that all young people are required to continue in education or training until their 18th birthday (from summer 2015*).

With this change comes a statutory duty for all providers delivering education or training for 16 and 17 year olds to inform their home local authority of any young person who leaves learning or training early, to ensure leavers can be contacted swiftly and offered appropriate support to help them re-engage. *[As you are aware]* your home local authority is *[insert Council name]*.

To ensure that *[insert Council name]* can better deliver its duties to monitor participation and support all 16 and 17 year olds, we are also asking providers to inform us when new learners join provision during the year.

As significant numbers of young people in London travel outside of their resident borough to learn or train, London Councils has developed a simple process to make it easy for your institution to send leaver and joiner information securely to us and for that information to then be quickly shared with other boroughs.

Optional paragraph: In *[insert Council name]* we additionally ask that providers inform us of young people who may not yet have left but are a very serious risk of dropping out *[adapt as required]*, so that we can work with you to help them stay in learning.

All this process requires is for you to send a monthly return to us via a secure portal available at - <http://www.londoncouncils.gov.uk/rpa>. A provider toolkit gives you the information you need to carry out the process smoothly and efficiently - <http://www.londoncouncils.gov.uk/rpatoolkits>.

Please could I ask that you reply to *[insert name and email address]* confirming receipt of this letter. If you need any further information or assistance *[insert name]* will be happy to help.

I look forward to continuing to work with you to ensure that all our young people receive the education, training and support they need to reach their potential and shine in their chosen learning and career paths.

Yours sincerely

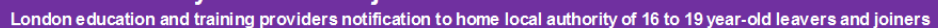
Name
Title
Organisation

* 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

Return Date
15 September 2017
6 October 2017
3 November 2017
1 December 2017
5 January 2018
2 February 2018
2 March 2018
6 April 2018
4 May 2018
1 June 2018
6 July 2018
3 August 2018
14 September 2018

October and November 2017 returns

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

[illegible]

LOCAL AUTHORITY NAME

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

2015 to

INFORMATION SHARING PROTOCOL

CONTENTS

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- 6. BREACH OF AGREEMENT**
- 7. CONCLUSION**
- 8. APPENDIX A – Declaration & Agreement**

1. PURPOSE OF THE PROTOCOL

Local Authorities are working together with schools, colleges and other training providers to implement 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 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 your information

We process personal information relating to our pupils and may receive information about them from their previous school or college, local authority, the Department for Education (DfE) and the Learning Records Service. We hold 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

Information about our pupils that we hold 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.*

In addition once our pupils reach the age of 13, the law requires us to pass on certain information about them 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 provide them with these pupils' names and addresses, dates of birth, name(s)/address(es) of their parent(s)/guardian(s) and any other information relevant to their role. 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 ask that no information apart from 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 to the national careers service, may wish to set out details here.]

We will not give information about you to anyone without your consent unless the law and our policies allow us to.

[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 you to the Department for Education (DfE). This information will, in turn, then be made available for the use by the LA.

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>

If you want to receive a copy of the information about you that we hold, please contact:

- [\[insert name/contact details of your school administrator\]](#).

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