



Collecting and Recording Data on Pupils' Ethnic Background

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Guidance

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Collecting and Recording Data on Pupils' Ethnic Background

Audience	All Maintained Schools, Local Education Authorities.
Overview	This guidance provides new advice on the collection and recording of data on pupils' national identity and ethnic background. It replaces National Assembly for Wales Circular 27/02 'Collecting and Recording Data on Pupils' Ethnic Background' which was issued in July 2002.
Action required	The collection and recording of data on pupils' ethnic background in School Management Information Systems, based on the revised and extended list of ethnicity categories at Annex A.
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Related documents	'The Learning Country - Vision into Action' (2006) National Assembly for Wales Circular 47/2006 'Inclusion and Pupil Support' National Assembly for Wales Circular 27/02 'Collecting and Recording Data on Pupils' Ethnic Background' Welsh Office Circular 35/98 'Reports on Pupil Achievements from 1999' Welsh Office Circular 41/89 'Ethnically-Based Statistics on School Pupils' <i>For other related documents please see Annex F.</i>



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Summary

This guidance for schools and local education authorities (LEAs) provides new advice on the collection and recording of data on pupils' national identity and ethnic background. It replaces National Assembly for Wales Circular 27/02 'Collecting and Recording Data on Pupils' Ethnic Background' which was issued in July 2002.

This guidance:

- draws attention to changes that have been made to the ethnicity categories which should be used when recording information about pupil ethnic background;
- explains how these changes will improve the accuracy of the data collected on individual pupils' ethnicity and help to improve the monitoring, planning and targeting of support and resources for pupils with different needs;
- provides detailed advice on the action schools and LEAs should now take as a result of these changes, including the need for a complete school re-survey of the ethnicity data held on all pupils in time for revised data to feed through to the Pupil Level Annual Schools' Census (PLASC) 2010, and ways to facilitate this.

To assist schools in the accurate recording of ethnicity data using the new categories, information on the changes being made has been provided to all suppliers of standard school Management Information Systems (MIS). School software should reflect the changes with effect from the 2009-10 academic year.

MIS software currently reflects either a high level of categorisation, known as main categories, or a more detailed breakdown of these, called extended categories. To date, it has been a matter of local discretion as to whether the main or extended categories were used by schools.

The main change to these categories is that the MIS software now includes a significantly longer list of extended ethnicity sub categories from which to select. For example, the list of European categories has been augmented considerably and now includes, amongst others, Polish and Bulgarian. The intention is to provide a

choice of categories which more adequately reflects the diversity of the school population in Wales. Schools are strongly encouraged to utilise the extended sub-categories in their MIS.

Changes have been made to the main ethnicity categories broadening the 'Traveller' category and slightly amending the 'Gypsy/Roma' category. Extended categories for these pupils have also been introduced. The intention behind these particular changes is to offer Gypsy and Traveller pupils and parents a better choice and a more comprehensive list with which to identify.

This guidance has three purposes:

- to set out the revised categories to be used for collecting ethnic background data for pupils in schools in Wales;
- to strongly recommend the use of the extended categories;
- to provide guidance on collecting national identity and ethnic background data on an individual pupil basis both for existing pupils on roll and new pupils.

The information that is being collected for each pupil locally will be passed to the LEA and the Welsh Assembly Government via PLASC. The more detailed information that will be provided by use of the new and extended categories will assist in the monitoring of attainment and with the allocation and targeting of resources and support at both a national and local level. However, ethnicity data will not allow individual pupils to be identified publicly. Any data will be released in accordance with the National Statistics Code of Practice.

Certain action is required of LEAs and schools as follows:

During 2009

LEA: to advise and support schools on the collection and recording of data on pupils' ethnic background based on the extended list of categories.

Schools: to begin collecting data on **new** pupils by reference to the revised categories of ethnic backgrounds and to re-survey all pupils on the school roll.

By January 2010

For schools to have recorded ethnicity data based on the revised, extended categories, as set out in this document, for all pupils on school roll in time for the PLASC 2010 exercise.

Many schools conduct a routine annual data checking review with parents during the Autumn term and might consider that to be an appropriate time and opportunity to collect new or amended data from parents or pupils. Alternatively, schools may wish to take the opportunity to discuss this issue with parents of younger children as part of a parents' meeting and collect the updated information at that point.

Pupils over the age of 16 should be given the opportunity to provide data on their ethnic background themselves.

Overview

From 1990, Welsh Office Circular 41/89 asked schools to seek, from parents, the ethnic background of each pupil on entry to primary education and again on entry to secondary education. National Assembly for Wales Circular 27/02 superseded Welsh Office Circular 41/89 and provided fresh guidance for schools and LEAs on the collection and recording of information on pupils' ethnic background and prepared the ground for the inclusion of this data in PLASC.

This guidance supersedes Circular 27/02. The new guidance being issued now aims:

- to strengthen local and national ethnic monitoring and identify inequality of outcomes by improving the information available on pupils' ethnic background;
- to ensure that the procedures schools follow to obtain national identity and ethnic background information comply with the Data Protection Act 1998 in the context of collection, storage and sharing of pupil level information;
- to move to a new, improved, system of ethnic background classification.

The guidance seeks to provide enough detail for schools and LEAs to be clear what they should do in the various situations they are likely to encounter and to ensure that the information obtained is sufficiently complete and accurate for ethnic monitoring to be effective.

Schools should continue to pass on ethnicity data for individual pupils to any other maintained school and, where possible, to independent schools to which they transfer. This will remove the need to ask parents again for this information. Information on pupil ethnic background held in school MIS will automatically be included in Common Transfer Files which schools are required to generate and send electronically to pupils' new schools.

It is recognised that the “one off” exercise to obtain information for all pupils on the basis of the revised ethnic categories will be a major undertaking, but the inclusion of the extended data will provide better information at a school level to assess and monitor pupils’ progress against ethnic background. It is also important that all parents and pupils have the opportunity and choice to make a selection from the extended categories which more closely reflects their ethnic background.

Introduction

1. The guidance sets out model procedures for the collection and recording of pupils' ethnic background and national identity, which we strongly recommend that schools should adopt forthwith. The guidance explains the significance of the classification changes to the collection of ethnicity data. It also explains the important contribution this data will make to schools and LEAs in monitoring of attainment and with the allocation and targeting of resources and support to meet and respond to pupils' diverse learning needs. The guidance will enable compliance with the Data Protection Act 1998. The collection of this data by the Welsh Assembly Government will not allow individual pupils to be identified publicly.

Why this information is requested

2. The collection of ethnicity data can make a major contribution to the planning and implementation of strategies which promote equality, value diversity and support the educational inclusion of all pupils. Ethnicity data is already making a significant contribution to the development of education policy locally and nationally and to teaching and learning strategies in schools. The data helps schools to plan the provision of effective personalised learning opportunities for all pupils including responding to pupils' diverse learning needs. Monitoring of attainment by reference to ethnicity enables schools to meet the diverse needs of pupils and to measure school effectiveness.

3. More specific ethnicity data will assist with the monitoring of attainment and with the allocation and targeting of resources both locally and nationally, for example, to support groups whose attainment is below expected levels. It will also mean that certain learner groups, such as Polish pupils, which had previously been subsumed under more general main categories, can be identified separately.

4. The extended ethnicity data, together with other PLASC pupil data such as that on attainment, will provide the Welsh Assembly Government and Estyn with the opportunity to evaluate national policies and to ensure that resources allocated from the centre are appropriately and effectively targeted.

5. For schools, the collection of data directly relevant to issues of diversity, equality and inclusion offers further benefits. Collecting the information will give a clear message to children and parents that the identity of every child is recognised and valued within the school community and the data obtained will increase schools' knowledge of their pupils and the communities they serve.
6. The data will assist schools in meeting the new National Curriculum requirements relating to diversity and inclusion. The National Curriculum requires schools to provide a broad and balanced curriculum for all pupils, with the guiding principle of 'Including all learners' at its core, with the National Curriculum as the starting point for planning a school curriculum that meets the specific needs of individuals and groups of pupils.
7. The data will assist schools in creating effective learning environments in which all pupils can participate fully, using appropriate teaching, assessment and organisational approaches and setting targets appropriate to different pupils. Data could also be used to support learning activities which challenge prejudice and negative attitudes of children towards difference.
8. The change to the ethnicity categories is one of a number of changes the Welsh Assembly Government has introduced, or intends to introduce, into PLASC which aim to maximise the data available to respond to pupils' diverse learning needs.
9. PLASC already makes it possible to link ethnic background information with other pupil data, such as attainment. With these changes to ethnicity classifications in school MIS software will come an improved ability to cross-reference this information in a way which will greatly assist schools, LEAs and the Welsh Assembly Government in monitoring attainment and other aspects of education and pupil background and taking appropriate action.

10. In addition to ethnicity classification, PLASC also requires a pupil's national identity. It should be noted that the existing PLASC categories for national identity remain unchanged from Circular 27/02. Further detail on the selection of national identity is provided in paragraphs 24 to 51.

Important information for all involved in the collecting and recording of diversity, equality and inclusion data

11. Common data protection principles apply to ethnic background data. All involved in the handling of personal data should be aware of their duties and responsibilities under the Data Protection Act 1998. Guidance is available from the Information Commissioner's web site at <http://www.informationcommissioner.gov.uk/>

The Welsh Assembly Government already requires schools to collect information on the ethnic background of its pupils. In LEAs and the Welsh Assembly Government, information gathered on ethnic background will be used for research purposes. The information will also be used to compile statistics on the progress and experiences of pupils. These statistics and research will not allow individual pupils to be identified in the public domain and the information will not be used for any other purpose.

Statutory Duties

12. This section outlines the statutory duties of LEAs in connection with the collection and reporting of pupils' ethnic background.

13. Section 29 of the Education Act 1996 ("the 1996 Act") requires a LEA to provide information to the Welsh Assembly Government. The LEA must make reports and returns and give such information as the Welsh Assembly Government may require. LEAs must also compile information for the purpose of providing the Welsh Assembly Government with information about primary or secondary education in each LEA's area.

14. Section 537A of the 1996 Act provides that the Welsh Ministers may, by way of regulation, require a governing body to provide information. The Education (Information about Individual Pupils) (Wales) Regulations 2007 [S.I 2007/3562], as amended, specify, at Part 1 of Schedule 2, those matters that the governing body of a school must provide upon request and within 14 days to the local education authority. Part 1, paragraph 1(g) refers to a pupil's ethnic group whilst Part 1, paragraph 1(h) refers to a pupil's national identity. The information required by these Regulations is currently collected by means of the electronic PLASC.

15. Section 538 of the 1996 Act also provides that governing bodies must make such reports, returns and information to the Welsh Assembly Government as is required for the exercise of the Welsh Assembly Government's functions relating to education.

16. Under the Race Relations Act 1976 (as amended by the Race Relations (Amendment) Act 2000), LEAs have a general legal duty to promote race equality. This duty means that LEAs must have due regard to the need to eliminate unlawful racial discrimination and promote equality of opportunity and good relations between pupils of different racial groups. The Act also places a specific legal duty on LEAs to publish a Race Equality Scheme which details how

each authority intends to fulfil its duties under the Race Relations Act and that arrangements exist to enable schools to:

- i. assess the impact of their policies on pupils, staff and parents from different racial groups;
- ii. monitor the operation of their policies and;
- iii. assess or monitor the impact of their policies on pupil attainment levels. Specific duties are also placed on schools to prepare a written statement of their policies for promoting race equality referred to as the 'race equality policy'. It is the responsibility of the LEA to assess and monitor whether its schools have complied with these arrangements. To secure evidence of compliance, LEAs should collect and record relevant data.

The Changes to Ethnic Background Categories

17. School software provides ethnic background categories split into main and sub (extended) categories. School software upgrades for PLASC 2010 include changes to both the main and extended categories. The revised categories are listed at Annex A.

18. The main categories 'Traveller of Irish Heritage' and 'Gypsy/Roma' have been replaced with 'Traveller' and 'Gypsy/Gypsy Roma'.

19. The following extended categories have also been introduced under the main category of Traveller:

- Traveller of Irish Heritage;
- New Traveller;
- Occupational Traveller;
- Other Traveller.

20. The following extended categories have also been introduced under the main category of Gypsy/Gypsy Roma:

- British Gypsy/Gypsy Roma;
- Gypsy/Gypsy Roma from other countries;
- Other Gypsy/Gypsy Roma.

21. Two extended categories have been removed due to the inclusion of a number of more specific ethnicity choices relating to these areas:

- White Eastern European;
- White Western European.

22. One extended category has been amended to provide greater clarity - 'Latin American' now reads:

- Latin/South/Central American.

23. Those LEAs which currently only make the main categories available to their schools are strongly recommended to make the extended categories available for the academic year 2009-10 onwards for all the reasons set out in this guidance about LEAs' statutory duties; the benefits of ethnic specific data in supporting pupils and to ease data transfer between schools if a child transfers.

Recommended procedures for determining pupils' ethnic background and national identity

24. These do not vary greatly from the guidance given in Circular 27/02 regarding processes and procedures. LEAs and schools should regard this new circular as providing standard guidance to follow from January 2010 onwards. However, guidance is also provided on the procedures to be followed and actions to be taken during the transition period from the publication of this circular until PLASC 2010. School and LEA Action Checklists are included at Annex E.

Arrangements in 2009 from the date of this Circular

25. This section outlines, in brief, action to be taken in 2009 which will be a time of transition. It must be read in conjunction with the guidance on 'General Arrangements' at paragraphs 31 to 51 where greater detail is provided on the procedures which must be followed routinely. Due to the introduction of revised extended categories for ethnicity and the changes to the main categories for Gypsy and Traveller pupils, there will be a specific requirement for schools to re-survey all pupils on the school roll in 2009 in accordance with the revised categories.

New Entrants

26. With immediate effect, schools are strongly encouraged to use the revised extended ethnicity categories, including the new categories for Gypsy and Traveller children, set out at Annex A in relation to all new entrants to the school (following the procedural guidance set out from paragraph 31 onwards).

2009 Full School Re-collation Survey for Pupils Already on Roll

27. It will be necessary for schools to re-collate the ethnic background and national identity data they hold on all pupils already on roll by means of full school surveys in time for PLASC 2010. National identity is not the same as ethnic background and many people choose to identify a national identity which differs from the ethnic background categories. The distinction allows pupils to identify both their ethnicity and their sense of belonging to a particular national identity. The categories for national identity remain unchanged.

28. For pupils already on the school roll, there is no way of knowing, solely from the way individuals classified themselves on the basis of the previous ethnic monitoring background categories, how they would have classified themselves on the new list of categories - only the individual themselves can decide

that. It follows that there is no way of mechanically converting information currently held on pupils on to the new basis, even though, at first sight, many categories appear to be the same.

29. Therefore, all schools will need to collect information for all pupils on the school roll on the Annex A basis, ensuring that the data is collected in time for PLASC 2010. For all pupils on roll, with the exception of those pupils for whom ethnicity data has already been collected based on the extended categories, the procedure should be:

- the school should send parents and those with parental responsibility the National Identity and Ethnic Background Record Form (at Annex A); the Privacy Notice, if appropriate, (at Annex C) and the explanatory covering letter (letter 2 at Annex B);
- It is recommended that the letter and form should be sent home, either:
 - a. by the pupil, to be returned, on completion, to the headteacher or the school office; or
 - b. as part of a school mailout;
- if the form is not completed and returned to the school within a month, the school should record an ethnic background for the pupil. Letter 3 at Annex B should be sent to the parents and those with parental responsibility. Schools will need to record on a pupil's records where they have ascribed an ethnic background;
- where an ethnic background has to be ascribed by the school, any information previously provided by parents should inform the school's judgement, as well as the class or form teacher's knowledge of the pupil.

30. LEAs and schools will need to agree the timetable to meet the final deadline for collecting national identity and ethnic background data in time for PLASC 2010. A completion deadline no later than 1 November 2009 is suggested.

General Arrangements which should apply

What data should be collected and when

31. Schools should:

- collect ethnic background and national identity data, using the categories set out in this guidance;
- follow the procedures set out in the guidance for collecting this data.

When this information should be collected

32. This information should be collected in the following circumstances:

- on an annual basis, and at the beginning of the school year in which the pupil reaches age 5, for all new primary school entrants. Where pupils start school after their fifth birthday, the information should be collected when they start school. However, schools with nursery classes may find it more convenient to collect information when the pupil enters the nursery, if that is when contact with parents mainly takes place;
- for pupils over 5 years of age whenever they transfer from an independent school or a school outside Wales;
- or for pupils over 5 years of age whenever they transfer from another maintained school and the data is not available on the Common Transfer File or uses a category not in use in the receiving school.

33. Where pupils transfer from another maintained school, the information, if available, should be supplied by the former school rather than be re-collected.

Obtaining information from parents

For new entrants to the school system

34. As mentioned above, schools should collect national identity and ethnic background data for new primary school entrants - at the beginning of the school year in which the pupil reaches age 5 and for any new entrants to the maintained school system

joining at a later age. Schools should follow the procedure set out below.

- Schools should only gather information on a pupil's national identity and ethnic background after parents have received confirmation of their child's place at school. Such information must not be sought during the admissions process.
- Wherever possible, this information should be obtained at the meeting with parents for new pupils, but schools are not expected to arrange a special meeting with parents for the sole purpose of obtaining this information.

35. Where a meeting with parents takes place, key points for the teacher to explain to the parents are:

- the school is required to report to the Welsh Assembly Government on pupil ethnic background and national identity information that it has collected. Parents are not obliged to provide this information, but it is hoped that they will feel able to do so;
- any information the parents provide will be used solely to compile statistics, and for research purposes, on the school careers and achievements of children from different ethnic backgrounds to help ensure that children from all backgrounds have the opportunity to fulfil their potential;
- these statistics and research will not allow individual children to be identified publicly, and the information will not be used for any other purpose;
- where possible, the school will pass on the information with the child's records to any other school to which the child transfers, including transition from primary to secondary, to save the parents having to be asked for it again;
- the information will be passed to the LEA and the Welsh Assembly Government. This will contribute to local and national statistics and research and will enable the above organisations to observe trends and make comparisons. The aim will not be to focus on individual schools and individual pupils within those schools.

36. Parents should then be given the form at Annex A, invited to read the descriptions of 'national identity' and 'ethnic background' and to tick the appropriate boxes. Schools could also take this opportunity to let parents see their Privacy Notice (PN) 'What the School, Local Education Authority and Welsh Assembly Government does with the Information it holds on Pupils' to give them a better understanding of the information that the school will hold on record for their child. The standard PN template which is used or customised by schools is at Annex C and reference is made to it in the form at Annex A.

37. For some people, particularly Gypsies and Travellers, ethnic monitoring may raise sensitive issues. As with other sensitive personal data, parents or pupils who are concerned, such as those who are 'Travellers' in the generic sense, should not be pressed to provide this information. At the meeting with parents, if teachers should discern any such concerns, they should acknowledge them sensitively, while making clear and positive statements about the current use of such data. Parents could be supported in providing the information, for example, by LEA Traveller Education Services. Colleagues such as these may be able to assist schools in reassuring parents that the data will only be used to support the learning needs of their children and ensure that they will benefit from the education to which they are entitled. This may help to alleviate parents' anxieties about completing the form.

38. In their interaction, and correspondence, with parents schools should be mindful of the need to make forms and letters as intelligible as possible. They should use plain English and format documents in such a way that they can be easily assimilated, perhaps using a fairly large font size, for instance. Schools should be aware that, in some cases - for example, where a person has dyslexia, a first language other than English or experiences problems with literacy due to lack of engagement with formal mainstream education - there may be difficulties understanding and completing the National Identity and Ethnic Background Record Form. In such cases, a sensitive offer of whatever assistance seems appropriate should be considered and made.

39. Teachers may be aware, at their meeting with parents, that some may have difficulty reading the form. In such circumstances, teachers may wish to offer assistance, perhaps by offering to go through the form with parents. However, the LEA should be able to advise schools of the contact details of organisations that can assist parents.

40. If there is no opportunity to obtain the information through a meeting, the school should write to the parents instead sending them the model letter (letter 1 at Annex B) and a copy of the National Identity and Ethnic Background Record Form (Annex A) along with the Privacy Notice, if appropriate, (Annex C). If no reply is received, schools should consider the reasons for this e.g. whether the letter was provided in an accessible format and whether other arrangements may be necessary. If, despite efforts of this nature, there is still no reply this can be taken to imply that the parents are willing for the information to be ascribed by the school. The letter (letter 3 at Annex B) should then be sent to the parents. Further details of ascription by the school and the circumstances in which the school should ascribe an ethnic background to a pupil, including for pupils already on the school roll, are provided in the following section.

Role of parents/adults with parental responsibility and pupils in determining national identity and ethnic background

41. It is recommended that those with parental responsibility should determine the national identity and ethnic background of pupils at primary school.

42. The Information Commissioner has advised that pupils aged 12 to 15 are generally considered capable of deciding their own national identity and ethnic background. It is recommended that decisions regarding a pupil's own ethnic and national identity, if they are aged between 12-15 years old, are best made with the support and knowledge of their parent(s) or of those with parental responsibility in a family context.

43. The decision of a pupil aged 12-15, who is looked after by the local authority, overrides that of the authority.

44. The Information Commissioner advises that pupils aged 16 and over should make their own decisions.

Acceptance of responses

45. Schools must accept the responses provided by parents or pupils. A pupil's national identity and ethnic background are personal to that pupil. Schools must, therefore, accept the response from the parent or pupil, whether or not it accords with their own perception.

Reluctance to provide information

46. If, at the meeting between the teacher and parents, parents are reluctant to provide information, they should be encouraged to do so but should not be pressed. If parents are undecided, they should be invited to return the form at a later date.

Right to refuse to provide data

47. Ethnic background and national identity data are regarded as sensitive personal data and any parent or pupil has the right to refuse to provide it. If a parent or pupil has actively refused to provide this information, by ticking the appropriate boxes on the National Identity and Ethnic Background Record Form, schools must not record a national identity or ethnic background for that pupil. There is a category available in the school MIS software that reflects that the information was refused.

Access by parents, those with parental responsibility and pupils to sensitive personal data held by the school

48. Parents, those with parental responsibility for the pupil and the pupil (the data subject) have the right to see their personal files, including the national identity and ethnic background data held by the school on the pupil. They also have the right to have the national identity and ethnic background data amended or deleted.

Ascription

49. Although parents have the right to refuse to provide ethnic background data, failure to respond to letter 1 at Annex B does not amount to refusal to provide that data. Where parents have not responded within four weeks to the letter requesting the data, the school can then ascribe an ethnic background for the pupil based on its own best judgement. (This is to ensure that ethnic monitoring is based on comprehensive data). Where a pupil's ethnic background needs to be ascribed by the school, this must be done by the member of staff who knows the pupil best (probably their class or form teacher), and who is, therefore, able to make the most accurate judgement possible. Annex D explains the flag to be included on pupils' records to indicate the source of the information, including ascription by the school. In ascribing ethnic backgrounds, the following safeguards must be complied with, in order that the process meets the requirements of the Data Protection Act 1998 and schools need to follow all the steps outlined below:

- a letter (letter 1 at Annex B) must be sent to parents and those with parental responsibility, requesting that they return the completed form within four weeks. The letter explains that if there is no response from the parent, the school will use its best judgement to determine the ethnic background of the pupil in question;
- the letter must tell parents and those with parental responsibility that they have the right to refuse to provide this information but that they must formally notify the school of this refusal;
- parents must be made aware that they have the right, on behalf of their child, to see, amend or delete the national identity and ethnic background record held by the school.

Following these steps will ensure that schools have a consistent policy on ascription to apply to all pupils.

50. The model letter (letter 1 at Annex B) explains ascription to parents and those with parental responsibility and sets out the circumstances in which it will occur. The third model letter (letter 3 at Annex B) should be sent a month after the first letter

and should only be sent to parents and those with parental responsibility who have not returned the National Identity and Ethnic Background Record Form. This letter informs them that the school has recorded an ethnic background for the pupil. However, the letter also emphasises that the parent or pupil may, at any time, have access to this information and may amend or delete it.

National Identity

51. Schools should not ascribe a national identity to a pupil under any circumstances. Where the parent/pupil does not respond to the requests for this information then this should be recorded as the parent/pupil has chosen not to record a national identity.

Availability of letters to parents and the National Identity and Ethnic Background Record Form in languages other than English and Welsh

52. Copies of the National Identity and Ethnic Background Record Form, at Annex A and the three letters to parents at Annex B, are available in the following languages:

Arabic	Punjabi
Bengali	Somali
Cantonese	Urdu
Gujarati	Polish

Copies of the form and letters in these languages can be obtained from:

Benjamin Graham-Woollard
Support for Learners Division
Department for Children, Education, Lifelong Learning and Skills
Welsh Assembly Government
Cathays Park,
Cardiff
CF10 3NQ.

Tel: 029 2082 1745

Email: DCELLS.SupportforLearnersDivision4@wales.gsi.gov.uk

Annex A

National Identity and Ethnic Background Record Form

Pupil's name: _____

Class/Form: _____

This form seeks the following data on the pupil named above:

- the pupil's national identity;
- the pupil's ethnic background.

Explanatory note

National identity and ethnic background

Our national identity relates to which of the national identity groups overleaf we most identify with. Our ethnic background describes how we think of our own ethnicity which may differ from our national identity and may be based on many things, including, for example, our skin colour, language, culture, ancestry or family history. Neither national identity nor ethnic background are necessarily equivalent to nationality or country of birth.

The Information Commissioner has advised that pupils aged 12 to 15 are generally considered capable of deciding their own national identity and ethnic background. It is recommended that decisions regarding a pupil's own ethnic and national identity, if they are aged between 12-15 years old, are best made with the support and knowledge of those with parental responsibility in a family context. The Information Commissioner advises that pupils aged 16 and over should make their own decisions.

Please study the two sections, A and B, of the form overleaf and tick **one box only** in each section, to indicate the national identity and ethnic background of the pupil named above. Please also tick whether the form was filled in by a parent or by the pupil.

Please return the form to the school within four weeks, either by post to the headteacher, or by bringing it into the school office.

The data requested will be stored on the school management information system and used for the purposes outlined in our Privacy Notice. Every effort is made to ensure the accuracy and security of personal data held by the school. Individuals have certain rights of access to personal information held on them; these are outlined in our leaflet "What the School, Local Education Authority and Welsh Assembly Government does with Information it holds on Pupils" copies of which are available on request from [XXXX] or on our web site at [XXXX].

Annex A

Section A: National Identity

Please tick ONE box only and indicate who provided the information below (pupil or parent)

Welsh ☐

English ☐

Scottish ☐

Irish ☐

British ☐

Other (please specify): _____

I do not wish a national identity to be recorded ☐

This information was provided by:

Parent ☐ Pupil ☐

Section B: Ethnic Background (extended categories)

Please tick **ONE** box only and indicate who provided the information below (pupil or parent)

A White			
White - British	<input type="checkbox"/>	Kosovan	<input type="checkbox"/>
Traveller of Irish Heritage	<input type="checkbox"/>	Latvian	<input type="checkbox"/>
'New' Traveller	<input type="checkbox"/>	Lithuanian	<input type="checkbox"/>
Occupational Traveller	<input type="checkbox"/>	Maltese	<input type="checkbox"/>
Other Traveller	<input type="checkbox"/>	Montenegrin	<input type="checkbox"/>
British Gypsy/ Gypsy Roma	<input type="checkbox"/>	Polish	<input type="checkbox"/>
Gypsy/Gypsy Roma from Other Countries	<input type="checkbox"/>	Portuguese	<input type="checkbox"/>
Other Gypsy/Gypsy Roma	<input type="checkbox"/>	Romanian	<input type="checkbox"/>
Albanian	<input type="checkbox"/>	Russian	<input type="checkbox"/>
Bosnian-Herzegovinian	<input type="checkbox"/>	Scandinavian	<input type="checkbox"/>
Bulgarian	<input type="checkbox"/>	Serbian	<input type="checkbox"/>
Croatian	<input type="checkbox"/>	Slovakian	<input type="checkbox"/>
Czech	<input type="checkbox"/>	Slovenian	<input type="checkbox"/>
French	<input type="checkbox"/>	Spanish	<input type="checkbox"/>
German	<input type="checkbox"/>	Turkish/Turkish Cypriot	<input type="checkbox"/>
Greek/Greek Cypriot	<input type="checkbox"/>	Ukrainian	<input type="checkbox"/>
Hungarian	<input type="checkbox"/>	White European Other	<input type="checkbox"/>
Italian	<input type="checkbox"/>	Other White	<input type="checkbox"/>

B Mixed		C Asian or Asian British	
White and Black Caribbean	<input type="checkbox"/>	Indian	<input type="checkbox"/>
White and Black African	<input type="checkbox"/>	Mirpuri Pakistani	<input type="checkbox"/>
White and Asian	<input type="checkbox"/>	Other Pakistani	<input type="checkbox"/>
White and Chinese	<input type="checkbox"/>	Bangladeshi	<input type="checkbox"/>
White and Any Other Ethnic Group	<input type="checkbox"/>	African Asian	<input type="checkbox"/>
Asian and Black	<input type="checkbox"/>	Kashmiri	<input type="checkbox"/>
Asian and Chinese	<input type="checkbox"/>	Nepali	<input type="checkbox"/>
Asian and Any Other Ethnic Group	<input type="checkbox"/>	Sinhalese	<input type="checkbox"/>
Black and Chinese	<input type="checkbox"/>	Sri Lankan Tamil	<input type="checkbox"/>
Black and Any Other Ethnic Group	<input type="checkbox"/>	Other Asian	<input type="checkbox"/>
Chinese and Any Other Ethnic Group	<input type="checkbox"/>		
Other Mixed Background	<input type="checkbox"/>		

D Black or Black British		E Chinese or Chinese British	
Caribbean	<input type="checkbox"/>	Hong Kong Chinese	<input type="checkbox"/>
Ghanaian	<input type="checkbox"/>	Malaysian Chinese	<input type="checkbox"/>
Nigerian	<input type="checkbox"/>	Singaporean Chinese	<input type="checkbox"/>
Sierra Leonian	<input type="checkbox"/>	Taiwanese	<input type="checkbox"/>
Somali	<input type="checkbox"/>	Other Chinese	<input type="checkbox"/>
Sudanese	<input type="checkbox"/>		
Other Black African	<input type="checkbox"/>		
Black European	<input type="checkbox"/>		
Black North American	<input type="checkbox"/>		
Other Black	<input type="checkbox"/>		

F Any other ethnic background	
Afganistani <input type="checkbox"/>	Libyan <input type="checkbox"/>
Arab <input type="checkbox"/>	Lebanese <input type="checkbox"/>
Egyptian <input type="checkbox"/>	Malay <input type="checkbox"/>
Filipino <input type="checkbox"/>	Moroccan <input type="checkbox"/>
Irani <input type="checkbox"/>	Polynesian <input type="checkbox"/>
Iraqi <input type="checkbox"/>	Thai <input type="checkbox"/>
Japanese <input type="checkbox"/>	Vietnamese <input type="checkbox"/>
Korean <input type="checkbox"/>	Yemeni <input type="checkbox"/>
Kurdish <input type="checkbox"/>	Other Ethnic Group <input type="checkbox"/>
Latin/South/Central American <input type="checkbox"/>	

I do not wish an ethnic background to be recorded ☐

This information was provided by:

Parent ☐ Pupil ☐

Annex B

This annex contains three letters to parents:

Letter 1 - should routinely be sent with the form at Annex A to parents of new entrants who have not completed a National Identity and Ethnic Background Form at a meeting at the school. The Privacy Notice (at Annex C) should also be sent if parents have not yet seen a copy.

Letter 2 - for the 2009 re-survey exercise, this letter, and the form at Annex A, should be sent to the parents of all pupils already on roll with the exception of those pupils for whom ethnicity data has recently been collected based on the extended categories. The Privacy Notice (at Annex C) should also be sent if parents have not yet seen a copy. They will have provided information on their child's national identity and ethnic background before the extended categories were available and deserve this extended choice and an explanation as to why they are being asked for it again. Although there has been no change to the national identity categories, because they are included in the form, parents will need to re-state their selected category for the sake of completeness.

Letter 3 - should be sent, together with the form at Annex A, a month later, to parents who have not completed the form. It informs them that an ethnic background has been ascribed to their child.

The letters should use the school's letterhead, though letters 1 and 2 make it clear that the data is asked for by the Welsh Assembly Government.

Model letters to parents

Model Letter 1:

[Date]

Dear Parent

Collection and Recording of Data on Pupils' National Identity and Ethnic Background

I enclose a form for you to fill in about the national identity and ethnic background of your child, as all schools are asked to do by the Welsh Assembly Government. Please read the descriptions of "national identity" and "ethnic background" then tick the appropriate boxes on the form. Please return the form to me in the enclosed envelope, or you may bring it to the school office.

We are committed to ensuring that pupils from all ethnic backgrounds enjoy equal opportunities to fulfil their potential in every aspect of school life. The information we are requesting now will help us to achieve that, therefore, we hope you will feel able to provide this information and fill in the enclosed form. These details will increase the level of knowledge we have about our pupils and the communities we serve. It will also help us to plan and meet individual pupil's learning needs and assist us in ensuring that the curriculum meets the specific needs of individuals and groups of pupils.

The Information Commissioner has advised that pupils aged 12-15 are generally considered capable of deciding their own national identity and ethnic background. It is recommended that this decision be made with the support and knowledge of the parent or person with parental responsibility. Pupils aged 16 and over are recommended to make their own decision.

The information you provide will also be used to compile statistics on the school careers, experiences and achievements of pupils from different ethnic backgrounds. The statistics will help to highlight any areas in which pupils from particular ethnic backgrounds may not enjoy the opportunity to fulfil their potential. It will then be possible

to address these areas. The statistics will also help to highlight good practice, so that it can be identified and shared between schools and Local Education Authorities throughout Wales.

These statistics will not allow individual children to be identified publicly and the information will only be used for statistical and research purposes. This information will be passed to the Local Education Authority and the Welsh Assembly Government to contribute to local and national statistics.

Where possible, information about your child's national identity and ethnic background will be passed on to any other school in Wales to which your child transfers, to save you being asked for it again.

If you do not wish to provide your child's national identity and/or ethnic background information, please tick the appropriate box or boxes on the enclosed form.

If you do not return the form, this will not, in itself, amount to refusal to provide the information. If you have not returned your completed form within four weeks, the school will use its best judgement to assess the ethnic background of your child, noting that the information has been arrived at in this way, rather than provided by you. The school will let you know this decision and you can ask to have the information altered or removed, if you wish. The school will not, however, assess your child's national identity.

Please note that you can ask to check your child's information at any time, and, if you wish, you may have the national identity and/or ethnic background information changed or removed.

Thank you very much for your assistance.

Yours sincerely

[Headteacher's name]

Model Letter 2:

[Date]

Dear Parent

Collection and Recording of Data on Pupils' National Identity and Ethnic Background

I enclose a form for you to fill in about the national identity and ethnic background of your child, as all schools are asked to do so by the Welsh Assembly Government. Please read the descriptions of 'national identity' and 'ethnic background', then tick the appropriate boxes on the form. Please return the form to me in the enclosed envelope, or you may bring it to the school office.

We are committed to ensuring that pupils from all ethnic backgrounds enjoy equal opportunities to fulfil their potential in every aspect of school life. The information we are requesting now will help us achieve that, therefore, we hope you will feel able to provide this information and fill in the enclosed form. These details will increase the level of knowledge we have about our pupils and the communities we serve. It will also help us to plan and meet individual pupil's learning needs and assist us in ensuring that the curriculum meets the specific needs of individuals and groups of pupils.

We have asked you about your child's ethnic background and national identity before. However, we need to check with parents again, as there have been changes in the ethnic categories being used throughout Wales. The form also covers your child's national identity and, although there have been no changes to the choices from which you previously selected, you are asked to fill in that part of the form again for the sake of completeness. This will assist the school office when it comes to entering details into pupils' records.

The Information Commissioner has advised that pupils aged 12-15 are generally considered capable of deciding their own national identity and ethnic background. It is recommended that this decision be made with the support and knowledge of the parent or person with parental responsibility. Pupils aged 16 and over are recommended to make their own decisions.

The information you provide will also be used to compile statistics on the school careers, experiences and achievements of pupils from different ethnic backgrounds. The statistics will help to highlight any areas where pupils from particular ethnic backgrounds may not enjoy the opportunity to fulfil their potential. It will then be possible to address these areas. The statistics will also help to highlight good practice, so that it can be identified and shared between schools and Local Education Authorities throughout Wales.

These statistics will not allow individual children to be identified publicly and the information will only be used for statistical and research purposes. This information will be passed to the Local Education Authority and the Welsh Assembly Government to contribute to local and national statistics.

Where possible, information about your child's national identity and ethnic background will be passed on to any other school in Wales to which your child transfers, to save you being asked for it again.

If you do not wish to provide your child's national identity and/or ethnic background information, please tick the appropriate box or boxes on the enclosed form.

If you do not return the form, this will not, in itself, amount to a refusal to provide the information. If you have not returned the form within four weeks, the school will use its best judgment to assess the ethnic background of your child, noting that the information has been arrived at in this way, rather than provided by you. The school will let you know this decision and you can ask to have the information altered or removed, if you wish. The school will not, however, assess your child's national identity.

Please note that you can ask to check your child's information at any time, and, if you wish, you may have the national identity and/or ethnic background information changed or removed.

Thank you very much for your assistance.

Yours sincerely

A month after receiving the National Identity and Ethnic Background Record Form, Letter 3 below should be sent to parents who have not responded. A further copy of the form should be enclosed for ease of reference.

Model Letter 3:

[Date]

Dear Parent

Collection and Recording of Data on Pupils' National Identity and Ethnic Background

You may recall receiving a letter from us about a month ago, asking you to fill in a form about the national identity and ethnic background of your child, [child's name]. I am enclosing the form again. We have not received a reply from you, so, as we said in our previous letter, we have used our best judgement to arrive at an ethnic background for your child, as recommended by the Welsh Assembly Government. [Child's name] has been recorded as [ethnic background], with a note that the information has been provided by the school rather than by you. No attempt has been made to record a national identity for your child.

If you wish, you can have this ethnic background changed or removed by returning the form enclosed, or by writing to us or visiting us at the school.

Many thanks.

Yours sincerely

[Headteacher's name]

Annex C

Privacy Notice: What the School, Local Education Authority and Welsh Assembly Government does with Information it holds on Pupils

Subject

To meet the requirements of the Data Protection Act 1998, schools are required to issue a Privacy Notice to pupils and/or parents summarising the information held on record about pupils, why it is held, and the third parties to whom it may be passed on.

This Privacy Notice provides information about the collection and processing of pupils' personal and performance information by the Welsh Assembly Government, **XXXXXX** Local Education Authority (LEA) and **XXXXXX** School.

The collection of personal information

The school collects information about pupils and their parents or legal guardians when they enrol at the school. The schools also collect information at other key times during the school year. Information is also received from other schools when pupils transfer.

The **School** processes the information it collects to administer the education it provides to pupils. For example:

- the provision of educational services to individuals;
- monitoring and reporting on pupils' educational progress;
- the provision of welfare, pastoral care and health services;
- the giving of support and guidance to pupils, their parents and legal guardians;
- the organisation of educational events and trips;
- planning and management of the school.

Welsh Assembly Government & Local Education Authority (LEA)

The Welsh Assembly Government receives information on pupils normally as part of what is called the Pupil Level Annual Schools' Census (PLASC). The Welsh Assembly Government uses this personal information for research (carried out in such a way that ensures individual pupils cannot be identified) and for statistical purposes, to inform, influence and improve education policy and to monitor the performance of the education service as a whole. Examples of the sort of statistics produced can be viewed at www.wales.gov.uk/statistics

The LEA also uses the personal information collected via PLASC to do research. It uses the results of this research to make decisions on policy and the funding of schools, to calculate the performance of schools and help them to set targets. The research is carried out in such a way that ensures individual pupils cannot be identified.

In addition, the Welsh Assembly Government and LEAs receive information regarding National Curriculum assessment and Public Examination results and attendance data at pupil level.

Personal information held

The sort of personal information that will be held includes;

- personal details such as name, address, date of birth, pupil identifiers and contact details for parents and guardians;
- information on performance in internal and national assessments and examinations;
- information on the ethnic origin and national identity of pupils (this is used only to prepare summary statistical analyses);
- details about pupils' immigration status (this is used only to prepare summary statistical analyses);
- medical information needed to keep pupils safe while in the care of the school;
- information on attendance and any disciplinary action taken;

- information about the involvement of social services with individual pupils where this is needed for the care of the pupil.

Organisations who may share personal information

Information held by the School, LEA and the Welsh Assembly Government on pupils, their parents or legal guardians may also be shared with other organisations when the law allows, for example with:

- other education and training bodies, including schools, when pupils are applying for courses, training, school transfer or seeking guidance on opportunities;
- bodies doing research for the Welsh Assembly Government, LEA and schools, so long as steps are taken to keep the information secure;
- central and local government for the planning and provision of educational services;
- social services and other health and welfare organisations where there is a need to share information to protect and support individual pupils;
- various regulatory bodies, such as ombudsmen and inspection authorities, where the law requires that information be passed on so that they can do their work.

Pupils have certain rights under the Data Protection Act, including a general right to be given access to personal data held about them by any organisation. The presumption is that by the age of 12 a child has sufficient maturity to understand their rights and to make an access request themselves if they wish. A parent would normally be expected to make a request on a child's behalf if the child is younger.

If you wish to access your personal data, or that of your child, then please contact the relevant organisation in writing. Details of these organisations can be found on the following website (**School or LEA website**) or for those pupils/parents where this is not practical, a hard copy can be obtained from the school (**add details of who should be contacted**).

Other information

The Welsh Assembly Government, LEA and school place a high value on the importance of information security and have a number of procedures in place to minimise the possibility of a compromise in data security.

The Welsh Assembly Government, LEA and school will endeavour to ensure that information is kept accurate at all times. Personal information will not be sent outside the United Kingdom.

Your rights under the Data Protection Act 1998

The Data Protection Act 1998 gives individuals certain rights in respect of personal information held on them by any organisation. These rights include:

- the right to ask for and receive copies of the personal information held on you, although some information can sometimes be legitimately withheld;
- the right, in some circumstances, to prevent the processing of personal information if doing so will cause damage or distress;
- the right to ask for wrong information to be put right;
- the right to seek compensation if an organisation does not comply with the Data Protection Act 1998 and you personally suffer damage;
- in some circumstances a pupil's parent or legal guardian will have a right to receive a copy of personal data held about a pupil in their legal care. Such cases will be considered on an individual basis where the individual is deemed to have insufficient understanding of their rights under the Act.

You also have the right to ask the Information Commissioner, who enforces and oversees the Data Protection Act 1998, to assess whether or not the processing of personal information is likely to comply with the provisions of the Act.

Seeking further information

For further information about the personal information collected and its use, if you have concerns about the accuracy of personal information, or wish to exercise your rights under the Data Protection Act 1998, you should contact:

- your child's school on **XXXX XXXXXX**;
- your LEA on **XXXX XXXXXX**;
- the Welsh Assembly Government's data protection officer at:
The Welsh Assembly Government,
Cathays Park,
Cardiff,
CF10 3NQ;
- the Information Commissioner's office help line can be contacted on 01625 545 745;
- information is also available from *www.ico.gov.uk*

Annex D

Source of ethnic background information - details of pupil record flags

When recording a pupil's ethnic background the source of ethnic background information is to be identified separately. The valid categories are:

- Provided by the parent(s)
- Provided by the pupil
- Ascribed by this school
- Ascribed by a previous school
- Other/not known

Annex E

School Action Checklist

- Use the revised ethnicity categories for all new pupils with immediate effect;
- Undertake a one-off re-collation survey in the Autumn 2009 of all pupils on roll but excluding those new pupils for whom the revised ethnicity categories have recently been recorded;
- From 2010 apply the general arrangements outlined in this Circular.

Local Education Authority Action Checklist

Ensure schools have collected all relevant data in good time for the January PLASC 2010 exercise (we suggest a completion deadline of 1 November 2009).

Annex F

Related Documents:

Welsh Office Circular 35/98 "Reports on Pupil Achievements from 1999";

Welsh Office 41/89 "Ethnically-Based Statistics on School Pupils";

National Assembly for Wales Circular 27/02 'Collecting and Recording Data on Pupils' Ethnic Background' 2002.

Information Management Strategy (IMS) (Main Page):
www.wales.gov.uk/ims

Information Management Strategy (IMS) Binder:
http://new.wales.gov.uk/topics/educationandskills/policy_strategy_and_planning/schools/ims/datamanagementims/?lang=en

s2s and the Common Transfer System (CTS):
http://new.wales.gov.uk/topics/educationandskills/policy_strategy_and_planning/schools/ims/dataexchange/s2sandthects/?lang=en

Educational Records, School Reports and the Common Transfer System - the keeping, disposal, disclosure and transfer of pupil information.

http://new.wales.gov.uk/topics/educationandskills/publications/circulars/educational_records?lang=en

British Educational Communications and Technology Agency (BECTA) website
<http://www.becta.org.uk/>

Further copies of this document are available from:

Benjamin Graham-Woollard
Support for Learners Division
Department for Children, Education, Lifelong Learning and Skills
Welsh Assembly Government
Cathays Park
Cardiff
CF10 3NQ

Tel: 029 2082 1745

E-mail: DCELLS.SupportforLearnersDivision4@wales.gsi.gov.uk