

Privacy Notice (how we use employee information)

The categories of employee information that we collect, process, hold and share include:

- personal information (such as name, passport number, bank details, national insurance number)
- special categories of data including characteristics information such as gender, age, ethnic group – this is collected anonymously for Equal Opportunities purposes
- contract information (such as start dates, hours worked, post, roles and salary information)
- work absence information (such as number of absences and reasons)
- qualifications and DBS numbers
- relevant medical information on your health declaration and return to work self-certification forms

Why we collect and use this information

We use employee data to:

- Make a decision about your recruitment or appointment
- Determine the terms on which you work for us.
- Administering the contract we have entered into with you
- ensure that staff have the legal right to work in the UK
- ensure that all staff have the relevant qualifications required for their role
- support individuals with any health needs or other requirements
- enable individuals to be paid and, if you are an employee or deemed employee for tax purposes, deducting tax and National Insurance contributions (NICs)
- enable us to fulfil our duty of care to our employees
- Conduct business management and planning, including accounting and auditing.
- Conduct performance reviews, managing performance and determining performance requirements.
- Make decisions about salary reviews and compensation.
- Assess qualifications for a particular job or task, including decisions about promotions.
- Gather evidence for possible grievance or disciplinary hearings.
- Make decisions about your continued employment or engagement.
- Assess and deliver education, training and development requirements.
- Deal with legal disputes involving you, or other employees, workers and contractors, including accidents at work.
- Ascertain your fitness to work.
- Managing sickness absence.
- Comply with health and safety obligations.
- To prevent fraud.

The lawful basis on which we process this information

We process this information under the following legal basis:

- Contract: In that the information we process is necessary for us to fulfil our contractual obligations to you.
- Legitimate Interest: Through the course of employment it may be necessary for us to process data that is related to individual employees. For example; information around absence trends, retention statistics etc. All processing that takes place is what would be reasonably expected as part of an employee / employer relationship and is undertaken with full consideration to individuals' rights and privacy.

Special Category Data

Special categories of particularly sensitive personal information, such as information about your health, racial or ethnic origin, sexual orientation, or trade union membership, require higher levels of protection. We need to have further justification for collecting, storing and using this type of personal information. We have in place an appropriate policy document and safeguards which we are required by law to maintain when processing such data. We may process special categories of personal information in the following circumstances:

1. In limited circumstances, with your explicit written consent.
2. Where we need to carry out our legal obligations or exercise rights in connection with employment.
3. Where it is needed in the public interest, such as for equal opportunities monitoring
4. Where it is necessary to protect you or another person from harm.

Less commonly, we may process this type of information where it is needed in relation to legal claims or where it is needed to protect your interests (or someone else's interests) and you are not capable of giving your consent, or where you have already made the information public.

Situations in which we will use your sensitive personal information

In general, we will not process particularly sensitive personal information about you unless it is necessary for performing or exercising obligations or rights in connection with employment. On rare occasions, there may be other reasons for processing, such as it is in the public interest to do so. The situations in which we will process your particularly sensitive personal information include the following.

We will use information about your physical or mental health, or disability status, to:

- ensure your health and safety in the workplace;
- assess your fitness to work;
- provide appropriate workplace adjustments;
- monitor and manage sickness absence; and
- administer benefits including statutory maternity pay, statutory sick pay

We need to process this information to exercise rights and perform obligations in connection with your employment.

If we reasonably believe that you or another person are at risk of harm and the processing is necessary to protect you or them from physical, mental or emotional harm or to protect physical, mental or emotional well-being.

Collecting this information

Whilst the majority of information you provide to us is mandatory, some of it is provided to us on a voluntary basis. In order to comply with data protection legislation, we will inform you whether you are required to provide certain school workforce information to us or if you have a choice in this. Where we process data on the basis of consent you have the right to withdraw such consent. Should you wish to do so please contact us at compoff@mamabear.co.uk.

Storing this information

We hold employee data for 6 years after staff have ended their employment with the company.

Who we share this information with

We share this information with: our local authority (by means of staff census), DfE, Ofsted. We are also required to share information with our pension provider. Additionally we may share your personal information with other third parties, for example in the context of the possible sale or restructuring of the business. In this situation we will, so far as possible, share anonymised data with the other parties before the transaction completes. Once the transaction is completed, we will share your personal data with the other parties if and to the extent required under the terms of the transaction.

We may also need to share your personal information with a regulator or to otherwise comply with the law. This may include making returns to HMRC.

Why we share school workforce information

We do not share information about workforce members with anyone without consent unless the law and our policies allow us to do so.

Local authority

We are required to share information about our workforce members with our local authority (LA) under section 5 of the Education (Supply of Information about the School Workforce) (England) Regulations 2007 and amendments. We would also need to give staff details to the LADO and / or Ofsted if allegations were raised against them.

Department for Education (DfE)

We share personal data with the Dept. for Education (DfE) on a statutory basis. This data sharing underpins workforce policy monitoring, evaluation, and links to funding and the assessment of educational attainment.

Ofsted

During inspections Ofsted will ask to see evidence of staff qualifications and DBS numbers

Data collection requirements

The DfE collects and processes personal data relating to those employed in Early Years Settings. All settings are required to make a census submission because it is a statutory return under the Education Act 2005. To find out more about the data collection requirements placed on us by the Department for Education including the data that we share with them, go to <https://www.gov.uk/guidance/early-years-census> . The department may share information about Early Years employees with third parties who promote the education or well-being of children or the effective deployment of Early Years staff in England by:

- conducting research or analysis
- producing statistics
- providing information, advice or guidance

The DfE has robust processes in place to ensure that the confidentiality of personal data is maintained and there are stringent controls in place regarding access to it and its use. Decisions on whether DfE releases personal data to third parties are subject to a strict approval process and based on a detailed assessment of:

- who is requesting the data
- the purpose for which it is required
- the level and sensitivity of data requested; and
- the arrangements in place to securely store and handle the data

To be granted access to school workforce information, organisations must comply with its strict terms and conditions covering the confidentiality and handling of the data, security arrangements and retention and use of the data. For more information about the department's data sharing process, please visit: <https://www.gov.uk/data-protection-how-we-collect-and-share-research-data>. To contact the department: <https://www.gov.uk/contact-dfe>

Requesting access to your personal data

Under data protection legislation, you have the right to request access to information about you that we hold. To make a request for your personal information, contact compoff@mamabear.co.uk

You also have the right to:

- object to processing of personal data that is likely to cause, or is causing, damage or distress
- prevent processing for the purpose of direct marketing
- object to decisions being taken by automated means
- in certain circumstances, have inaccurate personal data rectified, blocked, erased or destroyed; and
- claim compensation for damages caused by a breach of the Data Protection regulations

If you have a concern about the way we are collecting or using your personal data, we ask that you raise your concern with us in the first instance at compoff@mamabear.co.uk . Alternatively, you can contact the Information Commissioner's Office at <https://ico.org.uk/concerns/>

Further information

If you would like to discuss anything in this privacy notice, please contact: Our Compliance Officer at compoff@mamabear.co.uk

Policy – 05-118c

Updated 01/06/2023

Reviewed 06/06/2024