

Children's Code Policy

Brooke House College

2023/24 Version

1 Introduction

- 1.1 This code came into force on the 2nd September 2020 as a transitional programme for a year. It became law on the 2nd September 2021. As such, it needs to be read in conjunction with the following:-
- 1.1.1 Data Protection Act (2018);
 - 1.1.2 ICT Acceptable Use Policy;
 - 1.1.3 Brooke House College's Privacy Notice;
 - 1.1.4 Brooke House College's Data Protection Policy;
 - 1.1.5 Brooke House College's Data Retention Policy; and
 - 1.1.6 Brooke House College's Coronavirus online safety and remote learning guidelines.
- 1.2 Children are being 'datafied' with companies and organisations recording many thousands of data points about them as they grow up. These can range from details about their mood and their friendships to what time they woke up and when they went to bed.

As an educational establishment committed to the safeguarding and welfare of its pupils, The College will be adopting the code of practice to ensure that as an organisation providing online services likely to be accessed by children in the UK, we take into account the best interests of the child. Through our PSHE programme and other avenues of digital education, it will help The College to develop services that recognise and cater for the fact that children warrant special protection in how their personal data is used, whilst also offering plenty of opportunity to explore and develop online. This code seeks to protect children **within** the digital world, not protect them from it.

The code sets out 15 standards of age appropriate design reflecting a risk-based approach. The focus is on providing default settings which ensures that children have the best possible access to online services whilst minimising data collection and use, by default.

It also ensures that children who choose to change their default settings get the right information, guidance and advice before they do so, and proper protection in how their data is used afterwards.

2. The Standards

- 2.1 The Information Commissioner's Office defines 'standards of age-appropriate design' as:

"such standards of age-appropriate design of such services as appear to the Commissioner to be desirable having regard to the best interests of children."

The standards are not intended as technical standards, but as a set of technology-neutral design principles and practical privacy features. The focus of the code is to set a benchmark for the

appropriate protection of children's personal data. Different services will require different technical solutions.

[https://ico.org.uk/for-organisations/childrens-code-hub/#:~:text=The%20Children's%20code%20\(or%20Age,to%20be%20accessed%20by%20children.](https://ico.org.uk/for-organisations/childrens-code-hub/#:~:text=The%20Children's%20code%20(or%20Age,to%20be%20accessed%20by%20children.)

3. Best interests of the Child

3.1 The College will have at the heart of all its data protection, online and acceptable use of ICT and all associated policies, guidelines and advice, the 'best interest' of the child. The College will accomplish this by design through education and planning. The steps taken by the College will take into account the following in determining its policies, guidelines and advice:

- 3.1.1 keep them safe from exploitation risks, including the risks of commercial or sexual exploitation and sexual abuse;
- 3.1.2 protect and support their health and wellbeing;
- 3.1.3 protect and support their physical, psychological and emotional development;
- 3.1.4 protect and support their need to develop their own views and identity;
- 3.1.5 protect and support their right to freedom of association and play;
- 3.1.6 support the needs of children with disabilities in line with our equal opportunity policy and other national requirements;
- 3.1.7 recognise the role of parents in protecting and promoting the best interests of the child and support them in this task; and
- 3.1.8 recognise the evolving capacity of the child to form their own view, and give due weight to that view.

4. Data Protection Impact Assessments (DPIAs)

4.1 Before reviewing any existing policies, guidelines and advice, or drawing up new policy, the College will undertake a DPIA to help the College identify and minimise the data protection risks of our service – and in particular the specific risks to children who are likely to access our service which arise from your processing of their personal data.

In doing so, the College will include these steps:

- 4.1.1 identify the need for a DPIA;
- 4.1.2 describe the processing;
- 4.1.3 consider consultation;
- 4.1.4 assess necessity and proportionality;
- 4.1.5 identify and assess risks arising from your processing;

4.1.6 identify measures to mitigate the risks; and

4.1.7 sign off, record and integrate outcomes.

5. Age appropriate application

5.1 The College will look to use its experience and judgement in all matters relating to the policies, guidelines and advice under review or being drawn up. It will use as a yardstick, the age appropriate nature of the structure of the school by key stages

5.1.1 Key stage 3;- ages 11-14

5.1.2 Key stage 4:- ages 15 – 16

5.1.3 Key stage 5:- ages 17 – 19

Furthermore, it will pay due regard to 'ages of consent' as laid out in law for permissions to sign GDPR and Privacy consent forms within the College's policies.

6. Transparency

6.1 All consultation, instruction and implementation will be made using appropriate language and made as easy as possible to understand by breaking down information into 'bite sized' chunks. Given the age range of the College's pupils and its 'international' nature, the transparency will take into account section 5 above as well as being accessible to all EAL pupils within the community. Explanations will use a trusted adult for delivery, will be age, gender and race sensitive and could make use of appropriate translations should the level of English of any pupil and/or their age require it.

7. Detrimental use of data

7.1 No data used or processed by the College will result in the health or welfare of a pupil being damaged. To that end, the College will undertake to

7.1.1 Keep up to date with all recommendations, advice and legal obligations;

7.1.2 Will not process pupils' data that will be detrimental or run counter to advice given in 7.1.1;

7.1.3 Will follow the College policy and consent forms for any images or videos involving our pupils;

7.1.4 No data will be supplied to any online 'games' organisation and the College's PSHE programme will actively teach pupils the safe use of such sites

8. Policies & Standards

8.1 In so much as the College is obliged at times to follow mandatory regulations and in other cases is left to the College's own discretion, the College will seek to follow all standards, either compulsory or voluntary, in relation to policies, documents, guidelines. Where personal data such as name and date of birth is required by an examination board for instance, it will be provided. Likewise, where the College has a legal obligation to supply an organisation with personal data, it will do so. In all other cases the college will process personal data in accordance with its policies, privacy notices and consent forms signed for by the owner of the personal data.

9. Default settings

9.1 When personal data is submitted, gathered or processed by the College, default settings may be used. In doing so, they will be used in order to 'improve' 'enhance' or 'personalise' the pupils' online experience beyond the provision of your core service. Any proposed change from these default settings will require the permission of the pupil whose data may be used.

10. Data Minimisation

10.1 The College will only collect and collate data for processing that is required for the task at hand. No 'extra' data will be collected and collated over and above that which is required.

11. Data Sharing

11.1 Data will only be shared with other organisations where consent has been given or where the College has a legal obligation to do so. In all cases of sharing data, the pupils' best interests will be paramount and will only occur when in accordance with the appropriate DPIA.

12. Geolocation

12.1 The College will have no geolocation data taken from a pupil's device as its default setting so that the possible tracking of any pupil will be impossible using the personal data collected by the College.

13. 'Parental Controls'

13.1 Whilst the College acts in loco parentis for its pupils, the College will not impose 'parental controls' on any pupil's devices. The College will however monitor sites accessed via any of its ICT facilities, routers and wi-fi. All 'undesirable' sites will be blocked using the College's software designed for this purpose. The College will also use its PSHE programme to educate its pupils about the suitability or otherwise of sites which seek to exploit children or are illegal.

14. Profiling

14.1 No data collected or collated by the College will be used to 'profile' its pupils. The data will only be used for the purpose stated when consent to collect and process the data is sought.

15. Nudge techniques

15.1 Nudge techniques are design features which lead or encourage users to follow the designer's preferred paths in the user's decision making. The College will not use nudge techniques in any of its collecting or processing of pupils' personal data

16. Connection to other personal devices

16.1 Personal data of pupils will not be collected, processed or sent by the College to third parties, which would endanger and not be in the best interest of the pupils concerned. The College will use devices such as 'Alexa-Echo Dot' within a classroom setting with default settings that do not allow pupils to connect to external devices.

16.2 Pupils will be taught to protect themselves from allowing their data or images or livestreams to be accessed by third parties. The use of cameras on laptops being accessed by third parties being a case in mind.

16.3 The College will use personal fitness data of members of the football academy for analysis purposes, but only with consent from the pupils beforehand. Any data shared using this technology will only be passed to third parties (such as clubs looking to assess a pupil at a football trial) with consent of the pupil.

17. Online Tools

17.1 Online tools are mechanisms to help children exercise their rights simply and easily when they are online. They can be used to help children exercise their right to access a copy of their personal data, or to make a complaint or exercise any of their remedial rights. The College will ensure that when collecting and processing personal data of pupils, it allows pupils access to online tools so that the following rights can be exercised.

- The right of access
- The right to rectification
- The right to erasure
- The right to restrict processing
- The right to data portability
- The right to object
- Rights in relation to automated decision making and profiling

Authorised by	resolution of the Board of Directors
Signed	
On behalf of the Board of Directors	
Date	February 2024

Schedule of Updates

Date document updated	Document updated by	Summary update/comments	Location of saved file
April 2021	MCO	Written in preparation for Sept. 2021 legislation requirements	Dropbox – SMT – Policies Final
July 2021	MCO	Updated to reflect Bursar -> coo	Dropbox – SMT – Policies 2021-2022
Feb 2023	IMS		Teams – SLT – Policies 2022-23
Feb 2024	DOP		Teams – Policies 2023-24

Schedule of Review

Date of document review	Reviewed by	Scheduled date of next review
April 2021	MCO	July 2023

July 2021	MCO	July 2023
Feb 2023	IMS	January 2024
Jan 2024	IMS	January 2025

Appendix 1

Data Privacy Notice

For the purposes of this notice, Brooke House College, The College, School, We, Our or Us refers to Brooke House College Ltd.

1. INTRODUCTION

Brooke House College takes its responsibilities as a data controller seriously and is committed to using the personal data it holds in accordance with the law. Individuals must opt-in whenever data is collected and the opt-in must be active and not assumed. Please therefore complete the relevant Consent Form(s) that match the description of your association with the College and that of your child, if they are aged 11 or 12 years, once you have read this information. Pupils aged 13+ will complete their own consent form. This privacy notice provides detailed information about how we process personal data. It emphasises the need for transparency over how we use your personal data and your right to be informed. Individuals have the right to confirmation that their data is being processed and access to the personal data being processed. Individuals also have a right to object and withdraw from data being processed. Please read this notice carefully and if you have questions regarding your personal data or its use, or if you have any queries before you opt-in, or wish to withdraw your consent, please contact the College directly by emailing coo@brookehouse.com or telephone 01858 462452; or, by post Data & GDPR controller (DGC), Brooke House College, 12 Leicester Road, Market Harborough, LE16 7AU.

2. TYPES OF PERSONAL DATA WE PROCESS

We process personal data about prospective, current and past students and their parents, agents and student representatives; staff, suppliers and contractors; sponsors, friends and supporters; and other individuals connected to or visiting the College.

The personal data we process takes different forms – it may be factual information, expressions of opinion, images or other recorded information which identifies or relates to a living individual. Examples include:

- names, addresses, telephone numbers, e-mail addresses and other contact details;
- family details;

- admissions, academic, disciplinary and other education related records, information about special educational needs, references, examination scripts and marks;
- education, recruitment and employment data;
- images, audio and video recordings;
- financial information
- CPD courses, meetings or training events attended.

As a College, we need to process special category personal data, eg: concerning health, ethnicity, religion and criminal records information about some individuals. We do so in accordance with applicable law, including with respect to safeguarding or employment or by explicit consent.

3. COLLECTING, HANDLING AND SHARING PERSONAL DATA

We collect most of the personal data we process directly from either the individual concerned, or from students' parents, guardians or representatives. In some cases, we collect data from third parties, including referees for employment, previous schools attended by students, the Disclosure and Barring Service, or professionals or authorities working with the individual, or from publicly available resources.

Personal data held by us is processed by appropriate members of staff for the purposes for which the data was provided. We take appropriate technical and organisational steps to ensure the security of personal data about individuals, including policies around use of technology and devices, and access to college systems. Where we transfer personal data outside of the European Economic Area, we have confirmed GDPR compliance, with adequate protection for the rights of data subjects.

In the course of college business, we share personal data where appropriate with third parties such as the local doctors, dentist, opticians, the college's professional advisors and relevant authorities (eg; Leicestershire County Council, DBS, NCTL, UK Visas and Immigration, HMRC, Now Pensions, Department for Education and Department for Work and Pensions). Some of our systems are provided by third parties, eg hosted MIS database (iSAMS), school website, school portal, or cloud storage providers (Dropbox). This is always subject to contractual assurances that personal data will be kept securely and only in accordance with our specific directions and the GDPR.

We do not share or sell personal data to other organisations for their own purposes. We do not use any automated decision making tools for individual profiling to process any data.

4. PURPOSES FOR WHICH WE PROCESS PERSONAL DATA

We process personal data to support the College's operation as an independent boarding school for Pupils aged 11 upwards, and in particular for:

- The admission of students;
- The provision of education to students including the administration of the school curriculum and timetable; monitoring student progress and educational needs; reporting on the same internally and to parents; administration of students' entries to public examinations, reporting upon and publishing the results; providing references for students (including after a pupil has left);
- The provision of educational support and related services to students (and parents) including the maintenance of discipline; provision of careers services; administration of sports fixtures and teams, school trips; provision of the school's IT and communications system, all in accordance with our IT policies;
- The safeguarding of students' welfare and provision of pastoral care, welfare, health care and in boarding houses;
- The research into and development of effective teaching and learning methods
- Compliance with legislation and regulation set by the Home Office for student & child student Visa issuance, including the preparation of information for inspection by the Independent Schools Inspectorate, submission of annual census information to the Independent Schools Council and Department for Education;
- Operational management including the compilation of pupil records; the administration of invoices, fees and accounts; the management of the College's property; the management of security and safety arrangements, including the monitoring of the school's IT and communications systems in accordance with our Acceptable Use Policy; management planning and forecasting; research and statistical analysis; the administration and implementation of the College's rules and policies for pupils and staff; the maintenance of historic archives and other operational purposes;
- Staff administration including the recruitment of staff/ engagement of contractors (including compliance with DBS procedures); administration of payroll, pensions and sick leave; review and appraisal of staff performance; conduct of any grievance, capability or disciplinary procedures; and the maintenance of appropriate human resources records for current and former staff; and providing references;
- The promotion of the College through its own websites, the prospectus and other publications and communications, including through our social media channels;
- Maintaining relationships with the wider school community by communicating with the body of current and former pupils and/or their parents or guardians and organising events. The processing set out above is carried out to fulfil our legal obligations, including those under our terms and conditions for parents and staff employment contracts.

5. HOW LONG WE KEEP PERSONAL DATA

We retain personal data only for a legitimate and lawful reason and only for so long as necessary or required by law. We have adopted Records Retention Guidelines from the Information & Records Management Society for Schools, which set out the time period for which different categories of data are kept. If you have any specific queries about our record retention periods, or wish to request that your personal data is considered for erasure, please contact coo@brookehouse.com.

6. YOUR RIGHTS

You have various rights under Data Protection Law to access and understand the personal data we hold about you, and in some cases to ask for it to be erased or amended or for us to stop processing it, but subject to certain exemptions and limitations. You always have the right to withdraw consent, where given, or otherwise object to receiving generic communications. Please be aware however that the school may have another lawful reason to process the personal data in question even without your consent. That reason will usually have been asserted under this Privacy Notice, or may exist under some form of contract or agreement with the individual, e.g. an employment contract or under the Terms and Conditions for Parents, or because of a purchase of goods or services. If you would like to access or amend your personal data, or would like it to be transferred to another person or organisation, or have some other objection to how your personal data is used, please make your request in writing to coo@brookehouse.com.

We will try to respond to any such written requests as soon as is reasonably practicable and in any event within statutory time-limits, which is one month in the case of requests for access to information. We will be better able to respond quickly to smaller, targeted requests for information. If the request is manifestly excessive or similar to previous requests, we may ask you to reconsider or charge a proportionate fee but only where Data Protection Law allows it. You should be aware that certain data is exempt from the right of access. This may include information which identifies other individuals, or information which is subject to legal privilege. We are also not required to disclose any pupil examination scripts (though examiners' comments may fall to be disclosed), nor any confidential reference given by the school for the purposes of the education, training or employment of any individual.

7. PUPIL DATA

The rights under Data Protection legislation belong to the individual to whom the data relates. However, we will often rely on parental consent to process personal data relating to pupils (if consent is required) unless, given the nature of the processing in question, and the pupil's age and understanding, it is more appropriate to rely on the pupil's consent.

Parents should be aware that in such situations they may not be consulted, depending on the interests of the child, the parents' rights at law or under their contract, and all the circumstances. In general, we will assume that pupils' consent is not required for ordinary disclosure of their personal data to their parents, e.g. for the purposes of keeping parents informed about the pupil's activities, progress and behaviour, and in the interests of the pupil's welfare, unless, in the school's opinion, there is a good reason to do otherwise.

However, where a pupil seeks to raise concerns confidentially with a member of staff and expressly withholds their agreement to their personal data being disclosed to their parents, we may be under an obligation to maintain confidentiality unless, in our opinion, there is a good reason to do otherwise; for example where the school believes disclosure will be in the best interests of the pupil or other pupils, or is required by law.

Pupils can make subject access requests for their own personal data, provided that they have sufficient maturity (age 13+) to understand the request they are making. A person with parental responsibility will generally be entitled to make a subject access request. A pupil of any age may ask a parent or other representative to make a subject access request on their behalf. Moreover (if of sufficient maturity) their consent or authority may need to be sought by the parent making such a request.

8. CHANGE OF DETAILS

We try to ensure that all personal data held in relation to an individual is as up to date and accurate as possible. Please notify coo@brookehouse.com of any significant changes to important information, such as contact details, held about you.

9. THIS POLICY

Our privacy notice should be read in conjunction with our other policies and terms and conditions which make reference to personal data, including our Safeguarding Policy, Health & Safety Policies and the Acceptable Use of IT Policy. We will update this Privacy Notice from time to time. Any substantial changes that affect how we process your personal data will be notified on our website and to you directly, as far

as practicable. If you believe that we have not complied with this policy or have acted otherwise than in accordance with Data Protection Law, you should notify coo@brookehouse.com. You can also make a referral to or lodge a complaint with the Information Commissioner's Office (ICO), although the ICO recommends that steps are taken to resolve the matter with us before involving them. Their contact details are:-

Telephone. 0303 123 1113. Or <https://ico.org.uk/concerns/>

Appendix 2

Data Retention Policy

Brooke House College recognises that the efficient management of its records is necessary to comply with its legal and regulatory obligations and to contribute to the effective overall management of the school. This document provides the policy framework through which this effective management can be achieved and audited.

1. Scope of the Policy

This policy applies to all records created, received or maintained by staff at the school in the course of carrying out its functions.

- Records are defined as all those documents which facilitate the business carried out by the school and which are thereafter retained (for a set period) to provide evidence of its transactions or activities. These records may be created, received or maintained in hard copy or electronically.
- A small percentage of the school's records will be selected for permanent preservation as part of the institution's archives and for historical research.

2. Responsibilities

The school has a corporate responsibility to maintain its records and record keeping systems in accordance with the regulatory environment. The Principal has overall responsibility for this policy. The person responsible for records management in the school will give guidance for good records management practice and will promote compliance with this policy so that information will be retrieved easily, appropriately and timely.

Individual staff and employees must ensure that records for which they are responsible are accurate, and are maintained and disposed of in accordance with the school's records management guidelines.

3. Relationship with Existing Policies

This policy has been drawn up within the context of:

- Freedom of Information Act 2000.
- Data Protection/privacy Policy
- and with other legislation or regulations (including audit, equal opportunities and ethics) affecting the school.

4. Safe Disposal of Records

Where records have been identified for destruction they will be disposed of in an appropriate way. All records containing personal information, or sensitive policy information, will be deleted before disposal using a shredder. Any other records will be bundled up and disposed of to a waste paper merchant or disposed of in other appropriate ways. We do not put records in the dustbin or a skip.

The Freedom of Information Act 2000 requires the school to maintain a list of records which have been destroyed and who authorised their destruction.

Members of staff destroying records should record at least:

- File reference (or other unique identifier).
- File title (or brief description) and number of files.
- The name of the authorising officer and the date action taken.

This should be kept in an Excel spreadsheet or similar suitable format.

5. Transfer of Information

Where lengthy retention periods have been allocated to records, members of staff may wish to consider converting paper records to other media. The lifespan of the media and the ability to migrate data where necessary should always be considered.

6. School Closures

Should the school close there will be records which will need to be stored until they work out their statutory retention periods.

It is the responsibility of the Directors to manage these records until they have reached the end of their administrative life and to arrange for their disposal when appropriate.

7. Retention Guidelines

The college will be following retention guidelines issued by the Information Records Management Society 'Retention Guidelines for Schools'. Some of the retention periods are governed by statute. Others are guidelines following best practice. Every effort will be made to ensure that these retention periods are compliant with the requirements of the General Data Protection Regulation (GDPR) 2018 and the Freedom of Information Act 2000. Managing record series using these retention guidelines will be deemed to be 'normal processing' under the legislation mentioned above. If record series are to be kept for longer or shorter periods than laid out in this document the reasons for this will be documented.

1. The purpose of the retention guidelines.

Under the Freedom of Information Act 2000, schools are required to maintain a retention schedule listing the record series which the school creates in the course of its business. The retention schedule lays down the length of time which the record needs to be retained and the action which should be taken when it is of no further administrative use. The retention schedule lays down the basis for normal processing under both the GDPR and the Freedom of Information Act 2000. Members of staff will be expected to manage their current record keeping systems using the retention schedule and to take account of the different kinds of retention periods when they are creating new record keeping systems. The retention schedule refers to record series regardless of the media in which they are stored.

2. Benefits of a retention schedule

There are a number of benefits which arise from the use of a complete retention schedule: Managing records against the retention schedule is deemed to be “normal processing” under the GDPR and the Freedom of Information Act 2000. Members of staff should be aware that once a Freedom of Information request is received or a legal hold imposed then records disposal relating to the request or legal hold must be stopped. Members of staff can be confident about safe disposal information at the appropriate time. Information which is subject to Freedom of Information and Data Protection legislation will be available when required. The school is not maintaining and storing information unnecessarily.

3. Maintaining and amending the retention schedule

Where appropriate the retention schedule will be reviewed and amended to include any new record series created and remove any obsolete record series. This retention schedule contains recommended retention periods for the different record series created and maintained by schools in the course of their business. The schedule refers to all information regardless of the media in which it is stored. Some of the retention periods are governed by statute. Others are guidelines following best practice. Every effort will be made to ensure that these retention periods are compliant with the requirements of GDPR and the Freedom of Information Act 2000. Managing record series using these retention guidelines will be deemed to be “normal processing” under the legislation mentioned above. The schedule will be reviewed on a regular basis. The schedule is broken down into the following subsets:-

1. Management of the School
2. Human Resources
3. Financial Management of the School
4. Property Management
5. Pupil Management
6. Curriculum Management
7. Co-Curricular Activities
8. Central Government and Local Authority.

Within the schedule, there are sub headings under each section to help guide you to the retention period you are looking for. The schedule can be accessed at the following website address.

<https://irms.site-ym.com/page/SchoolsToolkit>

This policy needs to be read in conjunction with the college's data protection policy, use of ICT policy and the Privacy Notice. Should you have any concerns or a complaint regarding the schedule of retention, please contact the college's Chief Operating Officer at coo@brookehouse.com . You can also make a referral to or lodge a complaint with the Information Commissioner's Office (ICO), although the ICO recommends that steps are taken to resolve the matter with us before involving them. Their contact details are:-

Telephone. 0303 123 1113. Or <https://ico.org.uk/concerns/>

5. DETAILS OF STAFF WHO ARE AWARE OF THE BREACH AND WHO SHOULD BE CONTACTED FOR ADDITIONAL INFORMATION

6. ANY OTHER DETAILS/INFORMATION

7. DECLARATION – I HAVE INCLUDED ALL KNOWN INFORMATION RELEVANT TO THIS DATA BREACH AND AGREE TO BE CONTACTED ON THE MOBILE NUMBER BELOW TO DISCUSS ANY FURTHER QUERIES. I UNDERSTAND THAT THIS INFORMATION WILL BE PASSED TO THE ICO (INFORMATION COMMISSIONER'S OFFICE)

SIGNED:- _____

PRINT NAME:- _____

MOBILE NUMBER:- _____