

See also Schools Week article on AP Census Expansion [\[link\]](#) from October 20 2017.

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The [Department for Education will collect](#) teen pregnancy information from school children, from January 2018 under a new law made by negative [Statutory Instrument this summer](#).

Pregnant children will be named in the national pupil database, along with other codes, to record who has been transferred from regular school into alternative provision for other mental and physical health, or young offender reasons.

Each pupil's information will be sent to be added to a growing database of 23 million people, [the National Pupil Database](#). Its data are never deleted.

But it appears from the AP [Census Guidance 2018](#), that the Department has no intention to tell schools to explicitly inform parents and children about the expansion of the data collection. This is despite the Data Protection requirement to explain it with clear reasons to the pupils, in a manner understandable by children, when the information are collected.

Data from the National Pupil Database, including sensitive special needs data (SEN) has already been passed on since 2012 to [commercial companies](#), charities, [think tanks](#), [newspaper](#) and TV [journalists](#) at an individual pupil level for millions of pupils at a time, without any suppression of small numbers.

Similar data are also used across government in [Troubled Families](#), shared with [National Citizen Service](#), and stored forever; all without pupils' consent or parents' knowledge.

The information passed on to third parties are not anonymous, but identifiable and highly sensitive [[see page 19 headings of National Pupil Database User Guidance](#).]

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### Questions need asked

1. Government must tell children and parents these sensitive data will be collected on named basis in this national database, with an explanation why the new data are to be collected and how they will be used, and kept for how long. How will this be communicated?
2. What Privacy Impact Assessment has been made? What is the necessity and proportionality for the government to have this data on a named basis? The information could be collected at a statistical, not individual level.
3. A negative SI is an inappropriate method of scrutiny for this type of sensitive national changes. It was signed off by the same Board that signed off the [controversial](#) collection of country of birth and nationality data [added to the School Census last year](#), the [Star Chamber Scrutiny Board](#). The Information Commissioner already [intervened recently](#), when the guidance to parents about their rights to refuse and withdraw nationality data, was not made clear enough. Why do these failures continue? It appears the people signing off these decisions have insufficient knowledge, or no interest to ensure children's confidentiality, privacy rights and data protection law are respected.
4. Who will access these data, and with what limitations to ensure privacy? For example journalists are given sensitive reasons for exclusion today, including theft, violence, sexual conduct. Will pregnancy and YOI be available to journalists and businesses too?
5. Far from adding to the sensitive data to be collected, what assessment has the government made how they will meet retention duties to data minimisation regards reasons for exclusion and SEN data already collected, and given away at pupil level, including to [the Times](#) and [Newsnight](#)?

## Background

1. The Statutory Instrument [\[link\]](#) The Education (Information About Children in Alternative Provision) (England) (Amendment) Regulations 2017 (807/2017) and its [Explanatory Memorandum](#) put this change on a statutory footing, without scrutiny or debate in summer 2017.
2. In 2016, there were 22,212 children recorded as being in local authority funded placements outside of state place funded schools, including children who are educated in private voluntary and independent ("PVI") settings. (Source: [DfE Explanatory Note](#))
3. [Link to RFC notice](#) (used to communicate the change internally and to School Information Management System providers).
4. There has never been any privacy impact assessment done for school census collections, despite it being a government ["mandatory minimum measure" since 2008](#).
5. We believe this should require consent for named collection and secondary uses, even if it has been put on a statutory footing. This is not mentioned in the [2018 AP Census Guidance](#).
6. The Information Commissioner already [intervened recently](#), when the guidance to parents about the nationality data was not made clear enough. Schools must now tell parents that they can [refuse to provide information](#) on their child's nationality or country of birth, and that they can retract data already provided.
7. This change refers to the **Alternative Provision Census (AP)** due to be collected next in January 2018.
8. Original FOI of uses of identifying individual pupil level data obtained from the DfE: [[The Telegraph](#)], [[BBC Newsnight](#)], [[The Times](#)] [[Private Tutor company Tutor Hunt](#)], [[Data consultancy](#)]. [[Cabinet Office National Citizen Service](#)] [[Cabinet Office Troubled Families Programme p7/9](#)]
9. [Ofsted's Report on Local area SEND inspections](#) and a recent report by think Tank IPPR [Making the Difference](#) shows the importance of understanding these information. But that should not be at the expense of the lifetime privacy of the children affected.
10. The press are interested in reporting these data at very low level. [Revealed: The 10 schools in Norfolk with the most permanent exclusions](#).

## About the Census of pupils in Alternative Provision (AP)

This census has been collected every year at an individual level since 2008. The Census is a local authority (LA) return that requires the submission of individual records of pupils in AP on Census day in January each year.

The AP Census covers children who are:

- Of school age attending a school not maintained by an authority for whom the LA is paying full tuition fees; and
- Educated otherwise than in schools and Pupil Referral Units under arrangements made by the LA.

There are a range of circumstances in which suitable education has to be provided for pupils outside school, including for those:

- Excluded from school on a permanent or fixed term basis;
- Unable to attend school for medical reasons; or
- Awaiting placement in a maintained school.