



Department
for Education

School exclusion reviews (APEX) data collection guide 2020

**Information for local authorities about
the submission of their data in 2020,
version 1.0**

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1. Data protection and data sharing

The [General Data Protection Regulation](#) (GDPR) and the [Data Protection Act 2018](#) mandate certain safeguards regarding the use of personal data by organisations, including the department, local authorities and schools. Both give rights to those (known as data subjects) about whom data is processed such as pupils, parents and teachers. This includes (amongst other information that we are obliged to provide):

- the right to know the types of data being held
- why it is being held
- to whom it may be communicated

For the purposes of data protection legislation, the terms 'process', 'processed' or 'processing' apply to any activity involving the personal data, such as:

- collecting
- storing
- sharing
- destroying
- etcetera – please note: this list is not exhaustive

The legal duties information below provide additional information on two aspects of data protection legislation - namely privacy notices and data security. However, as data processors and controllers in their own right, it is important that schools and local authorities process all data (not just that collected for the purposes of the school census) in accordance with the full requirements of the GDPR. Further information on the GDPR can be found in the Information Commissioner's Office (ICO) '[overview of the General Data Protection Regulation \(GDPR\)](#)'.

1.1 Legal duties under the General Data Protection Regulation and the Data Protection Act 2018: privacy notices

Being transparent and providing accessible information to individuals about how you will use (process) their personal data is a key element of both the GDPR and the DPA 2018. The most common way to provide such information is through a privacy notice. Please see the Information Commissioner's Office (ICO) website for [further guidance on privacy notices](#).

For schools and local authorities, this means that you must provide clear and accessible privacy notices that inform parents, pupils and staff:

- what data is collected about them
- for what purposes the data is collected
- how the data is used (processed)
- what the lawful basis is for processing

- for how long the data is retained
- with whom the data is shared
- why the data is shared
- whether you intend to transfer it to another country, and
- whether you do automated decision-making or profiling

The department provides suggested wording for [privacy notices](#) that schools and local authorities may wish to use. However, where the suggested wording is used, the school / local authority **must review and amend** the wording to reflect local business needs and circumstances. This is especially important, as the school will process data that is not solely for use within census data collections. As such, to comply with GDPR and DPA 2018, the privacy notice should contain details of all uses of data within the school / local authority, which may include, for example, information used locally for pupil achievement tracking and (where relevant) the use of CCTV data. The privacy notice should also include [this link](#) to the gov.uk webpage, which provides information on how the department processes data.

It is recommended that the privacy notice is included as part of an induction pack for pupils and staff, is made available on the school website for parents, as well as featuring on the staff notice board / intranet. Privacy notices do not need to be issued on an annual basis, where:

- new pupils and staff are made aware of the notices
- the notices have not been amended
- they are readily available in:
 - electronic, or
 - paper format

1.2 Legal duties under the General Data Protection Regulation and the Data Protection Act 2018: data security

Schools and local authorities have a (legal) duty under the General Data Protection Regulation (GDPR) and the Data Protection Act 2018 to ensure that any personal data they process is handled and stored securely. Further information on data security is available from the <https://ico.org.uk/for-organisations/guide-to-the-general-data-protection-regulation-gdpr/security/>.

Where personal data is not properly safeguarded, it could compromise the safety of individuals and damage your reputation. Your responsibility as a data controller extends to those who have access to your data beyond your organisation where they are working on your behalf; for example, where external IT suppliers can remotely access your information. The '[School procurement: selecting a school MIS](#)' and '[Responsible for information](#)' pages provide further guidance and advice.

It is **vital** that all staff with access to personal data understand the importance of:

- protecting personal data
- being familiar with your security policy
- putting security procedures into practice

As such, you should provide appropriate initial and refresher training for your staff.

2. Introduction

2.1 Background

This guide provides local authorities with information about the school exclusion reviews data collection (also known as APEX as the data collection originated under the previous exclusions arrangements when it covered appeals against exclusions). It is intended to assist local authorities with returning the required data to the Department for Education (DfE, or the department) in 2020 and provides information on the scope of the collection, the data that should be included in the return, and the mechanism for submission. This guide should be read in conjunction with the guidance on how to use the department's [COLLECT](#) (Collections Online for Learning, Education, Children and Teachers) web-based system. This is a compulsory data collection.

Further information on independent review panels can be found in the guide: '[Exclusion from maintained schools, Academies and pupil referral units in England](#)'.

2.2 Scope of the school exclusions review data collection

The data collection collects information on independent reviews against permanent exclusion. Data submitted should cover the whole school year between 1 September 2018 and 31 August 2019.

The collection covers all of the following schools:

- local authority maintained primary, secondary and special schools;
- local authority maintained pupil referral units (PRUs);
- academies (including special academies, alternative provision (AP) academies, pupil referral unit (PRU) academies, free schools and AP free schools).

2.3 Important dates

- go live - 8 January 2020;
- statutory return date – 29 January 2020.

All 151 local authorities are expected to return their data to the department by the statutory return date of Wednesday 29 January 2020. Extensions will not be granted.

2.4 Uses of the data

The data will be published in the statistical release, 'Permanent and fixed-period exclusions in England: 2018 to 2019', due to be published in summer 2020. The release will also include information on exclusions provided by schools in the school census to give a complete picture of exclusions.

The department will also use the data to support policy development, and may use it to answer requests for statistics, including Parliamentary questions and requests under the [Freedom of Information Act](#) 2000.

3. Data protection and security

Data kept on pupils (in any medium, including within a management information system (MIS)) are personal data. The data must be managed in accordance with the requirements of the [Data Protection Act](#) 2018. All staff that have access to personal data should be aware of their responsibilities under the act. Local authorities should advise schools about their responsibility to hold data in line with the act.

4. Data quality

It is important that the data collected by local authorities, for onward transmission to the department, is both accurate and complete. In section 4, there is a complete list of data items that need to be submitted.

5. Data required

5.1 Introduction

Please complete all the sections of the data collection form on COLLECT.

For the questions on the number of reviews lodged (for example question 1), count all reviews lodged in the 2018 to 2019 school year (1 September 2018 to 31 August 2019).

For the questions on determined reviews (for example questions 2 to 8), count all reviews determined in the 2018 to 2019 school year (1 September 2018 to 31 August 2019).

Count reviews in respect of all local authority maintained schools, local authority maintained pupil referral units (PRUs), and all academies (including alternative provision (AP) academies and alternative provision (AP) free schools) in your local authority area only.

There may be a small number of cases of reviews being lodged in one year and determined in the following year. This may result in the number of reviews lodged being different to the number of reviews determined in the current year.

Reviews lodged after 31 August 2019 should not be counted.

Section 1 and 2 relates to exclusion reviews from local authority maintained schools and local authority maintained pupil referral units (PRUs) arranged by the local authority in accordance with the provisions in the relevant legislation, referred to in the [guidance](#). You should include all reviews lodged and determined in respect of schools and pupil referral units (PRUs) which were local authority maintained at the time the review was lodged, but have since converted to academy status.

Section 3 relates to exclusion reviews arranged by academy trusts in accordance with legislation in the statutory instrument, '[The School Discipline \(Pupil Exclusions and Reviews\) \(England\) Regulations 2012; 2012 No. 1033](#)'.

[Statutory guidance](#) and [regulations](#) require the independent review panel to notify the local authority of their decision, and where relevant, the governing board should also notify the local authority of the final outcome of the review.

Below is a list of the information required for the data collection.

5.2 Information required

- 'LA Number' – your local authority's three digit number.

5.2.1 Section 1: local authority (LA) maintained primary, secondary and special schools

1. total number of independent reviews lodged;
2. number of independent reviews determined by an independent reviews panel;
3. number of independent reviews where a special educational needs (SEN) expert was requested;
4. number of independent reviews upholding the exclusion;
5. number of reviews recommending reconsideration by the governing board;
6. number of reviews directing reconsideration by the governing board;
7. number of pupils offered reinstatement where reconsideration by the governing board has been recommended;

8. number of pupils offered reinstatement where reconsideration by the governing board has been directed;

5.2.2 Section 2: local authority (LA) maintained pupil referral units (PRUs)

9. total number of independent reviews lodged;

10. number of independent reviews determined by an independent reviews panel;

11. number of independent reviews where a special educational needs (SEN) expert was requested;

12. number of independent reviews upholding the exclusion;

13. number of reviews recommending reconsideration by the governing board;

14. number of reviews directing reconsideration by the governing board;

15. number of pupils offered reinstatement where reconsideration by the governing board has been recommended;

16. number of pupils offered reinstatement where reconsideration by the governing board has been directed;

5.2.3 Section 3: academies (including special academies, pupil referral unit (PRU) academies and free schools)

17. total number of independent reviews lodged;

18. number of independent reviews determined by an independent reviews panel;

19. number of independent reviews where a special educational needs (SEN) expert was requested;

20. number of independent reviews upholding the exclusion;

21. number of reviews recommending reconsideration by the governing board;

22. number of reviews directing reconsideration by the governing board;

23. number of pupils offered reinstatement where reconsideration by the governing board has been recommended;

24. number of pupils offered reinstatement where reconsideration by the governing board has been directed;

5.2.4 Section 4: completion time

25. form completion duration in hours (to the nearest hour);

5.2.5 Section 5: contact details

- name – the name of the person completing the data collection return;
- e-mail – the email address of the person completing the data collection return;
- telephone number – the telephone number of the person completing the data collection return.

6. How to make a return

6.1 COLLECT (Collections Online for Learning, Education, Children and Teachers)

[DfE Sign-in](#) provides local authorities and schools with a single, secure point of entry to the departmental IT systems including COLLECT, and ensures that the data that they hold is securely protected.

The facility to create and administer accounts locally is provided by an ‘approver’ role within each organisation (i.e. school, academy or local authority). For the purpose of this data collection it will be the local authority ‘approver’.

The approver will be able to add, edit or remove other user accounts for their organisation and will be responsible for controlling their access to COLLECT.

You should submit your data using COLLECT, our centralised data collection and management system. A separate [COLLECT guide](#) is available to help you use the system to complete and submit your return.

You may save your data and return to it later, as long as you have not pressed the submit button.

If you find that you are having problems submitting your data, please contact us by using a [data collections service request form](#).

6.2 Clean data submit and validation checks

This data collection has the clean data submit functionality. On entering your local authority’s data the COLLECT system will automatically run a number of verification checks and you will receive an error notification if any of them fail and the data requires amendment.

If this occurs you will need to correct the errors in the data before you are able to submit the data to the department. Only once the corrections have been made and COLLECT shows no error notices will you be able to submit your data.

You may also receive a query notification to ask you to check certain figures to ensure they are correct, for example, where the values look unusual but could logically still be correct in some situations. If queries do not require amendments, please add a note to the data item in COLLECT specifying that it is correct and explaining the data.

6.3 Further checks

Additional sense checks will be undertaken by the department and where there are concerns or questions about the figures, the department will contact the local authority concerned to ask for further information. This may result in rejecting the submissions for changes to be made.

If there is anything about your local authority's data, which you think may give the department cause to query the figures, then it would be advisable to enter notes in COLLECT.

6.4 Authorisation

For each return, once the data has been checked and accepted by the department the status on COLLECT will change to authorised and your local authority's return will be complete.

7. Further assistance

The [Data Collections Helpdesk](#) will be available if you have any queries about this collection.



Department
for Education

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