

**DE DATA PROTECTION IMPACT ASSESSMENT
FOR PERSONAL LEARNING PLAN (PLP) AS
PART OF THE NEW SPECIAL EDUCATIONAL
NEEDS AND INCLUSION FRAMEWORK**

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SCREENING EXERCISE

Project Name: Personal Learning Plan (PLP) as part of the New Special Educational Needs and Inclusion Framework

Directorate: Inclusion & Well-Being

Team: Special Education & Inclusion Review Team (SEIRT)

1. PROJECT SUMMARY

Briefly describe your project, plan or proposal. Set out its purpose and any projected benefits.

This project relates to a new Special Educational Needs (SEN) and Inclusion Framework. The framework is based on three component parts: the Education (Northern Ireland) Order 1996 (the 1996 Order) as amended (most recently by the Special Educational Needs and Disability Act (NI) 2016 (the 2016 Act); new SEN Regulations; and a new Code of Practice (“the Code”) on identifying, assessing and provision relating to those children who have, or may have, SEN.

This DPIA screening exercise (“the assessment”) has a particular focus on the new statutory duty (not yet commenced) on Boards of Governors, under Section 3 of the 2016 Act, to create and keep under review a Personal Learning Plan (PLP) for each registered pupil with SEN. The PLP is a programme of special educational provision which will replace the existing Individual Education Plan (IEP), for which there is no statutory requirement. Every child placed on a school’s **SEN Register** must have a PLP. The SEN register is a school’s register of all children with SEN and is held electronically on the Schools Information Management System (SIMS). This assessment relates to both the information requirements for a PLP and also to sharing a copy of the PLP, where appropriate (with consent). The new Code (for which schools must have regard (under Article 4 of the 1996 Order) will provide practical guidance about matters relating to the PLP including for providing a copy of the PLP if appropriate, e.g. when a child transfers to a new school.

The PLP, unlike the IEP, will be held electronically on the SIMS, for those settings with SIMS access i.e. nursery classes (within a primary school), primary schools, post-primary schools, special schools and also in education settings otherwise than at school (EOTAS). The electronic format (on SIMS) will be beneficial, saving time in completion (some fields being auto-populated) and allow for a standardised school approach with consistent terminology. Common data requirements have been developed for these settings informed by engagement with schools, the EA and Education Training (ETI). This approach aims to ensure consistency of data across all schools, unlike the current IEP where variances exist. The 2016 Act stipulates that **subject to consent** (of the parent of a child, or child over compulsory

school age (known as “young person” from this point onwards)), **a copy of the PLP can be shared with a new school.** Where consent is not provided a copy of the PLP cannot be provided. Regardless of whether a copy is provided to the new school it is the BoG of the new school who will have the statutory duty to prepare and keep under review a PLP for each registered child with SEN.

2. STAKEHOLDERS

Identify your data subjects and also the main stakeholders or bodies involved and their role in the project.

The **data subject** is a child who falls under the definition of SEN i.e. a child has special educational needs if he has a learning difficulty which calls for special educational provision to be made for him – Article 3 of the 1996 Order refers. Under the same Article, a child has a “learning difficulty” if –

- (a) he has a significantly greater difficulty in learning than the majority of children of his age,
- (b) he has a disability which either prevents or hinders him from making use of educational facilities of a kind generally provided for children of his age in ordinary schools, or
- (c) he has not attained the lower limit of compulsory school age and is, or would be if special educational provision were not made for him, likely to fall within sub-paragraph (a) or (b) when he is of compulsory school age.

The parent of the child exercises the rights of the child on their behalf unless the child is over compulsory school age (i.e. a young person) in which case they exercise their own rights.

The **main stakeholders** are:

- schools (as data controllers) – including the schools Learning Support Co-ordinator and relevant teachers concerned with the pupil’s education;
- Education Authority (EA) for using the PLP data (only if appropriate consent to share is in place): to inform appropriate EA SEN resources, advisory and support services for the school or the individual pupil; to assist in consideration of whether a statutory assessment is necessary; as educational advice for the purpose of an assessment; for annual review of a statement; and
- C2k (with responsibility for SIMS).

3. BRIEF DESCRIPTION OF PERSONAL DATA INVOLVED

The **Personal data involved includes** basic identifying details and associated information which may be contributing to the child's SEN, information regarding the nature of the child's learning difficulty which calls for special educational provision, the type of provision being made and action being taken by the school, expected outcomes supplemented by advice, support and resources from the EA, as appropriate. The associated data includes attendance information, medical category e.g. Diabetes (only if appropriate), children with specific circumstances (e.g. newcomer, looked after children) and where relevant, the health and social care number (HSCN). The PLP will be subject to ongoing monitoring, evaluation and review in order record the graduated response in addressing the needs of the child concerned aimed at helping the child make progress and improve outcomes. The ongoing monitoring, evaluation and review will also ensure that each child's PLP remains up-to-date.

Held on SIMS, some of the data in the PLP will automatically be populated from data already recorded e.g. identity information, the SEN and, as appropriate, medical category. Parental views and the views of the child will also be recorded. The PLP will therefore draw all the key SEN related information about the pupil into one place. For settings without SIMS access e.g. standalone nursery schools not attached to a primary school), alternative arrangements will be required to complete and maintain a PLP for each child with SEN in order to fulfil the PLP statutory obligations. Editable templates (MS Word) will be provided to nursery schools. The Department of Education (DE) has funded EA to provide the important PLP awareness training and guidance (including specifically on the importance of only sharing a copy of the PLP with consent) to all schools which will include standalone nursery schools in advance of implementation of the new framework.

The Code will provide practical guidance and advice on how the PLP can be shared. For example, with consent, it may be shared with another school.

The progress made by a child informed through monitoring, review and evaluation of the data recorded in the PLP will be key to helping the school to decide if the child's needs are such that they need supplemented by support from the EA plan of arrangements for special educational provision e.g. EA resources/advice/support . Where necessary, the PLP will be a key information source for the EA for identifying any specialist EA services required for the child, for educational information when considering whether a statutory assessment is appropriate; as educational advice for the purpose of statutory assessment (under Article 15 of the Education (NI) 1996, as amended); the making of a statement (under Article 16 of the 1996 Order); annual review of a statement (under Article 190).

Schools will be able to run school-based reports which will contain details of pupil names and will be for a school's internal use only e.g. an exception report listing names of SEN children who do not have a PLP.

4. PRIVACY ASSESSMENT

Use this checklist to assess the project for privacy risks. The questions below will help you consider whether a DPIA is necessary.

(i) Does the project/activity involve any of the following high risk processing?	Yes	No	If yes, explain your response
Systematic or extensive profiling, evaluation or scoring	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Large scale processing of sensitive data	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Schools will be able to run individual school-based reports which will contain details of pupil names which will be for a school's internal use only e.g. an exception report listing names of SEN children who do not have a PLP.
Systematic monitoring of individuals	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Use of new technology or novel use of existing technology (e.g. AI)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The Schools Information Management System (SIMS) will be the platform for the PLP whereas the IEP (the predecessor of the PLP) was not created and maintained on SIMS.
Denial of individuals' access to a service	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Profiling of individuals on a large scale	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Processing of biometric data	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Processing of genetic data	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Processing of sensitive data or data of a highly personal nature	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The PLP contains available fields for 'Health and Social Care Number' (HSCN) and a 'Medical Category'. This is considered "special data" under Article 9 of the GDPR as it concerns health data. The Medical Category will be automatically populated from SIMS (i.e. where a child has a medical diagnosis) and the HSCN can be manually inputted where known e.g. if the parent has provided it or there has been involvement from a HSC Trust.

Combining, comparing or matching data obtained from multiple sources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Schools will be able to run individual school-based reports which will contain details of pupil names which will be for a school's internal use only e.g. an exception report listing names of SEN children who do not have a PLP.
Invisible processing	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Tracking geolocation or behaviour	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Targeting of children or other vulnerable individuals	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The PLP will provide an ongoing record of special educational provision made to assist a child with SEN to make progress.
Risk of physical harm	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If you answer yes to any of the questions in section 4(i) above, it is likely that a DPIA will be automatically required. Consult to DE Data Protection Officer for further advice.			
(ii) Does the project involve any of the following?	Yes	No	If yes, explain your response
Automated decision-making with a legal or similar significant effect.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Processing of data on a large scale.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A PLP, as its name implies, is 'personal' to each child with SEN, and as such will not be processed on a large scale. The effectiveness of special educational provision that is in place for a child, may be reported on, in terms of the progress of the child and improved outcomes and overall summary information.
A change to an existing policy, process or system that involves personal data (e.g. new legislation or policy that makes it compulsory to collect or disclose information).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The Board of Governors of a school will have a statutory duty to create and keep under review a PLP for each child with SEN. The PLP replaces the IEP for which there is no statutory requirement to produce.
A change in location of a business area or branch (e.g. plans to centralise a service or an office move).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
A practice or activity that is listed on a risk register (e.g. activities listed on your	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

business area's risk register or health and safety register).			
Collecting new information about an individual (e.g. gathering information about individuals' location).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
A new way of gathering personal information (e.g. collecting information online rather than on paper forms).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
A change in the way personal information is stored or secured (e.g. cloud storage).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Current IEPs are not created or stored on SIMS, whereas the PLP will be.
A change to how sensitive personal information is managed (e.g. moving health records to a new database).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	While the PLP may draw Medical Category information from SIMS this is at a high level and represents no change to SIMS.
Transferring personal information offshore (e.g. using a cloud based application to store data).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
A decision to retain personal information for longer than previously kept (e.g. keeping information for 10 years when you previously only held it for 7).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Using information classed as 'special category data' (e.g. information about an individual's health).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	The PLP contains fields for 'Health and Social Care Number' (HSCN) and a 'Medical Category'. As such this is considered "special data" under Article 9 of the GDPR as it concerns health data. This is necessary to provide a full picture of a child; for example a child's learning difficulty may be as the result of a medical condition. The Medical Category will be automatically populated from SIMS (i.e. where a child has a medical diagnosis) and the HSCN can be manually inputted where known e.g. if the parent has provided it or if there has been involvement from a HSC Trust.
Using personal data already held for a new purpose (e.g. to obtain customer profiles).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Disclosing information to a third party (e.g. following a request from a law enforcement agency to provide information for a particular purpose).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Sharing or matching personal information held by different organisations or in different datasets (e.g. combining data with other information held on systems or sharing information to enable organisations to provide services jointly).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Article 12A of the Education (Northern Ireland) Order 1996 [when commenced] places a duty to co-operate between the Education Authority and health and social services authorities. The relevant bodies must share on request information about a child who has, or may have SEN (but only with the permission of the young person, or the parent of the child in any other case). The SEN information in a PLP falls under the type of information that could be shared, but as noted, only with relevant consent.
A change in policy that results in people having less access to information that you hold about them (for example, archiving documents after 6 months into a facility from which they cannot be easily retrieved).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Establishing a new way of identifying individuals (for example, a unique identifier, a biometric, or online identity system).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Introducing a new system for searching individuals' property, persons or premises (e.g. adopting a new policy of searching data on mobile phones that have been returned for upgrading).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Surveillance, tracking or monitoring of movements, behaviour or communications (e.g. installing a new CCTV system or monitoring a member of staff's email account).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Changes to premises impacting on private spaces where clients/staff may discuss personal data (e.g. changing the location of a reception desk where people may disclose personal details or relocating a branch where sensitive personal data is processed).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
New regulatory requirements that could lead to compliance action against individuals on the basis of information about them (e.g. <i>adding a new medical condition to the requirements of a licence</i>).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Other privacy intrusions such as body searches, or intrusion into physical space.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

Additional Comments/Notes

As noted already, the required electronically recorded PLP replaces existing IEPs. Preparation and maintaining of a PLP for each child with SEN is a statutory requirement whereas the IEP is not. The information requirements for the PLP were informed by cluster groups of schools, the EA and the Education and Training Inspectorate (ETI).. Essentially the PLP content has been developed by schools for schools. A common set of information was agreed to ensure consistency and, practical guidance on the PLP is included in the new draft Code. The PLP templates and a descriptor document (which describes each field in the PLPs and is attached at Annex 1) will be included with the draft Code and will also be included in a consultation on the Code alongside new draft SEN Regulations. Under Article 4 of the 1996 Order, Boards of Governors of grant-aided schools are required to have regard to the provisions in the Code. One key difference between the IEP and PLP is that the latter will be available as part of SIMS. This will ensure consistency of approach across schools; reduced bureaucracy and paperwork for schools as the PLP will be the key information source for the EA (for the purpose of the stages within the statutory assessment process and consideration of the provision of resources/advice/support services).

5. INITIAL RISK ASSESSMENT

If you answered 'Yes' to any of the questions in section 4, use the table below to give a rating - either Low (L), Medium (M), or High (H) – to each of the aspects of the project set out in the first column. If you answered 'No' to all the questions in section 4, move on to section 6.

Aspect of the Project	Rating (L, M or H)	
Level of personal data handling	L – Minimal personal information will be handled	<input type="checkbox"/>
	M – A moderate amount of personal information (or information that could become personal information) will be handled	<input type="checkbox"/>
	H – A significant amount of personal information (or information that could become personal information) will be handled	<input checked="" type="checkbox"/>
Sensitivity of information	L – The information is not sensitive	<input type="checkbox"/>
	M – The information may be considered to be, or may become, sensitive	<input type="checkbox"/>
	H – The information is highly sensitive	<input checked="" type="checkbox"/>
Significance of the changes	L – Only minor change to existing functions/activities	<input checked="" type="checkbox"/>
	M – Substantial change to existing functions/activities; or a new initiative	<input type="checkbox"/>
	H – Major overhaul of existing functions/activities; or a new initiative that's significantly different	<input type="checkbox"/>
Interaction with third parties	L – No interaction with other agencies	<input type="checkbox"/>
	M – Interaction with one or two other agencies	<input checked="" type="checkbox"/>
	H – Extensive cross-agency (government) interaction or cross-sectional (non-government and government) interaction	<input type="checkbox"/>
Public impact	L – Minimal impact on the organisation and individuals	<input checked="" type="checkbox"/>
	M – Some impact on individuals is likely due to changes to the handling of personal information; or the changes may raise public concern	<input type="checkbox"/>
	H – High impact on individuals and the wider public; concerns over aspects of project or negative media interest is likely.	<input type="checkbox"/>

6. SUMMARY OF PRIVACY IMPACT

The privacy impact for this project has been assessed as:

Low – There is little or no personal information involved; or the use of personal information is uncontroversial; or the risk of harm eventuating is negligible; or the change is minor and something that the individuals concerned would expect; or risks are fully mitigated.	<input type="checkbox"/>
Medium* – Some personal information is involved, and several low to medium risks have been identified	<input checked="" type="checkbox"/>
High* – Sensitive personal information is involved, and several medium to high risks have been identified	<input type="checkbox"/>
Reduced risk – The project will lessen existing privacy risks	<input checked="" type="checkbox"/>
Inadequate information – More information and analysis is needed to fully assess the privacy impact of the project.	<input type="checkbox"/>

Briefly summarise reasons for the rating given

A medium risk has been identified because:

- data contained in a PLP is of a **sensitive nature** as it records a child's special educational needs, special educational provision; and contains:

an indication of a child's Medical Category, if appropriate, as drawn from the school's Medical Register (on SIMS) and Health and Social care Number (HSCN), if known. Article 9(1) of the GDPR concerns processing of "special categories" of personal data, which includes among other things, health data. As a Medical Category will be automatically populated in the PLP (drawn from the school's Medical Register (on SIMS)), both where this impacts on a child's learning and when it does not, this would be considered special category data. This Medical Category is essential for the school to form a whole picture and understanding of a child, both medical and SEN, allowing teachers to address a child's needs in a holistic way. The Medical Category is at a high level (i.e. no detailed data) including the medical categorisation and diagnosis; however,

additional details can be recorded where necessary, for example where the medical condition is a direct contributor to a child's SEN. Further details on the medical diagnosis list can be found in Annex 3 of DE's SEN and Medical Categories - Guidance for Schools - <https://www.education-ni.gov.uk/publications/sen-and-medical-categories-guidance-schools>.

Providing a copy of the PLP will require consent of the pupil who is a young person or the parent in every other case. Providing a copy of a PLP without consent is a risk that will be mitigated by guidance in the Code and also by training delivered by the EA; in addition, in the designing of the PLP template, a consent to share section has been included – therefore meeting the requirements of Article 25 of the GDPR namely Data Protection by design and default.

7. RECOMMENDATION

A full data protection impact assessment is required	<input checked="" type="checkbox"/>
A full data protection impact assessment is not required	<input type="checkbox"/>



Reasons

In relation to the PLP the DPIA screening has identified a privacy impact rating of medium – therefore a full DPIA is required. A full DPIA will help to better understand the information flow and risk/s with a view to mitigating the risk/s.

8. SIGN OFF

Project Manager

Name: SHARON LAWLOR	Date: 23/4/20
Signed:	

Senior Responsible Owner/Information Asset Owner	
Name: RICKY IRWIN	Date: 27/4/20
Signed:	

Department of Education
DATA PROTECTION IMPACT ASSESSMENT
REPORT

DPIA Ref no.	
DPIA/2020-0004	
Project Name	
Personal Learning Plan (PLP) as part of the New Special Educational Needs and Inclusion Framework	
Directorate	
Inclusion & Well-Being	
Information Asset Owner	Project Manager
Ricky Irwin	Sharon Lawlor

Step 1 IDENTIFY THE NEED FOR A DPIA
<p><i>Explain what the project aims to achieve and what types of processing it involves. You may find it helpful to refer or link to other project documentation. Summarise why you identified the need for a DPIA.</i></p> <p>This project relates to the new Special Educational Needs (SEN) and Inclusion Framework. The DPIA screening that preceded this assessment identified a privacy impact rating of medium, therefore necessitating a full DPIA. See Annex A</p> <p>The particular focus of the assessment is on the new electronically stored Personal Learning Plan (PLP) which will be created for every child who has SEN and is recorded on the school's SEN register. The creation of a PLP is underpinned by the statutory duty on Board of Governors (BoGs), under Section 3 of the 2016 Act, to prepare and keep under review a programme of special educational provision (a Personal Learning Plan (PLP)) for each registered pupil with SEN. For further details see the following link:</p> <p style="text-align: center;">https://www.legislation.gov.uk/nia/2016/8/section/3</p> <p>The PLP is a programme of special educational provision which replaces the existing Individual Education Plan (IEP). The 2019/20 School Census reported some 67,254 children who have SEN. On commencement of the duties under</p>

Section 3, for every child placed on a school's **SEN Register** the school must prepare and keep under review a PLP.

The data subject is a child who falls under the definition of SEN i.e. **a child who has a learning difficulty that calls for special educational provision to be made.**

This assessment relates to information requirements for a PLP (as detailed in the new draft SEN Code of Practice) and for sharing that information through providing a copy of the PLP, where consent is given, e.g. another school when a child moves to a new school. The new draft statutory Code (for which schools must give regard to under Article 4 of the 1996 Order) will provide practical guidance about all matters relating to the PLP including for sharing a copy of the PLP if appropriate.

Unlike the current IEP which, in accordance with the existing SEN Code of Practice, schools are required to complete, the PLP will be held electronically on the School Information Management System (SIMS) within the existing C2K infrastructure. The SIMS database has been in place across the school network for almost 20 years and is governed by existing data security protections. SIMS is available in nursery classes (within a primary school), primary schools, post-primary schools and special schools and also in education settings otherwise than at school (EOTAS). The SEN register (i.e. a register of all children with SEN) is an existing module on SIMS and the PLP will be a new module, linked to the SEN register, containing information regarding the SEN for each individual child with SEN.

To provide for consistency across schools, common data requirements have been developed for the PLP by working with schools, the EA and Education Training (ETI). The electronically held PLP will replace the current IEP. The introduction of the PLP will remove the present variances which exist both in how the IEP is held and the format and structure it takes. Gathering information to populate the PLP will take the same form as at present. The PLP information requirements are contained in **Appendix A**.

Protections regarding the privacy of the personal information with regard to the PLP are supported under the 2016 Act which stipulates that **subject to consent** (of the parent of a child, or young person), **a copy of the PLP can be shared with a new school**. As such, if consent is not provided, a copy of the PLP cannot be provided to a new school. If consent is provided, and, only if requested by a new school, will a copy of a child's PLP be provided.

The screening identified the following risks:

- *Use of new technology* i.e. the Personal Learning Plan (PLP) will be a module contained on the Schools Information Management System (SIMS). SIMS itself is not new.
- *Processing of sensitive data or data of a highly personal nature* – high level health data will be included i.e. Medical Category (if appropriate) and Health and Social Care Number (if known).

- *Targeting of children or other vulnerable individuals* i.e. the PLP records personal children's details who have SEN and an ongoing record of the special educational provision.
- *A change to an existing policy, process or system that involves personal data* i.e. the PLP is a statutory requirement under the 2016 Act and replaces Individual Education Plans (IEPs).
- *A change in the way personal information is stored* i.e. the PLP will be recorded and stored electronically on SIMS.
- *Using information classed as 'special category'* i.e. high level health related information as per Article 9 of the GDPR.
- *Sharing or matching personal information held by different organisations or in different datasets* i.e. sharing of the PLP (with consent) as an information source between the Education Authority (EA) and health and social services authorities, for example when a child is undergoing a statutory assessment.

This project aims to assess the above risks both in two ways:

- (1) to confirm that the information types gathered are only necessary insofar as they meet the statutory duty (Section 3 of the 2016 Act) on a BoG to prepare and keep under review a programme of special educational provision (i.e. a PLP) in respect of each registered pupil at a school who has SEN, and
- (2) analyse all relevant specific scenarios where the PLP may be shared and ensure that informed consent is obtained.

STEP 2 DESCRIBE THE PROCESSING

Describe the nature of the processing: how will you collect, use, store and delete data? What is the source of the data? Will you be sharing data with anyone? You may find it useful to refer to a flow diagram or other way of describing data flows. What types of processing identified as potentially high risk are involved?

How will it be collected? The data will be collected from a number of sources, namely:

- data already recorded on the Schools Information Management System (SIMS);
- parental views through direct meetings (most common in primary) or form completed by a parent and sent in to the school ;
- pupil views through direct meetings; and
- the relevant teachers concerned with the child's education and also the school's Learning Support Coordinator (LSC) (the new name for the Special Educational Needs Co-ordinator (SENCo)).

The key differences between IEP and the PLP are:

- (1) the PLP is a statutory requirement whereas the IEP is not;
- (2) there is inconsistency in the formats of IEPs whereas the PLP has agreed consistent terminology; and

(3) the PLP will be on SIMS (except for standalone nursery schools that do not have access at present) whereas the IEP is not held on SIMS.

The personal data recorded on the PLP includes basic identifying details and information which may be contributing to the child's SEN, information regarding the nature of the child's learning difficulty which calls for special educational provision, the type of special educational provision being made and action being taken by the school, expected outcomes supplemented by advice, support and resources from the EA, as appropriate. The responsibility for the creation of the PLP will be the class teacher in nursery, primary and special schools in consultation with the LSC. In post primary settings, the LSC, in consultation with class and subject teachers.

How will the data be used?

The data recorded on the PLP will be used to help schools plan for and deliver appropriate support to which a child responds positively in the form of improved outcomes for those children with SEN. This is driven by the requirement, under Article 8 of the 1996 Order, BoG of ordinary schools have a duty to use their best endeavours to secure that any child attending the school that has SEN, that special educational provision which his learning difficulty calls for is made.

How will data be stored?

The data will be stored on SIMS for those schools that have access. Access to the PLP, as part of SIMS, is governed by usernames and passwords allocated by the system manager in schools. SIMS access is built on a set of permissions groups which govern what those users can see and/or edit; it is the responsibility of the schools to assign users to specific groups within SIMS. SIMS is part of the C2k service, operated on behalf of the EA and is subject to a contract. It is however, recognised that from time to time hard copy a PLP report will be printed by the school. In such circumstances schools are required to operate within the set guidance for storage of pupil data.

For settings without access to SIMS e.g. stand-alone nursery schools, alternative arrangements will be required to create, maintain and securely store a PLP for each child with SEN so as to fulfil statutory obligations. Schools already operate under regional arrangements for the Storage and Disposal of pupil records. Editable templates (MS Word) will be provided to nursery schools.

It is a statutory requirement that every child with SEN must have a PLP completed. In the event that a child with SEN moves from one school to a new school, the BoG of the current school has a legal duty to seek the consent of a child (if over compulsory school age) or the parent in every other case, to share a copy of the PLP with the new school; **only with consent may a copy of the PLP be shared.** This is stipulated in Section 3 the 2016 Act. The 2016 Act is very clear that a copy of a PLP may only be shared from one school to another with consent. There are other relevant occasions when sharing of the PLP may be deemed necessary (i.e. not with another school), and these are examined more fully in what follows.

Sharing the PLP with the Education Authority (EA)

There are three stages of special educational provision referred to in the new Code, which represent a graduated response to the level of an individual child's SEN. These may be simplified as follows (all of the stages relate to the special educational provision in place for the child):

- Stage 1 – The school manages the child's SEN.
- Stage 2 – The school continues to manage the child's SEN with additional external support from the Education Authority (EA) i.e. an EA external service is provided.
- Stage 3 – The child has a Statement of Educational Needs (a "Statement"). The school continues to manage the SEN but with a greater level of support as determined by the Statement e.g. adult assistance (aka a classroom assistant) is provided.

If a school identifies that a child at Stage 1 needs support from the EA (i.e. moved to Stage 2), it will need to provide evidence as part of the request. To facilitate this the PLP could be shared with the EA to show what strategies the school has tried to date and why it feels an EA Stage 2 service is required. This is aimed at allowing the EA to determine the resources and advisory and support services which may help a child make progress and secure improved outcomes.

Likewise, if a child is at Stage 2, a school (or parent) may identify that the child needs a greater level of support i.e. a Statement of Special Educational Needs (Stage 3). To facilitate a statutory assessment (which may or may not lead to a Statement) a PLP could be shared by way of an evidence base. For a child that already has a Statement (i.e. is at Stage 3), it is reviewed on an annual basis (known as an "annual review") by the EA. To inform the annual review the principal is required to provide a report to the EA, which will include the child's progress towards attaining any targets, including those set out in the child's PLP.

Sharing the PLP with an EOTAS setting

For some children with SEN, it may be considered appropriate that they attend 'education otherwise than at school' (EOTAS). This may be on a full or part-time basis and there should be clear governance arrangements between the main school and the EOTAS setting regarding PLP completion, monitoring and review. For example, where a child with SEN is registered at a main school and is also attending EOTAS part-time, it will be necessary to share the PLP to ensure that the EOTAS establishment is fully aware of the child's SEN and provision and to enable them to provide updates for the PLP on the child's progress at the EOTAS setting.

Sharing the PLP with an Entitlement Framework school or institution

The Entitlement Framework (EF) requires every post-14 school to provide a minimum of 21 courses at both GCSE level and A level. It aims to provide access for pupils to a broad and balanced curriculum to enable them to reach their full potential no matter which school they attend or where they live. Every post-primary school in Northern Ireland is a member of an Area Learning Community (ALC). ALCs provide a mechanism within which schools come together to plan the curriculum they offer on an area basis. As such, depending on a child's preferred subject choices they might attend an additional school (or further education

college) in addition to their main school. As a child with SEN must have a PLP, it may be appropriate to share this with the other institution that he or she is studying i.e. so that the other institution can more fully understand the SEN and the provision that is in place.

Sharing the PLP with a Health Service

To help a child progress it may be necessary to request a health service such as RISE NI. RISE NI is a regional early intervention service which supports children in pre-school educational and mainstream primary school settings by working closely with parents and education staff to help children develop the foundation skills for learning i.e. speech, language, communication, sensory-motor, visual perception, social, emotional and behaviour skills. In the case of a child with SEN, where such a health service is requested it may be helpful to share the child's PLP so as to better inform the reasons for the request.

In the event that a statutory assessment is requested for a child, it may be necessary for the EA to request health advice from an HSC Trust; in this instance also, the sharing of the PLP will help better inform the request, providing details on the nature of a child's SEN, existing medical diagnosis where known and the difficulties he or she is experiencing.

To summarise, the following provides a list of the relevant scenarios where the PLP may be shared (but only with consent):

- Another school – e.g. a child transfers from one school to another
- With the EA for:
 - A request for stage 2 provision
 - Request for statutory assessment (which may require the PLP to be shared with a HSC Trust if health advice is required)
 - Annual review of Statement
- With an EOTAS setting
- With an Entitlement Framework school or institution
- With a health service (at Stage 1)

As the above illustrates, there are a range of scenarios where it may be necessary and to the child's benefit to share a copy of a child's PLP. The Department's intention is to help address a child's SEN to help them progress and achieve their potential. However, as with the sharing of a PLP with another school, prior consent to share must be obtained from the child (if over compulsory school age) or the parent in every other case. As per Article 6(1)(a) of the GDPR any consent given must be for one or more specific purpose. As per Article 7 of the GDPR, the request for consent must be presented in an intelligible and easily accessible form, using clear and plain language. In other words it must be informed consent. It must be made unequivocally clear for what purpose the child's personal information (i.e. as contained in the PLP) is to be shared, for example to provide information as part of a request by the school for an EA service.

The PLP template has been designed with a consent to share log area which specifies a number of valid and specific scenarios (as detailed above) in which the

PLP may be shared. These include “who” the PLP is to be shared with and “why” it is being shared i.e. the purpose. This meets Article 6(1)(a) requirement of the GDPR that consent is given to the processing of personal data “for one or more specific purposes”. It also meets the Information Commissioner’s Office (ICO) guidance which advises that consent should “be specific and ‘granular’ so that you get separate consent for separate things. Vague or blanket consent is not enough.”¹ Data fields are also included in the PLP consent to share log to record the date consent was given and the date shared. Under ICO guidance, consent should be kept under review and refreshed if anything changes.² For example, where a child reaches the age where they can consent for themselves (although previous parental consent will not automatically expire). The sharing data fields of the PLP will aid schools to ensure that relevant consent has been secured for a particular purpose prior to sharing a copy. The draft Code provides appropriate guidance regarding sharing of the PLP (see Code paragraphs beginning at 3.85).

Describe the scope of the processing: what is the nature of the data, and does it include special category, criminal offence data or financial data? How much data will you be collecting and using? How often? How long will you keep it? How many individuals are affected? What geographical area does it cover?

What is the nature of the data?

As already stated, Section 3 of 2016 Act (not yet commenced) requires Boards of Governors of both mainstream and special schools to prepare and keep under review a PLP for each child who has SEN. The PLP will be a key information source relating to the child’s SEN and will plot the child’s journey regarding the nature of the child’s learning difficulty, the special educational provision made and the actions taken by the school and, as appropriate the EA and Health services. The data captured relates to the identification and assessment of children with SEN and, special educational provision to help them make progress. The PLP (within SIMS)) will draw relevant personal pupil information, attendance information, assessment information and special categories of information (health information) into one source/module. This will be supplemented with special educational strategies, actions and supports which are required, as identified through the professional judgement of the child’s class or subject teacher(s), on advice from the school’s LSC and, as appropriate advice and support from the EA, in order to assist the child make progress. It will also be informed by both the views of the child and the child’s parent. The PLP will be used by the current school, any new school (with the appropriate consent) in order to meet their statutory obligation to take all reasonable steps to identify and provide for those pupils attending the school who have SEN and the EA to inform current and future provision for the child concerned.

The PLP is split into three main parts and the information gathered is summarised below. Fields with an asterisk (*) are automatically populated from SIMS when a PLP for a child with SEN is created. **Annex 1** provides a full list and description of

¹ See <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/consent/>

² See above link.

each data field used in the PLP.

PLP Part 1 (primarily focusses on the personal pupil, attendance and special category information i.e. health/medical regarding the child)

Pupil Name*; Date of Birth*; Health and Social Care number (HSCN); School Year Group*; Academic Year*; Code Stage*; Primary SEN Category*; Secondary SEN Category/ies*; Attendance % Current Year * [in Nursery settings will reflect Actual vs Possible]; Attendance % Previous Year * [in Nursery settings will reflect Actual vs Possible]; Medical Category/ies*; SEN documents (an indicator of what SEN specific documents are held about the child); Children in specific circumstances*; Pupil's Views; Parents Views; Type of special educational provision School action and External; Special educational provision – start and end date; Outcome of special educational provision School action and External; Consent (to share PLP); Copy of Parental / Child over Compulsory School Age agreement held (signed and dated)

PLP Part 2 [Assessment information - as assessed by the school]

Access arrangements; Data / Ongoing School Assessment*; Pupil level of engagement (pupil in Nursery and Special School only); Pupil level of well-being (pupil in Nursery and Special School only).

Part 3 [sets out the current PLP programme for the child as assessed by the school]

Outline of the impact of the learning difficulty and/or disability in school; Outline of the additional relevant information / strategies and reasonable adjustments made or recommended for the child in school or nursery class; If relevant: Date that the child was last seen by an EA Educational Psychologist; If relevant: Date of the child's current EA statement; If a child has been seen by an Education Psychologist or has a statement; Pupils preferred learning arrangements (*special schools and post primary schools only*); Start date (of PLP phase); Areas for development - *Nursery only*; Targets - *Special School only*; Pupil expected outcomes; Strategies / resources to meet the outcome; Monitoring arrangements; Evaluation date of Expected Outcomes; Status of Expected Outcome; Evidence of Progress for PLP Phase (*The field is slightly amended to "Evidence" in the Special School PLP*); Future Actions for next PLP Phase; SEN Status; Pupil views of their progress in the PLP phase; Parents views of child's progress during the PLP phase.

- The information will be recorded in the PLP by the child's class teacher in nursery, primary and special schools and by the LSC in post primary settings. On creation, the pupil's expected outcomes will be agreed and a phase review date set. The pupil's progress will be reviewed on an ongoing basis and as part of each set phase review in the PLP.

The class teacher in nursery, primary and special schools with advice from the school's LSC and the LSC in collaboration with the pupil's subject teachers/Year Head in post primary schools, will collect, assess (e.g. using professional

judgement on setting intended outcomes) and record the data within the PLP when:

- the PLP is first created because special educational provision is to be made for the child. This will be at the start of a new academic year for a child already known to have SEN or following identification, during the course of an academic year, that a child requires special educational provision to be made); and
- at agreed PLP review or phase stages depending on the educational phase and subject to at least:
 - three reviews in each year for nursery; and
 - twice in each year for primary and post primary phases.

How much data will you be collecting and using? How often? How long will you keep it?

The data contained in a child’s PLP should be retained in line with a school’s disposal of records schedule. Further guidance is available on DE’s website at <https://www.education-ni.gov.uk/articles/disposal-school-records> and at the EA’s “Think Data Online Resource Hub” at <https://www.eani.org.uk/about-us/privacy/ea-think-data-online-resource-hub>. Specific guidance on school obligations for information governance and C2k access to SIMS data has also been published by DE in Circular 2015/21: <https://www.education-ni.gov.uk/publications/circular-201521>

How many individuals are affected? What geographical area does it cover?

The number of children who have SEN and therefore require a PLP will vary from year to year. The 2019/20 School Census recorded 67,254 children with SEN. The new SEN Framework applies across Northern Ireland.

Describe the context of the processing: what is the nature of your relationship with the data subjects? How much control will they have? Would they expect you to use their data in this way? Do they include children or other vulnerable groups? Are there prior concerns over this type of processing or security flaws? Is it novel in any way? What is the current state of technology in this area? Are there any issues of public concern that you should factor in?

What is the nature of your relationship with the data subjects?

DE is responsible for setting the policy and supporting framework to ensure that children and young people with special educational needs (SEN) are supported to achieve their full potential. As such DE does not have a direct relationship with the data subjects i.e. children with SEN. It does, however, issue the practical guidance in the form of a statutory Code of Practice and to which schools must have regard. Schools have the day-to-day responsibility to secure if any pupil attending the school has special educational needs and that the special educational provision the child’s learning difficulty calls for is made. This is supported, where necessary, by the EA reflecting a graduated response to meet a child’s SEN. Section 3 (when commenced) of the Special Educational Needs and Disability Act (NI) 2016 places a duty on Boards of Governors (BoG) to ensure that every child with SEN has a PLP in place and that it is kept under review.

How much control will they have? Would they expect you to use their data in this way?

DE will have no access to any child's PLP. The PLP will originate in a school and may only be shared by the school if consent is in place from the parent of a child under compulsory school age or the young person. As the type of provision provided to a child with SEN represents a graduated response, if the sharing of a PLP is required, e.g. to request additional help, this should come as no surprise to a child over compulsory school age and a parent, as the PLP will provide the evidence source for any such request.

Do they include children or other vulnerable groups?

Yes. The SEN Framework provides that a "child" includes any person who has not attained the age of 19 years and is a registered pupil at school. It is also recognised in Section 10 of the Code that for many children with SEN (and therefore with a PLP) there may be overlapping factors or circumstances which could be contributing to a child experiencing difficulty in learning. For example, they may be a looked after child or may be young carers.

Are there prior concerns over this type of processing or security flaws? Is it novel in any way? What is the current state of technology in this area?

There are no known processing or security flaws. The PLP data will be stored on SIMS for those schools that have access; this is a closed system available to schools and C2k (EA), who manage the relevant contract. The PLP software on SIMS is within the SIMS software module, which is not novel. SIMS has been in place across the school network for almost 20 years and is governed by existing data security protections. It is however, recognised that from time to time a hard copy PLP report will be printed by the school. In such circumstances schools are required to operate within the set guidance for storage of pupil data.

Are there any issues of public concern that you should factor in?

There are no known issues of public concern. DE plans to commence an eight week consultation on the draft SEN Regulations and draft Code. The PLP templates and descriptor document (which describes each field in the PLP and is attached at Annex 1) will be included with the draft Code. This will allow schools, the EA, teachers, parents and all other relevant organisations to comment.

Describe the purposes of the processing: what do you want to achieve? What is the intended effect on individuals? What are the benefits of the processing – for the Department or more broadly?

What do you want to achieve?

As mentioned above, Section 3 of the 2016 Act places a duty on every BoG to create and keep under review a PLP for each registered pupil with SEN. DE's aim has been to develop a common set of information requirements for the PLP to record the progress made for every pupil with SEN. It will also be important to record where a child is not making progress, even with special educational provision in place and to decide if the child will need more provision, namely beyond that which the school can provide. The Department wants to ensure that each child's progress or lack of progress is recorded and appropriate action taken

in a timely manner. The information requirements for the PLP were informed by cluster groups of schools, the EA and the Education and Training Inspectorate (ETI). Essentially the PLP content has been developed by schools for schools. Practical guidance on the PLP is included in the new draft Code.

What is the intended effect on individuals? What are the benefits of the processing – for the Department or more broadly?

The new Special Educational Framework places the child firmly at the centre of the process and aims to help those children with SEN achieve improved outcomes and fulfil their potential. The PLP provides a means of tracking the special educational provision put in place, both current and historical, to help a child with SEN to progress. A key intended benefit is that the PLP will mean reduced bureaucracy and paperwork for schools as the PLP will be the key information source when the school is seeking further special educational provision services from the EA and for the purpose of the statutory assessment process, if a child needs to progress to a statutory assessment by the EA. The PLP on SIMS will also mean less bureaucracy (paperwork) for schools when they request an EA service and certain PLP data fields will be automatically completed from SIMS, this will also assist the school in completing the PLP.

The PLP on SIMS will ensure that there is easily accessible and secure information about each child's SEN. A range of PLP reports are also being developed for the LSC and BoGs. For example, an exception report that shows those children on the SEN Register that do not have a PLP created. This will allow a school to monitor and ensure it meets its statutory duty to have a PLP in place for every child that has SEN.

The school will also have for the first time a record of what special education provision is working and for who and what is not working, this will supply important management information for the school, so that finite resources can be applied to yield the maximum benefits.

STEP 3 CONSULTATION PROCESS

Consider how to consult with relevant stakeholders: describe when and how to seek data subjects' views - or justify why it is not appropriate to do so. Who else needs to be involved within the organisation? Do you need to consult with data processors? Do you plan to consult with information security experts or any other specialists?

Describe when and how to seek data subjects' views - or justify why it is not appropriate to do so.

DE, in the development of the PLP has been informed by input from cluster groups of schools, the EA and the Education and Training Inspectorate (ETI). DE plans to commence an eight week consultation on the draft SEN Regulations and draft Code. The PLP descriptor document (which describes each field in the PLP and is attached at Appendix A) and PLP templates will be included with the draft Code. This approach will allow for a comprehensive means of providing view on the DPIA as it will allow schools, the EA, teachers, parents and all other relevant

organisations to comment. DE will also be implementing a targeted consultation for children, young people and parents.

Who else needs to be involved within the organisation?

DE's Special Education and Inclusion Review Team (SEIRT) are the lead team in conducting the consultation.

Do you need to consult with data processors?

The PLP has been built on SIMS in partnership with C2k and its software provider. DE continues to engage with C2k and the software provider in the development of the PLP on SIMS. In addition, it is anticipated that schools, with responsibility for the creation, maintaining and review of the PLP, will be active respondents to the consultation.

Do you plan to consult with information security experts or any other specialists?

Given that the PLP will be contained with the existing SIMS module, which carries its own security mechanisms and procedures, the Department has no plans to consult more widely.

STEP 4 ASSESS NECESSITY AND PROPORTIONALITY

Describe compliance and proportionality measures: what is your lawful basis for processing? Does the processing actually achieve your purpose? Is there another way to achieve the same outcome? How will you prevent function creep? How will you ensure data quality and data minimisation? What information will you give individuals? How will you help to support their rights? What measures do you take to ensure processors comply? How do you safeguard any international standards?

What is your lawful basis for processing?

Organisations including DE, EA and schools require a lawful basis to process personal data and the processing outlined in this DPIA, falls under the DE's Public Task lawful basis GDPR Article 6 (1) (e): "processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller."

However, Article 9 of the GDPR prohibits the processing of Special Category data, unless an additional further lawful basis is satisfied.

In this case the additional lawful basis is satisfied by (Article 9 (2) (g)): processing is necessary for reasons of substantial public interest, on the basis of Union or Member State law which shall be proportionate to the aim pursued, respect the essence of the right to data protection and provide for suitable and specific measures to safeguard the fundamental rights and the interests of the data subject.

In addition, Schedule 1 of the DPA determines that Article 9 (2) processing (a – j) is only permitted providing a special condition (or purpose) is also met.

Substantial public interest

Under 9(2) (g) of the GDPR, DE may process special category and criminal offence data where it is necessary for reasons of substantial public interest. This must be carried out on the basis of Union or Member State law which is proportionate to the aim pursued, respects the essence of the right to data protection and provides for suitable and specific measures to safeguard the fundamental rights and the interests of data subjects.

Section 10(3) of the DPA sets out that the processing meets the requirements in point (g) only if it meets a condition (or purpose) in Schedule 1 Part 2.

DE processes for the following purposes in Schedule 1, Part 2: paragraph 6(1) and (2) statutory and government purposes.

The relevant legislation that underpins this lawful basis is:

Under Article 8 of 1996 Order, Boards of Governors (BoG) of ordinary schools already have a duty to use their best endeavours to secure that any child attending the school that has SEN, that special educational provision which his learning difficulty calls for is made. An equivalent duty for special schools is Article 3(5) of the 1996 Order. Schools therefore, have a right to provide for and process information in relation to a child's SEN and special educational provision. Section 3 of the Special Educational Needs and Disability Act (NI) 2016, introduces a new duty whereby the BoGs of every grant-aided and special school are required to prepare and keep under review a programme of special educational provision (a "personal learning plan") in respect of each registered pupil at the school who has special educational needs. Therefore BoGs have a lawful basis for processing a PLP for every child, in their school, who has SEN. The information requirements for the PLP and the need to complete it in SIMS to ensure consistency and a high level of security are detailed in the new statutory draft SEN Code of Practice.

Does the processing actually achieve your purpose? Is there another way to achieve the same outcome? How will you prevent function creep?

There is a legal requirement placed on BoGs to ensure that every child with SEN has a PLP. The draft SEN Code of Practice explains that it should be recorded on SIMS. As such there is no other substitute for the PLP. The PLP provides a means of tracking the special educational provision put in place for a child with SEN, both current and historical, and it includes information about the:

- impact of the learning difficulty and/or disability on the child in school;
- short term targets or expected outcomes set for, or in collaboration with, the child;
- teaching strategies and resources to be used by the school;
- special educational provision to be put in place;
- monitoring and review arrangements; and
- outcome of the special educational provision on the child's progress

Function creep will be prevented by the comprehensive Code which provides consistent and practical guidance for schools.

How will you ensure data quality and data minimisation?

The PLP only contains information fields that are relevant to a child's SEN, provision and medical diagnosis where relevant. The level of provision given to a child reflects a graduated response to a child's level of SEN. A full training programme is to be rolled out (by the EA's SEND Implementation Team) to all Learning Support Co-ordinators (plus one other member of staff selected by the school's principal) in how to complete the PLP.

What information will you give individuals?

The EA has a general duty, under Article 21A of the 1996 Order, to arrange for the child who has SEN, and the parent of any child with SEN, to be provided with advice and information about matters relating to the child's needs. Within the context of the views of the child, Article 5A stresses the importance of a child being provided with information and support necessary for the child to participate in any decisions which the EA makes within the Framework. The arrangements which the EA make for the provision of advice and information should extend to children (of all ages) and be child friendly and age appropriate. In relation to the PLP it would, for example, be a matter of good practice for the EA to develop a PLP fact sheet in order to facilitate consistency of approach across schools and this is reflected in Section 3 of the Code.

While the EA has the duty to make the arrangements for advice and information, a child's school will be the first point of contact to obtain advice and information. The EA should ensure that schools have, or can access, the necessary advice and information available to them at all Stages of special educational provision. Schools play a role too in that they have the direct day-to-day engagement with children, young people and parents and have a responsibility to provide advice and information.

How will you help to support their rights?

In the wider context of the SEN framework new appeal rights are introduced in addition to existing appeals rights. This is being supported by new independent mediation arrangements for any SEN decision that carries a right of appeal. From September 2019 the EA has had in place a new contract for an independent dispute avoidance and resolution service (known as DARS) that aims to resolve any SEN related disagreements that may arise. The contract will also cover the new mediation service once Section 10 of the 2016 Act has been commenced and the new Regulations come into operation.

In relation to the PLP, while BoGs have a duty to ensure that every child with SEN has a PLP created and maintained, as STEP 2 of this assessment has elucidated, the PLP may only be shared, beyond the school the child is attending, for specific

purposes and with consent of the young person (if over compulsory school age) or with the parent's consent on behalf of the child.

What measures do you take to ensure processors comply

Since 2017/18 DE has funded the EA's SEND Implementation Team to provide a comprehensive training package for SENCOs (LSCs in future), principals, and also for EA staff to ensure everyone understands the role they will play in the new Framework. Further specific PLP training will be delivered prior to school's beginning to use the PLPs on SIMS which will underline the importance of only sharing a PLP copy with consent. No changes are being made to SIMS access arrangements and therefore existing rules of access, storage rules etc will apply.

How do you safeguard any international standards?

Not applicable. C2k and its managed service provider adhere to the on-going GDPR security requirement by providing secure multi-layered defence in depth solutions, based on industry best practices. C2k's service provider provide the C2k network in line with ISO 20000, ISO 27001 and Cyber Essentials frameworks.

STEP 5 IDENTIFY AND ASSESS RISKS					
Describe source of risk and nature of potential impact on individuals. Include associated compliance and corporate risks as necessary		Likelihood of harm <i>Remote, possible or probable</i>	Severity of harm <i>Minimal, significant or severe</i>	Overall risk <i>Low, medium or high</i>	
1. Loss of PLP data (SIMS)		<i>Remote</i>	<i>Significant</i>	<i>Low</i>	
2. Loss of PLP data (manual copy / not on SIMS) – held by standalone nurseries		<i>Possible</i>	<i>Significant</i>	<i>Low</i>	
3. Sharing of PLP with a new school (or other relevant person/body as detailed in this assessment) without consent of the child (if over compulsory school age) or the parent in every other case.		<i>Possible</i>	<i>Significant</i>	<i>Low</i>	
STEP 6 PROPOSED PRIVACY SOLUTIONS					
Risk No	Measures to reduce or eliminate	Effect on risk (Eliminated, Reduced or Accepted)	Residual risk (Low, Medium or High)	Measure Approved? (Yes/No)	
1.	The PLP will be held on SIMS which is a “walled garden” that neither DE nor the EA (apart from C2k, which manages the contract) has access to. Existing access restrictions will be in place.	Reduced	<i>Low</i>	Yes	

2.	<p>Nursery schools are already aware of the importance of data protection. The Code underlines that nursery schools should securely store the PLP. The EA also provides a “Think Data Online Resource Hub” at https://www.eani.org.uk/about-us/privacy/ea-think-data-online-resource-hub</p>	Reduced	<i>Low</i>	Yes
3.	<p>DE has produced guidance in the form of a Code of Practice which includes guidance on sharing the PLP with consent. The EA SEND Team will also be providing Special Educational Co-ordinators (SENCOs) with PLP training which will underline the importance of only sharing a PLP where consent is in place.</p>	Reduced	<i>Low</i>	Yes

STEP 7 APPROVAL PROCESS		
	Name/Date	Notes
Measures approved by:	Richard Irwin 27/4/20	Integrate actions back into project plan, with date and responsibility for completion
Residual risks approved by:	Richard Irwin 27/4/20	If accepting any high residual risk, consult the ICO before going ahead
DPO advice provided:	Alan Macdonald 28/4/20	DPO should advise on compliance, Step 6 measures and whether processing can proceed
<p>Summary of DPO advice:</p> <p>I have reviewed this DPIA and I am content that the personal data processing outlined, including special category data has been properly considered and that the mitigations included at Step 6 - Proposed Privacy Solutions adequately reduce the risks associated with it. This DPIA does not need to be referred to the ICO, as outlined in GDPR Article 36, as the assessment does not indicate high risk processing.</p>		
DPO advice accepted by:	Richard Irwin 28/4/20	If overruled, you must explain your reasons below
Comments		

Consultation responses reviewed by:		If your decision departs from individuals' views, you must explain your reasons below
Comments		
This DPIA will be kept under review by:		The DPO should review ongoing compliance with the DPIA

Appendix A – PLP field descriptors

Fields in the PLP Templates	Descriptors (where appropriate)	Educational phase ³			
		N	P	PP	SS
PLP – Part 1 – Personal Profile					
Pupil Name *	This will be the Preferred Forename and Preferred Surname as recorded for the pupil in SIMS.	✓	✓	✓	✓
Date of Birth *	Date of Birth	✓	✓	✓	✓
Health and Social Care number (HSCN)	For school to populate if the HSCN is available following involvement from a Trust with the pupil or if provided by the parent.	✓	✓	✓	✓
School Year Group *	School Year Group EG Year 9	✓	✓	✓	✓
Academic Year *	The academic year the plan relates to EG 2017/18	✓	✓	✓	✓
Code Stage *	Code Stage to be included on the SEN Register	✓	✓	✓	✓
Primary SEN Category *	SEN Category (as taken from the agreed categories) on the SEN Register.	✓	✓	✓	✓
Secondary SEN Category/ies*	This box will show if there are other secondary SEN Category/ies (as taken from the agreed categories) to be included on SEN Register.	✓	✓	✓	✓
Medical Category/ies*	Medical diagnosis taken from the agreed variable categories as developed by the health sector.	✓	✓	✓	✓
Attendance % Current Year *	The current academic year to date %. Automatically populated through C2K SIMS. The true attendance percentage should be captured, that is, excluding any absences whether authorised or not.	x	✓	✓	✓

³ N = Nursery, P = Primary, PP = Post-Primary, SS = Special Schools

Fields in the PLP Templates	Descriptors (where appropriate)	Educational phase ³			
		N	P	PP	SS
Attendance % Previous Year * <i>(Special schools, Post Primary and Primary only)</i>	The previous academic year's % attendance. Automatically populated through C2K SIMS. The true attendance percentage should be captured, that is, excluding any absences whether authorised or not.	x	✓	✓	✓
Attendance Actual/Possible	In nursery settings attendance should be shown as actual against possible eg 25 days out of a possible 37 days and where entered hard copy the date should be provided. The field "Previous" is not relevant for nursery settings.	✓	x	x	x
SEN documents	Y/N box - Indicator that the school holds hard copies of related relevant documents, for example: <ul style="list-style-type: none"> • EA Educational Psychologist report • SEN Statement; • Other related reports/documents/services to the child's SEN. e.g. parental groups, parent attending/receiving support from social services; • Medical Diagnosis – eg doctor's letter. Copies of previous PLPs	✓	✓	✓	✓
Children in specific circumstances	<ul style="list-style-type: none"> • Lookup list in SIMs i.e Looked after child / Child involved in youth justice system / Newcomer child / Child with poor attendance / Child in education otherwise than at school (EOTAS) 	✓	✓	✓	✓
PUPIL'S VIEWS Important information about you - Inside and outside the school	<p>It is anticipated that schools will use a template/ tool to record a child's views before including in the PLP. A few key aspects recorded and in PP completed in discussion with the child at least annually.</p> <p>One box only but may be drawn from questioning lines such as: <i>Tell me about yourself? What you like/enjoy or/and what are you good at? What things would you like to do better? What can the school do to help you? What will you do to help yourself?</i></p>	✓	✓	✓	✓

Fields in the PLP Templates	Descriptors (where appropriate)	Educational phase ³			
		N	P	PP	SS
PARENT'S VIEWS Important information from the pupil's parent/guardians	<p>A few key aspects recorded such as how will the parent/guardian support the child and the school in working towards the child's expected outcomes. This is prompted by wording in brackets: [Pupil's strengths/ difficulties or concerns/ hopes and aspirations/ parental involvement]. P, PP and SS may include with the PLP a note, to help provide consistency of responses, with the following more specific questions:</p> <ul style="list-style-type: none"> • <i>What are your child's strengths?</i> • <i>What are your child's difficulties?</i> • <i>What hopes have you for their future?</i> • <i>What progress would you most like to see your child make?</i> • <i>How will you support your child and the school in working towards their expected outcomes?</i> <p>Completed in discussion/liaison with the parent/guardian, at least annually.</p>	✓	✓	✓	✓
SCHOOL'S VIEWS Important information about pupil's achievements/ participation/ strengths/ difficulties	<p>The main focus here should be positive, although areas of difficulty/weaknesses may also be included. Details recorded here may be for example on the pupil's participation in the wider life of the school/positions of responsibility/ helping out etc. Many children with SEN are highly involved in school councils, have sporting, artistic, musical talents, and commendable personality traits and documenting these helps to portray the full picture of how the child presents in school.</p> <p><i>This field is in development, not yet available in SIMS; as an interim solution users should add school views in Part 3 under "Outline the additional and relevant information/ strategies and reasonable adjustments..."</i></p>	✓	✓	✓	✓

Fields in the PLP Templates	Descriptors (where appropriate)	Educational phase ³			
		N	P	PP	SS
Special Educational Provision (SEP) <i>(School action and External Support Service)</i>	<p>Special Educational Provision is defined in Part 2 of the Education (Northern Ireland) Order 1996 (no. 274) as:</p> <p>“(4) In the Education Orders, “special educational provision” means— (a) in relation to a child who has attained the age of two years, educational provision which is additional to, or otherwise different from, the educational provision made generally for children of his age in ordinary schools”</p> <p>Lookup list to allow the school to record the specific types of special educational provision being made available to the child – variables to be provided including: Internal School Action - e.g. staff training, whole school training. The School Action will be matched to one of the relevant five SEN Categories. External Support Service – The external support Service will be selected e.g Literacy Service (EA), Sensory Service (EA), Physiotherapy (Health) and then an option to match it to the SEP e.g Whole school training, Group intervention programme, pathway. More than one variable may be selected. Historical information required.</p>	✓	✓	✓	✓
Special Educational Provision – start and end date	Date of when the particular special educational provision starts and ends (historical record required).	✓	✓	✓	✓
Outcome of special educational provision (SEP) <i>(School action and External Support Service)</i>	<p>When each phase of the PLP is being reviewed, consideration to be given of both qualitative and quantitative information, in regard to the impact of the type of Special Educational Provision (SEP) on progress made by the child and any improved outcomes.</p> <p>The field includes a question as to whether the SEP has resulted in an improvement. A ‘yes’ response includes where the SEP has ensured that the child continues to make adequate progress.</p>	✓	✓	✓	✓

Fields in the PLP Templates	Descriptors (where appropriate)	Educational phase ³			
		N	P	PP	SS
	<p>There is also a free text box to allow for supporting comments in relation to the outcome of the SEP.</p> <p>Historical information required.</p>				
Consent Record to Share PLP	<p>Nursery and Primary - by parent/person with parental responsibility SS and PP – by parent/ person with parental responsibility or pupil over compulsory school age</p> <p>Select each relevant scenario depending on who the PLP is being shared with and the purpose, for example Education Authority for statutory assessment. There are separate fields for ‘date consent given’ and ‘date shared’. Date shared means date issued.</p> <p>In the case of a child moving schools, the new school field should only be completed once the child is registered at the new school. Where a school has obtained consent to share a PLP for a particular purpose, the date should be recorded and, under ICO guidance, this should be kept under review and refreshed if anything changes.⁴ For example, where a child reaches the age where they can consent for themselves (although previous parental consent will not automatically expire). A more granular level of guidance will be provided by the EA during their training sessions.</p>	✓	✓	✓	✓
Copy of parental or pupil over compulsory school age agreement/s held (signed and dated)	<p>Overall Y/N (for primary, post-primary and special schools and nursery classes attached to a primary school).</p> <p>Tick box to show consent given to only those applicable options ie Other Educational Provision/ Other School/ Education Authority/ Health.</p>	✓	✓	✓	✓
PLP – Part 2 – School Assessments					

⁴ See <https://ico.org.uk/for-organisations/guide-to-data-protection/guide-to-the-general-data-protection-regulation-gdpr/lawful-basis-for-processing/consent/>

Fields in the PLP Templates	Descriptors (where appropriate)	Educational phase ³			
		N	P	PP	SS
Access arrangements	Lookup list of access arrangements and an option to select who approved the arrangement i.e JCQ or school. More than one choice may be selected. Examples - extra time, Supervised rest breaks, Alternative site for the Conduct of Exams.	x	x	✓	✓
Data / Ongoing School Assessment	Taken from SIMS Assessment Manager based on the assessments used by the school i.e date of test, name of test, Individual score, Result Set.	✓	✓	✓	✓
Pupil's Engagement	There are 3 levels of engagement 1 – Low - the child displays no interest in or energy for their activities. 2 – Mixed - the child is only partially engaged in their activities. They may have moments of intense concentration but can be easily distracted. 3 – High - the child is intensely engaged in all their activities for the majority of time.	✓	x	x	✓
Pupil level of well being	There are 3 levels of well-being 1 – Low - the child clearly shows signs of discomfort (eg crying or screaming or becoming withdrawn). They may look sad, frightened or angry or hurt themselves or others. 2 – Mixed - the child's posture, facial expression and actions indicate a mixed response. At times they may appear ill at ease or display little emotion without obvious reason whilst on other occasions the child shows obvious signs of satisfaction. However, these signals are not constantly present with the same intensity.	✓	x	x	✓

Fields in the PLP Templates	Descriptors (where appropriate)	Educational phase ³			
		N	P	PP	SS
	3 – High - the child looks happy, they smile, are vocal, lively and full of energy. Actions are in large part, spontaneous and expressive without any signs of stress or tension. They are open and accessible to the world around them and show obvious signs of self-confidence and self-assurance.				
PLP – Part 3 – Learning and Evaluation Plan					
Outline the impact of the learning difficulty and/or disability in school	A broad description based on the concerns identified by the teacher about the child's learning difficulties as presented in the classroom setting which calls for SEP to be made. Could also include the impact on the class.	✓	✓	✓	✓
Outline the additional relevant information / strategies and reasonable adjustments made or recommended for the pupil in school or nursery class (include recommendations made by the EA Educational Psychologist or included in the Pupil's statement)	Includes those approaches and adjustments which teachers should use that are different from the whole school educational provision and personal to the individual child. Could include e.g. information drawn from the EP report or statement. For example, print out notes; audio recording of notes; identify and provide key words to act as reminders. In nursery include any focused observations or assessment tools.	✓	✓	✓	✓

Fields in the PLP Templates	Descriptors (where appropriate)	Educational phase ³			
		N	P	PP	SS
Where relevant: Date that the pupil was last seen by an EA Educational Psychologist	Insert date the child was last seen by an EA Educational Psychologist	✓	✓	✓	✓
Where relevant: Date of the pupil's current EA statement	Insert date of the child's current EA statement.	✓	✓	✓	✓
Pupil's preferred learning arrangements	Informed by discussion with the child/teachers include key points about teaching and learning arrangements to be provided by the school, including, e.g. sitting away from a window, in a small group or paired working, structured teaching, as well as preferences for e.g. visual strategies.	x	x	✓	✓
PLP Phase 1⁵ [The fields below are repeated in any subsequent phase reviews during the academic year of the PLP]					
Start date	Start date of the PLP phase and Expected Outcomes	✓	✓	✓	✓
Areas for development	What priority areas of developmental needs (additional or otherwise different from that normally provided) does the child have that holds them back from fully accessing the curriculum.	✓	x	x	x

⁵ While two PLP phases are suggested for Post Primary (October to January/February to June) flexibility required to include a further PLP phase. For Primary Schools termly PLP phases is broadly the norm and it is suggested that this continues.

Fields in the PLP Templates	Descriptors (where appropriate)	Educational phase ³			
		N	P	PP	SS
	In Nursery Schools this will be a lookup list – Language and communication skills / Physical development (to include gross and fine motor skills) / Organisational Skills/Self-help skills eg toileting / Personal social emotional (includes behaviour).				
Areas <i>Special School only</i>	In Special schools this will be under lookup list - Using maths / Communication / Using ICT / Thinking skills and Personal Capabilities / Social and Emotional (includes sensory). The SS template will also have a 'Physical skills' option.	x	x	x	✓
Pupil expected outcomes	Intended learning outcomes during the PLP phase that are relevant and achievable based on the priority area of the need (in the case of primary & post-primary schools it is considered good practice to focus and target a limit of 3 specific areas during each phase).	✓	✓	✓	✓
Strategies / provision to meet the outcome (These are split in the SS PLP.)	Relate to strategies the teacher should employ to assist the child in achieving the expected outcomes. Strategies and provision to be implemented by the teacher to help achieve the specific expected outcome e.g. checking the child understands the instruction for a task; Classroom Assistant to remind the child to use homework checklist. Any other strategies used by teachers to be added by the teacher(s) concerned.	✓	✓	✓	✓
Monitoring arrangements	Nursery and Primary – how the teacher will monitor and record ongoing progress towards meeting the expected outcome. Post Primary - this will take the form of the PP monitoring sheet (NB: the monitoring sheet can be used by other settings). The PP will need to assure themselves that appropriate arrangements are in place for teachers to monitor the child's progress against the expected outcome and feedback to the LSC.	✓	✓	✓	✓
EVALUATION OF PUPIL EXPECTED OUTCOME					

Fields in the PLP Templates	Descriptors (where appropriate)	Educational phase ³			
		N	P	PP	SS
Evaluation date of Expected Outcomes	Planned date for the review of pupil's progress within the PLP phase.	✓	✓	✓	✓
Status of Expected Outcome	Status to be recorded for each pupil expected outcome: Met / Progressing well / Minimal progress. (The SS template includes 'Experiencing')	✓	✓	✓	✓
Evidence of Progress for Phase 1 (Evidence only in SS PLP)	Nursery, Primary and Special school includes teacher's evaluation of progress against expected outcome. SS and PP Relevant teachers responsible for reporting back the progress against expected outcome - how and if the special educational provision made has resulted in achievement of the expected outcome for the child.	✓	✓	✓	✓
Future Actions for next PLP Phase (Action in SS PLP)	Options: Key points of future action/expected outcomes for the next phase of the PLP as suggested by the teacher(s) e.g. adapt outcome/ new outcome which will focus on another priority area of need. (SS Only - "maintain outcome" option – this can only be selected when 'progressing well' or 'experiencing' has been selected at the 'Status of outcome' stage above)	✓	✓	✓	✓
PLP Review Status	Options: Remove from SEN Register / Remain at Stage x / Request a move to Stage x / Request External Support Service ⁶ / Submit request for statutory assessment (SAR 1). More than one choice is possible.	✓	✓	✓	✓

⁶ External special educational provision look-up list

Fields in the PLP Templates	Descriptors (where appropriate)	Educational phase ³			
		N	P	PP	SS
	In Special School the pupil may be waiting on a Statutory Assessment therefore PLP review status is relevant.				
Pupil views	Completed in discussion with the pupil in terms of how they felt they got on during the PLP phase. Did they feel they had made progress / met the expected outcomes set for them? This would include the views of the child who is over compulsory school age.	✓	✓	✓	✓
Parents views (important views from the pupil's parent/guardian)	Completed in discussion with the parent/guardian in terms of how they felt the child got on during the PLP phase. Did they feel they had made progress / met the expected outcome set for the child? Date the PLP review shared with the parent to be noted.	✓	✓	✓	✓

*Automatic read across from the SEN Register (*with the exception of statutory Nursery schools not on SIMS*).

Overarching principle – The class teacher in nursery, primary and special school sector completes the fields with advice from the LSC. In post primary settings the LSC completes the fields.