

Guidance for schools on the collection and recording of data on pupils' ethnic background (in compliance with the Data Protection Act and the 2001 national population Census)

Schools in England have collected information on the ethnic background of their pupils since 1990. Data on ethnicity must be collected from all pupils currently attending Kent schools. It is one element of data that schools must report, as a statutory requirement, to the DfE, through the School Census three times a year.

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Introduction

Ethnic monitoring and data collection are fundamental for providing the means for schools to analyse the impact of their policies and procedures on all pupils. Understanding the ethnic and cultural background of their pupils will enable a school to ensure accurate monitoring of attainment and targeting of resources in order to ensure all children and young people fulfil their potential and have equality of opportunity. Information on the first language will raise awareness of the potential needs of the child or young person as having English as an Additional Language.

Understanding of a child or young person's cultural and educational background will enhance the school's ability to personalise learning and to understand the possible barriers to achievement that may need to be overcome. It will also enable the school to establish strategies to raise standards and to comply with equal opportunities legislation and with the Race Relations Amendment Act (2002). A curriculum which reflects the diversity within a school can have a positive impact on the attendance and achievement of individual pupils and on community cohesion within the school community and beyond. Failure to collect this data and under-reporting in these fields will adversely affect the financial resources available to support the additional needs of Minority Ethnic pupils and pupils with EAL

1) Seeking information from parents

The collection of ethnic data can be a sensitive issue for some parents. Parents who have experienced racism and prejudice may feel reluctant to identify their ethnicity.

Schools should only gather information on a pupil's ethnic background after parents have

received confirmation of their child's place at the school. For new entrants to primary schools, this data should be requested prior to the child being admitted to the school, which for most pupils will be when they are about to enter nursery or reception.

Whilst secondary schools should receive data on a pupil's ethnicity from their feeder primary school, it is recognised that many schools will continue to request this data from parents prior to admission as part of their general data collection exercise. For pupils transferring from an independent school or a school outside England, the data will need to be requested on admission.

2) Collection of ethnic background data on new pupils

- Data should be collected on **first entry** to a UK mainstream school.
- For pupils from abroad who arrive at later stages, mid phase and/or mid term it is essential to use the appropriate KCC Ethnic Monitoring Questionnaire and to enter the information thus gathered onto the individual pupil record as soon as possible, using the drop-down lists of ethnicities.
- Failure to obtain this information should be recorded by choosing "Not Obtained" from the drop-down list, and every effort should be made to gather the information in the future.
- Any parent or pupil has the **right to refuse** to provide this information. **If a parent or pupil actively refuse, schools must not record an ethnic background** (record as 'Refused'). Parents may need reassurance as to the purpose of the data and who will have access to it.
- Those with parental responsibility should determine the ethnic background for children at primary school. Pupils aged 11-15 can determine their own ethnicity but this is best made with the support and knowledge of their parent/carer(s). Pupils aged 16 + should make their own decisions.

Care should be taken to ensure that families are supported sensitively in making an appropriate declaration and that the correct ethnicity is recorded

- The Pupils Ethnic Monitoring Questionnaire.
<http://www.kenttrustweb.org.uk/Finance-Assessment/datacollection>
- The school should print the appropriate number of forms as required. It is recommended that the pupil's name be written on the translated questionnaires before they are given to the parents/guardians of a pupil.
- A DfE explanatory leaflet for parents, entitled "What parents need to know", which explains the nature of the data collection exercise, why this information is being requested and how the data will be used and safeguarded in the future.
- The DfE leaflet has also been translated into other languages – Arabic, Bengali, Chinese, Farsi, French, Greek, Gujarati, Hindi, Portuguese, Punjabi, Somali, Turkish, Urdu and Vietnamese. Should you require a copy of the leaflet in any of these languages they can be printed direct from the DfE website. The address is www.standards.DfE.gov.uk/ethnicminorities

3) Role of parents/guardians and pupils in determining ethnic background

The DfE recommends that for children aged up to 11, those with parental responsibility should make the decision on the ethnic background of the child.

The Information Commissioner (formerly the Data Protection Registrar) has advised that pupils aged 11 to 15 are sufficiently mature to determine their own ethnic background. The DfE recommend that decisions regarding a pupil's own ethnic identity if they are aged between 11-15 years old, are best made with the support and knowledge of their parent(s) or those with parental responsibility. However it is the child's decision that matters and this should take precedence over that of their parents. Any collection of data from pupils should be done in a discreet and confidential manner and should, with the young person's agreement, be shared with their parents or carers.

The decision of a pupil aged 11 –15 who is looked after by the local authority overrides that of the authority.

The Information Commissioner advises that pupils aged 16 and over should make their own decision as to their ethnic background.

4) Ascription of an ethnic background by the school

In some cases, a school may anticipate that the response from a parent will not be forthcoming. The school may consider whether it would be appropriate to undertake ascription of an ethnic background. Ascription by the school should only be undertaken as a last resort. It is the sole responsibility of the Headteacher to make this decision and the burden of proof lies with him/her. Undertaking the process of ascription should be a voluntary decision by the school and schools should not be pressured into making this decision.

If the decision to ascribe ethnic categories is made, a number of safeguards must be complied with in order that the process meets the requirements of Data Protection legislation and schools need to follow all the steps outlined below.

- i) A letter must be sent to parents by post, requesting that they return the completed form within four weeks. The letter explains that if there is no response from the parent, the school may use its best judgement to determine the ethnic background of the pupil in question**
- ii) The letter must contain a stamped addressed envelope to ensure that the parents' response is returned to the school safely**
- iii) The letter must tell parents that they have the right to refuse to provide this information but that they must formally notify the school of this refusal**
- iv) Parents must be made aware that they have the right, on behalf of their child, to see, amend or delete the ethnic background record held by the school**
- v) Schools should have a consistent policy on ascription and it should apply to**

all pupils and all ethnic backgrounds.

In order to meet data protection requirements, it is essential that information provided by parents or pupils can be distinguished from information ascribed by the school.

Schools should record the appropriate value of the “source code” in addition to the new ethnic category.

The “source code” can take the following values:

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

(Guidance for Local Authorities on schools' collection and recording data on pupils' ethnic background (in compliance with the Data Protection Act and the 2001 national population Census January 2003)

5) Additional information on collecting and using ethnic background data on pupils

Reluctance to provide information

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

Acceptance of responses

Schools must accept the responses provided by parents or pupils. A pupil's ethnicity is personal to that pupil and the individual's decision should not be questioned.

Right to refuse to provide data

Ethnic background data is regarded as sensitive personal data and any parent or pupil has the right to refuse to provide this information. If a parent or pupil has refused to provide this information schools **must not** record an ethnic background for that pupil.

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

Those with parental responsibility for the pupil, and the pupil have the right to see their personal files, including the ethnic background data held by the school on the individual. They also have the right to have this data amended or deleted.

How will this information be used?

The information gathered will be used solely to compile statistics and target resources for children from different ethnic backgrounds. These statistics will not allow individual pupils to be identified in the public domain and the information will not be used for any other purpose. The individual pupil data collected in this exercise will only be available to the pupil's school, the LA and the DfE and will not be passed onto a third party or published publicly with any details that could potentially identify a pupil. Schools may pass ethnicity data for individual pupils to any school to which they transfer, to save asking parents again for this information.

The School Census makes it possible to link ethnic background information with other pupil data such as gender and attainment. This data will be a valuable means to enable schools, the LA and the DfE to monitor attainment and hence gain a better insight into the complex issues that may contribute to variations of attainment by different groups of pupils. The data may also be used to monitor exclusions and attendance to make sure that no single group is missing out on school. For all this to be effective, it is important that schools record an ethnic category for as many pupils as possible and ideally for all pupils.

6) Software issues and the School Census

For SIMS software issues you should contact **EIS** via their helpdesk number 01622 683708 or your local software supplier.

For School Census guidance or entering codes into SIMS please contact your dedicated MIU School District Contact located via

http://www.kenttrustweb.org.uk/Finance-Assessment/maninfo_structure.cfm

or E-mail: management.information@kent.gov.uk

7) Further Information

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Copies of the DfE leaflet in a number of languages are available to download from the DfE website: www.standards.DfE.gov.uk/ethnicminorities

The ethnic data collection questionnaire and model letters in a number of languages can be found on the KCC website at

<http://www.kenttrustweb.org.uk/Finance-Assessment/datacollection.cfm>

The DfE website also contains a lot of useful information including a frequently asked question and answer section.

The site address is: www.standards.DfE.gov.uk/ethnicminorities