

GDPR privacy notice: Applicants to a new role



Prospective employees

1. Who processes your information?

As part of the Academy Trust's recruitment process, certain information needs to be collected so your application can be considered. The following privacy notice informs you how the Academy Trust intends to collect, use, process and store your data.

The Academy Trust is the data controller, and they are responsible for any personal data that is provided to them. This means that they determine the purposes for, and the manner in which, any personal data relating to any prospective staff member is to be processed. Within each school the Headteacher acts as the representative of the Academy Trust and can be contacted at the School address.

Chris Haves is the data protection officer (DPO). Their role is to oversee and monitor the Academy Trust's data processing practices. This individual can be contacted on: 0191 2853895 option 3 or chris.haves@smartacademies.net if you have any queries pertaining to how the school processes data.

Where necessary, third parties may be responsible for processing personal information. Where this is required, the Academy Trust places data protection requirements on third party processors in line with their own data protection requirements, to ensure data is processed in line with prospective staff members' privacy rights.

2. Why do we need your information?

The Academy Trust has the legal right and a legitimate interest to collect and process personal data relating to its prospective employees to ensure the school's safeguarding and safer recruitment protocols are upheld. We process personal data to meet the requirements set out in UK employment and childcare law, including those in relation to the following:

- The Academy Trust's Funding Agreement with the Department for Education
- The Academy's legal framework- Academies Act 2010, Charities Act 2011 and Companies Act 2006 and Education Act 2011
- Safeguarding Vulnerable Groups Act 2006 and Keeping Children Safe In Education 2016 regulations and barred list and prohibition checks.
- The Childcare (Disqualification) Regulations 2009
- The prohibition from management Section 128 check Education and Skills Act 2008
- Rehabilitation of Offenders Act 1974

- To comply with our duties as an employer- Employment Rights Act 1996
- To comply with our duties under the Health and Safety at work Act 2015
- Education (Health Standards) (England) Regulation 2003
- The Equality Act 2016
- The Pensions Act 2008.

Individuals who are recruited will have their personal data processed to assist in the running of the operations of the Academy Trust, to meet our responsibilities under Safeguarding, Employment and Equality law and to enable individuals to be paid and join our pension schemes.

If prospective members of staff fail to provide their personal data, there may be significant consequences. These include the following:

3. Pre-Employment checks

Failure to provide or apply for the following will prevent employment within the Academy Trust:

- Right to Work Check- the required proof of a right to work in the UK (employees found to be working illegally could also face prosecution);
- Enhanced DBS Check application- including where appropriate Barred List and Prohibition checks;
- Details of work/study outside the EEA;
- The provision of the details of your last employer for reference checks;
- The provision of the details of a second referee for reference checks;
- The provision of all relevant educational certification;
- The provision of information relating to your Medical clearance-as required under the Education (Health Standards) (England) Regulation 2003.

3.1 Salary and Pensions

Failure to provide personal information could lead to issues of delayed payments or an employee paying too much tax.

As an employer we are required under the Pensions Act 2008 to auto enrol all staff into the pension scheme operated by the Academy Trust/Teachers pensions scheme. Without your personal information we would be unable to do this, therefore there is a contractual and legal reason for us to process your data for this purpose.

4. For which purposes are your personal data processed?

In accordance with the above, personal data pertaining to prospective members of staff is used for the following reasons:

- Contractual requirements- to fulfil our obligations to you

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- Pre-Employment checks, e.g. Enhanced DBS, Right to work in the UK, References, Qualifications, Health checks.
- Salary and Payroll requirements
- Human Resource requirements e.g. supporting you within your employment
- Pensions requirements
- Occupational Health referrals
- Appraisal
- Training and CPD
- To advise parents and pupils in relation to the names and positions of staff
- On school websites to showcase the school, class or staff achievements
- To provide information in relation to staff workforce census
- To provide statutory reports to the Office of National Statistics
- To provide data to inform the Gender pay gap reporting requirements
- To model staffing costs
- To consider Pay awards
- To work with Trades Unions

5. Which data is collected?

The personal data the Academy Trust will collect from the prospective members of staff includes the following:

- Names
- National insurance numbers
- Sensitive personal characteristics such as ethnic group
- Application forms for recruitment processes
- References from employers / character references
- Information in relation to safer recruitment
- Documentation and evidence to support Enhanced Disclosure and Barred List checks, S128 checks, Prohibition order from teaching checks.
- Documentation to prove the Right to Work- e.g. UK Passport, UK Birth Certificate, Right to Abode certificates
- Information to provide reasonable adjustments should this be declared to us or become known
- Bank details for the payment of salaries/ expenses
- Qualifications and Qualified Teacher and Induction status checks
- Absence information including sick notes
- Appraisal information and documentation
- Information related to training and CPD activities
- Details and information in relation to Human Resources activities
- Your employment contractual terms, length of service, job role and pay rates

5.1 The collection of personal information will benefit both the DfE and Academy Trust by:

- Improving the management of workforce data across the sector.
- Enabling the development of a comprehensive picture of the workforce and how it is deployed.

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- Meeting the legal requirements expected of an employer
- Providing statutory data including workforce census, ONS, Gender Pay Gap reporting.
- Informing the development of recruitment and retention policies.
- Informing staff development policies
- Allowing better financial modelling and planning.
- Enabling ethnicity and disability monitoring.
- Supporting the work of the school teachers' review body.

6. Will your personal data be sought from third parties?

6.1 Data only obtained by the data subject

Staff members' personal data is only sought from the data subject. No third parties will be contacted to obtain staff members' personal data without the data subject's consent. This would relate to:

- Applications for employment where the data subject signs to agree to us obtaining references;
- Applications for Disclosure and Barring checks, where the data subject consents by commencing the application process with our DBS service provider;
- The completion of employment starter forms where the data subject signs to agree that we may collect and utilise their data for employment purposes including payments and pensions and third party emergency contacts.

6.2 Data obtained directly from third parties

Staff members' personal data may be obtained and processed from third parties where the law requires the school to do so, e.g. medical records from a GP. The categories of data obtained and processed from third parties include:

- Enhanced Disclosure and Barred List checks, S128 checks, Prohibition order from teaching checks.
- Medical data
- Pension information

Where data is obtained from third parties, the personal data originates from the following sources:

- The National College for Teaching and Leadership (NCTL) maintains the database of all teachers eligible to teach in the maintained sector in England. The database is called the Employer Access Service (<https://www.education.gov.uk/help/contactus/nctl>).
- Primary/ secondary Healthcare-NHS
- Pension authorities- Teachers' Pensions and the Tyne and Wear Pension Scheme
- DBS- Disclosure and Barring Service

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7. How is your information shared?

The Academy Trust will not share your personal information with any third parties without your consent, unless the law allows us to do so.

We are required, by law, to pass on some personal information to our Employee Services Provider (to process employment information and pre-employment checks) and the DBS provider.

This information is used so that relevant pre-employment checks can be made. This information can be found on certain documentation for example your passport. Any one of these documents can be used for pre-employment checks are:

- Your passport
- Your birth certificate
- Marriage/Civil Ceremony Certificate
- Driving Licence
- Immigration permit
- Your most recent bank, building society or mortgage statement
- [For non-EU persons only] A biometric residence permit
- P45/P60
- Benefit information
- National Insurance Number
- Utility Bill or Council Tax Bill
- Other official document provided by a government agency

Please be aware that applicants from a non EEA country have to provide specific other documents for more information about DBS check please see below.

<https://www.gov.uk/government/collections/dbs-checking-service-guidance--2>

8. How long is your data retained for?

Personal data is retained in line with the Academy Trust's Information Management Policy. However for unsuccessful applicants data will be stored for a maximum of six months following the recruitment to the position.

Personal information may be retained for varying periods of time depending on the nature of the information; you will be informed on how long your data will be obtained by the school. Data will only be retained for as long as is necessary to fulfil the purposes for which it was processed, and will not be retained indefinitely if there is no such reason for it to be. Employees of the Academy Trust will receive a Privacy Notice that provides more information in relation to this.

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Once your data has served its purpose it will be disposed of in line with the procedure outlined in the Academy Trust's Information Management policy

If you require further information regarding retention of data, and the periods for which your personal data is held for, please contact our DPO.

9. What are your rights?

As the data subject, you have specific rights to the processing of your data.

You have a legal right to:

- Request access to the personal data that the Academy Trust holds.
- Request that your personal data is amended.
- Request that your personal data is erased.
- Request that the processing of your data is restricted.
- Request to obtain and reuse your personal data for your own purposes across different services.
- Object to your consent being obtained.
- Request that your personal data is collected using automated processing.
- Raise a concern to the ICO

Where the processing of your data is based on your explicit consent, you have the right to withdraw this consent at any time. This will not affect any personal data that has been processed prior to withdrawing consent. You can withdraw consent by contacting the DPO

You also have the right to lodge a complaint with the ICO in relation to how SMART Multi Academy Trust processes your personal data. If you wish to make a complaint to the ICO, you can do so on the ICO's website or call their helpline on 0303 123 1113.

How can you find out more information?

If you require further information about how we store and use your personal data, please visit our website, http://www.smartacademies.net/web/policies_and_procedures/221366e

Gov.UK website, <https://ico.org.uk/> or contact our DPO

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Declaration

I, (insert name of prospective staff member),.....

declare that I understand:

- The Academy Trust has a legal and legitimate interest to collect and process my personal data in order to meet statutory and contractual requirements.
- There may be significant consequences if I fail to provide the personal data the Academy Trust requires.
- The school may share my data with the DfE if I am successful in my application, and subsequently the LA.
- If I am successful in my application then I understand that I will receive a separate workforce privacy notice from the school.
- The Academy Trust will not share my data with any other third parties without my consent, unless the law requires the school to do so.
- The nature and personal categories of this data, and where the personal data originates from and where my data is obtained from third parties.
- My data is retained in line with the Academy Trust’s Information Management Policy.
- My rights to the processing of my personal data.

Name of prospective staff member:

Signature of prospective staff member:

Date:

Please return this privacy notice with your application and Safer recruitment form and as part of the application process-Thank you