



INFORMATION SHARING AGREEMENT

**Information Sharing Agreement between Derbyshire County
Council and Derbyshire Schools, including Academies**

Derbyshire County Council and Academy/School Information Sharing Agreement

Document owner	Chris Newton
Document author	Martin Stone
Document authoriser	Chris Newton
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This is a specific local data sharing agreement relating to the sharing of personal information with schools under the [Derbyshire Partnership Forum Information Sharing Protocol](#).

1 Partners

- 1.1 The academy/school named in section 11.12 of this agreement and Derbyshire County Council (DCC) thereafter referred to as the 'academy/school' and 'Council' respectively.
- 1.2 It will be the responsibility of the signatories to the agreement to:
 - have realistic expectations on information sharing from the outset
 - maintain ethical standards in regard to information sharing
 - have a process by which the flow of information can be controlled
 - provide appropriate training
 - have adequate arrangements to test compliance with the agreement
 - meet the Data Protection Act 1998 and other relevant legislative requirements

2 Purpose of information sharing

- 2.1 The purpose of this data sharing agreement is to enable the Council and academies/schools to fulfil their statutory duties and to enhance their ability to support achievement, learning and welfare of all children/young people for which they are responsible. The exchange and use of data is a key aspect of ensuring all parties are able to fulfil their functions effectively.
- 2.2 There is a statutory duty on the Council to ensure there are sufficient school places in their area, promote high education standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. The Council must also promote diversity and increased parental choice.
- 2.3 The Council and academies/schools have statutory duties in relation to the safeguarding of children/young people, to support children and young people who are eligible for Education, Health and Care Plans (EHCPs) and promoting the education, employment and training of young people which requires the exchange of data and the use of information not otherwise available to either organisation.
- 2.4 The Department for Education (DfE) requires evidence that academies have given consent to share data with the Council in order to release

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that data to the Council at the earliest opportunity. This agreement will provide that evidence.

- 2.5 The Council and schools share information to support processes relating to statutory school census, school workforce census, Early Years Foundation Stage, Phonics, Key Stage 1 and Key Stage 2 returns.
- 2.6 The Council will use the data shared for pupil level and aggregated analysis to monitor pupil outcomes comprehensively at county level and associated aggregated spatial levels.
- 2.7 The Council will use the data shared to identify where pupils have transferred so as to make the task of tracking vulnerable pupils more secure and also to ensure appropriate services are extended to pupils needing additional support e.g. for reasons of exclusions or attendance or transport.

3 Information to be shared

- 3.1 The information exchanged routinely between the partner organisations will be at minimum; the data items identified in the specification for the DfE School Census, together with estimated/actual Key Stage school/pupil level attainment and value added results/analysis at appropriate and relevant levels.
- 3.2 Information sharing carried out under the legal framework contained in the Children & Families Act 2014 relating to Special Educational Needs & Disabilities (SEND) and Education Health and Care Plans (EHCP's).
- 3.3 Information sharing to support vulnerable groups such as children in need, children in care and children supported by multi agency teams (MAT's). Also information sharing to support the statutory children's safeguarding responsibilities of the Council and the academy/school.
- 3.4 It is expected that workforce data, will also be exchanged at aggregate and person identifiable levels for purposes of Council HR & Payroll services and supporting schools with DfE School Workforce Census if your school subscribes to these Council services.
- 3.5 Data can be shared with third parties when the academy/school wishes the Council to pass on data on its behalf for specific programs set up under partnership working arrangements as long as fair processing conditions of the Data Protection Act 1998 are adhered to, for example:
 - 1 to 1 tuition programs,
 - NHS health programs e.g. vaccination programs

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- Benchmarking analysis exercises on behalf of academies/schools and the Council

This may involve sharing additional contextual data about the pupil such as address information, exclusions history, looked after status, SEN status, SEN primary need, leaver status.

3.6 Early Years Foundation Stage Profile, Key Stages 1, 2, 4 and Post 16 pupil level results data and Fischer Family Trust pupil level estimates will be uploaded and shared (when available) via secure websites of DfE, NAA, Fisher Family Trust and the Council according to agreements in place.

3.7 Aggregated statistical and performance profiles such as value added analyses, school profile, school performance indicators, progress charting and pupil level target/attainment analysis will be supplied to the academy/school via the secure Council website.

3.8 Examples of routine information sharing between partners.

- Person identifiable data to support services provided by the Council to academies/schools, parents/carers and children e.g. data relating to SEND, pupil exclusions and behavior support.
- Weekly updates of individual demographics of children/young people attending the academy/school including the full postal address will be extracted from the academies/schools management information system and transferred securely to the Council's management information system. *See Appendix A (Automated Data Transfer between Council and Schools)*
- Weekly updates of children/young people who leave the academy/school, including the destination will be extracted from the academies/schools management information systems and transferred securely to the Council's management information system. *See Appendix A (Automated Data Transfer between Council and Schools)*
- Weekly automated updates of sessional attendance data of children/young people from academies/schools management information systems and transferred securely to the Council's management information system. *See Appendix A (Automated Data Transfer between Council and Schools)*
- Weekly automated updates of the latest Permanent and Fixed Term exclusions data **from schools who use RM Integris ONLY** which is transferred securely to the Council's management information system. *See Appendix A (Automated Data Transfer between Council and Schools)*

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- Weekly automated updates of part time pupil flags **from schools who use RM Integris ONLY** which is transferred securely to the Council's management information system. *See Appendix A (Automated Data Transfer between Council and Schools)*
- Annual DfE School Workforce Census information to schools that use the Council's HR and payroll system to support the completion of their returns.
- Annual pupil attainment data supplied by the academy/school to the DfE or partner organisations, which the DfE or partner organisations share securely with the Council under agreements.
- Annual Fischer Family Trust (FFT) Assessment/Target data provided securely by FFT to both partners where agreements are in place.
- Annual School Databooks with benchmarking data obtained from academy/school, Derbyshire schools, the DfE, NAA, QCA, FFT and NCER that can be drilled down to individual pupil level for pupils attending the academy/school which the Council will share securely with the academy/school via a secure website.
- Person identifiable data to support the delivery of HR and Personnel functions provided by the Council to the Academy/school under a 'Subscription Services Agreement'.
- Information required to promote the participation in Employment Education and Training of young people under Education & Skills Act 2008 S14.
- Sharing pupil starters and leavers information at non standard transition points (i.e. in year), via DfE School to School (S2S) secure portal, using CMJ and CML files, or secure automated data transfer solutions provided by the Council, under Education (Pupil Registration) (England) Regulations 2006 (8 and 12) as amended in 2016.

4 Basis of information sharing

4.1 This data sharing agreement is underpinned by the legal framework of the various Children and Education Acts such as the Children Act 2004, the Children and Families Act (2014), the Education Acts 1996, 2002, 2005 and 2011 and current data protection legislation. It also reflects the requirements of the [Protocol on Data Sharing and rationalisation in the Schools Sector \(DfES, Feb 2005\)](#).

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- 4.2 Personal information will only be shared with the explicit consent of the parent/carer with parental responsibility over the child/young person, or if appropriate the child/young person, unless there is lawful reason for sharing the information otherwise. This complies with the fair processing conditions outlined in the Data Protection Act 1998 schedules 2 and 3.
- 4.3 The parent/carer with parental responsibility over the child/young person or, if appropriate, the child/young person should be advised of the reasons for the proposed sharing of information, their right to dissent and their right to alter their decision to consent or dissent at any point.
- 4.4 The data controllers under this agreement are both Derbyshire County Council and the academy/school as they are responsible for the data they hold on their respective information systems which they control.
- 4.5 The Council may share personal data obtained from schools with the DfE and external partners who have signed the [Derbyshire Partnership Forum Joint Information Sharing Protocol](#), in order to support statutory functions without explicit consent if there is a lawful reason for doing so. If there is no lawful reason for doing so explicit consent is required from parent/carer or young person. This complies with the fair processing conditions outlined in the Data Protection Act 1998 schedules 2 and 3.

The key legislation underpinning the data sharing agreement can be found in the statutes below:

- Education Acts 1996, 2002, 2005, 2011
 - Education and Inspection Act 2006
 - Education and Skills Act 2008
 - Learning and Skills Act 2000
 - Children Act 2004
 - Human Rights Act 1998
 - Data Protection Act 1998
 - Freedom of Information Act 2000
 - Children and Families Act 2014
- 4.6 The Academy/School should share relevant pupil data with the Council's Youth Services e.g. those that promote participation in education, employment and training opportunities for young people under Education and Skills Act 2008 S14. Notice of this intention should be included within a School Privacy Notice that the academy/school should issue to every parent or, if of appropriate age, every pupil at the beginning of each academic year or when a pupil transfers in at non-standard times.

Please note parents and pupils aged 16 years or over can instruct a school to share with the Council no other details than the name, date of birth and

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address of the pupil and the name and address of the parent in relation to this duty.

5 Exchange of information

5.1. Documents not containing personal or commercially sensitive data.

The above documents can be shared by whatever is considered to be an appropriate medium by the partners. The Council will share the overwhelming majority of these documents with schools via the Derbyshire Schoolsnet website (formerly LiD Website).

5.2. Documents containing personal data or commercially sensitive data.

The above documents will only be shared by secure methods e.g.

- Web portals with industry standard security and authenticated access e.g. the 'NCER **Perspective Lite**' secure document transfer web portal. A link can be found on the Derbyshire SchoolsNet extranet website (Formerly LiD)
- Secure email solutions with industry standard security e.g. Office365
- Encrypted files with industry standard security e.g. 7zip
- Confirmed delivery post

6 Terms of use of information

6.1 The information will only be used to support the delivery of effective educational provision to children/young people attending the academy/school and allow the local authority to meet its statutory obligations to support and provide children's services across Derbyshire that improve the life outcomes of Derbyshire children, particularly those from vulnerable groups.

6.2 Permission will be given by the academy/school to allow the Council to have access to Key Stage/Examination/Target/Assessment data through NAA, QCA/DfE and NCER data files; which will avoid the need for additional data transfers by the academy/school.

6.3 Where it is reasonably determined that further information is necessary to fulfil statutory duties and/or other requirements this Agreement will be reviewed in full or part as appropriate.

6.4 Both the academy/school and Derbyshire County Council will adopt the ["Derbyshire Partnership Joint Information Sharing Protocol"](#) when

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agreeing to share any other information and update this data sharing agreement as necessary.

- 6.5 Whenever possible data shared, should be anonymised, unless requested at personal level. If large volumes of data are provided for research and/or planning by partner organisations, as a matter of courtesy, the outcome of that research/planning should be provided to the organisation(s) supplying the data.
- 6.6 Information on children/young people will be shared with industry standard security.
- 6.7 Both parties will store “person identifiable” data shared between both partners on secure systems which can only be accessed by a restricted number of appropriate staff with appropriate security safeguards.
- 6.8 Both parties will use the data supplied for the purposes stated and will not pass such data to third party organisations outside the remit of specified partners in agreement without prior consent.
- 6.9 Where a partner organisation is a public authority under the Freedom of Information Act 2000 they will comply with their obligations under that Act and may consult with partner if necessary if requests relate to information shared but will remain responsible for responding to the request.
- 6.10 The academy/school undertakes not to make value judgements about another school’s performance or publicly compare their performance with that of another NAMED school or schools on the basis of data and analysis provided by Council.

This applies to press releases, statements in public or professional meetings and to discussions with parents of children at the school or those considering applying for the admission of their child to the school.

- 6.11 The Academy/school will ensure that Privacy Notices are issued to every parent/guardian/carer, or the child/young person if appropriate, in line with the guidelines issued by the DfE.
- 6.12 When the academy/school wishes the Council to share attainment/contextual/progression pupil data on its behalf with the Fischer Family Trust (FFT), the extent of the data analysis returned to the academy/school by the Council will depend on the completeness, accuracy and timeliness of pupil data supplied by the academy/school to the Council and the frequency of changes to the FFT databases, including online systems.

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The academy/school will also need to notify the Fischer Family Trust giving permission for its data to be included in a Council database and used only for the purpose of creating FFT analyses.

7 Data quality assurance

- 7.1 Both parties to this agreement will adhere to their internal data quality policies and procedures when storing, sharing and updating information.
- 7.2 Core child/young person demographic data held by Council for children attending the academy/school will be updated on a weekly basis using data supplied by the academy/school via secure automated data transfers, as long as an agreement is in place, to reduce administrative burden on the academy/school and the Council.
- 7.3 Information discovered to be inaccurate, out-of-date or inadequate for the purpose should be notified to the relevant Data Controller who will be responsible for correcting the data and notifying all other recipients of the information who must also make sure the correction is made.

8 Data retention, storage, review and disposal

- 8.1 Electronic and paper records will be retained and disposed according to published record retention and disposal policies of both parties, as a minimum these policies should be based on The Records Management Standards Society guidance.
- 8.2 At the academy/school and Council paper records with person identifiable data which are not being retained for legal reasons should be destroyed using file shredding hardware.

9 Access and security

- 9.1 The partner organisations will each comply with their obligations under The Data Protection Act 1998 and other relevant legislation and will not breach their common law duty of confidentiality.
- 9.2 Each partner will make sure they take appropriate technical and organisational measures against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.

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In particular, each partner must make sure they have procedures in place to do everything reasonable to:

- make accidental compromise or damage unlikely during storage, handling, use, processing transmission or transport
- deter deliberate compromise or opportunist attack
- dispose of or destroy the data in a way that makes reconstruction unlikely
- promote discretion to avoid unauthorised access.

- 9.3 Access to information subject to this agreement will only be granted to those professionals who 'need to know' to effectively discharge their duties.
- 9.4 At the Council data is stored on a password protected MS SQL database (or replacement of equal or higher security specification) which in turn is stored on a MS SQL server within the Council's managed server framework. User access is managed by named user identification authorised by the relevant manager or nominated officer. It is backed up on a daily basis and the system is fully recoverable. All Council staff must comply with Council data protection and confidentiality policies as part of their employment contract.
- 9.5 The Academy/school will have policies and systems in place to ensure information held on its information systems is held securely and in compliance with industry security standards and legislation.
- 9.6 When using the secure document transfer web portal '**NCER Perspective Lite**' the headteacher of the academy/school is responsible for ensuring that only authorised staff within the academy/school have access to the documents containing personal or commercially sensitive data documents shared by via the portal by the Council.

Academies/schools should have in place procedures for reviewing who has access to this portal and ensuring staff that leave or change roles in the academy/school have their access rescinded.

When using this portal, which is facilitated by the Council, schools must comply with the Council guidance on password policy in relation to it. Go to the [Passwords](#) page on the Derbyshire County Council website for further information.

10 General operational guidance

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- 10.1 Both parties to the agreement will ensure adequate resources are available to extract and securely transfer accurate, timely and complete data electronically.

11 Management of the agreement

- 11.1 As some of the data shared under this agreement is deemed as sensitive personal data as defined by the Data Protection Act 1998 it should be handled in accordance with the information management classification for this type of data in each partner organisation which should cover:

- Physical and electronic security measures
- Ensuring only appropriate employees having access to the information

- 11.2 All complaints or breaches relative to this agreement will be notified to the designated Data Protection Officer of the relevant organisation in accordance with their respective policy and procedures.

- 11.3 Partners will make sure that all breaches of agreement, internal discipline, security incidents or malfunctions will be managed in accordance with their own local policies and procedures to ensure compliance with the Data Protection Act 1998

- 11.4 Each Partner to this Agreement will undertake to indemnify the other against any legal action arising from any breach of this Agreement by any person working for or on behalf of its own organisation.

- 11.5 The data may only be shared with the parties to this agreement and will not be shared with any other third party or any other Authority without the explicit consent of the Data Controller.

- 11.6 Any Partner who receives a request for information under the subject access provisions of the Data Protection Act 1998 or Freedom of Information Act 2000, must progress it in accordance with its own internal procedures.

However, it is expected that Officers in the originating organisation will liaise with Officers in the partner organisation as necessary to agree on relevant exemptions from disclosure.

- 11.7 Appropriate signatories

- Strategic Director of Children's Services Department, Derbyshire County Council

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- Headteacher or Chair of Governors of the academy/school

11.8 Review of the Information Sharing Agreement:

- The Information Sharing Agreement will cover the period 01/09/2017 to 31/08/2020. It will be reviewed 31/08/2020 or earlier if any substantive changes to agreement are required e.g. to meet new General Data Protection Regulation Requirements.
- Closure/termination of agreement
 - Any partner organisation can suspend the Information Sharing Agreement for 30 days, if they feel that security has been seriously breached.
 - Notification of termination and/or completion by either party must be given in writing with at least 30 days' notice.

11.9 Designated Officers

The following officers will have responsibility for carrying out the obligations in this Agreement on behalf of the Partner Organisations and are the initial point of contact for any queries relating to this Agreement or the information shared under it.

Name Of Organisation	Name of Officer (if applicable)	Position	Telephone No. and email address
Derbyshire County Council	Chris Newton	Head of Children's Services Information and ICT Service	01629 536491 Chris.newton@derbyshire.gov.uk
<i>Enter your academy/school details</i>			

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(if section 11.12 is left uncompleted by academy/school by default the designated officer will be the Headteacher)

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12 Agreement version control

Change History

Date Issued	Version	Status	What has changed?
01/01/2011	1.0	Original	
01/06/2016	2.0	Draft	Updated to reflect organisational, legislative and system changes and
07/10/2016	2.1	Final	Legal Service comments incorporated into final document
20/09/2017	2.2	Reviewed	Next review date amended and updated s3.9 to include CME statutory guidance on sharing in year starters/leavers data
27/10/2017	2.3	Updated	Change review period guidance to reflect 3 year review period see s11.8

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INFORMATION SHARING AGREEMENT 2017 to 2020

[Information Sharing Agreement between Derbyshire County Council and Derbyshire Schools, including Academies](#)

This [agreement](#) is signed on behalf of the partner organisations as follows:

On behalf of Derbyshire County Council:

Name of signatory: Jane Parfremment

Role of signatory: Strategic Director – Children’s Services Department

Signature:



Date: 20/09/2017

On behalf Academy/School:

Please tick this box if your academy/school agrees to terms of agreement.

Please tick this box if your academy/school agrees to commence or continue to share weekly updates of pupil data via automated data transfer as outlined in Annex A of this [agreement](#).

Name of signatory:

Role of Signatory:

Signature:

Name of Academy/School:

Date:

Please return signed agreement by e mail to cs.schoolsupport@derbyshire.gov.uk or by post to Head of Information & ICT,

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Children's Services, Room 399, North Block, County Hall, Matlock DE4 3AG
and retain a copy for your records.

Glossary

DfE	Department for Education
DCC	Derbyshire County Council
EHCP	Education Health and Care Plan
FFT	Fischer Family Trust
NAA	National Assessment Agency
NCER	National Consortium of Examination Results
QCA	Qualifications and Curriculum Agency
SEND	Special Educational Needs and Disabilities

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Appendix A**Automated Data Transfer between the Council and Schools/Academies**

The Council needs up to date data on pupils from schools to provide efficient and effective support to both children and schools. In 2005/2006, after consultation with schools, the Council agreed to fund an automated transfer of data solution in order to reduce the administrative burden of sharing this data for both the Council and schools.

Schools have a statutory duty under Education Act 1996, Children's Act 2004 and Children & Families Act 2014 to collect and share pupil data with Council Children's Services e.g. SEN, Education Welfare Service, Behaviour Support, Social Care, Youth Offending etc and external agencies such as NHS organisations and DfE.

The range of data extract items currently extracted from school information systems via the automated data transfer solutions can be found in the tables below. The two solutions currently in place are Groupcall Xporter and RM Integris Secure Data Transfer. Please note there are a handful of Derbyshire schools who are not currently providing weekly automated data extracts due to agreements not being in place.

The Council will always consult with schools before it extends the range of data extract items beyond those already in place. Only with prior agreement of each individual academy/school will any data item beyond those agreed with schools be extracted.

Only the Head of Information & ICT Service can authorise extensions to the range of data items extracted from schools once an agreement is in place. Only three people in the Council, all DBS checked, have access to the systems that can change the data extract scripts from schools using Groupcall Exporter software and only a limited number of designated staff at RM can change the data extracts from schools using RM Integris.

The information extracted from school information systems is securely transferred, with full encryption, by RM Integris secure data transfer link or by Groupcall Xporter and Avco Anycomms Plus Data Transfer software and is only shared via secure systems used by relevant Children's Services staff.

All the data items currently collected are also shared, albeit less frequently, in the School Census Collection or by individual pupil file i.e. Common Transfer File (CTF).

Examples of how information collected weekly via RM secure transfer link or Groupcall Xporter from academies/schools is used:

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- Ensuring the SEN team have up to date correspondence addresses for parents/carers and the school the child is attending
- Identifying Children Missing from Education
- Providing details of education history of Looked After Children
- Identifying children for school nurse vaccination programmes
- Providing weekly updates on absence rates of Looked After Children
- Ensuring information beyond basic contact and destination tracking data held by the Council is not shared with external Youth services without the parent/carers consent

The automated data transfers from the academy/school management information system to the Council's management information system are as follows:

Data Transfer of Changes

All changes to pupil demographics and address datasets since the last data transfer. Fields required; (M = Matching, I = Import).

Unique Pupil Number (UPN) including temp UPN (M)
Former UPN (M)
Surname (M)
Forename (M)
Middle Names (M)
Date of Birth (M)
Gender (M)
Former Surname (I)
Preferred Forename (I)
Preferred Surname (I)
Ethnicity (I)
Ethnicity Source (I)
Nationality (I)
Youth Services Consent (I)
LEA (I)
DfE No. (I)
Date of Entry (I)
Address1 (I)
Address2 (I)
Address3 (I)
Address4 (I)
Address5 (I)
Post Code (M)
Phone Type (I)
Phone Number (I)
NC Year (I)
SEN Provision (I)

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SEN Start Date (I)
In Care (I)
In Care LEA (I)
In Care At School (I)
Enrolment Status
School Admission/Enrolment Number

Data Extraction Schedule = Weekly

Data Transfer of Leavers

Extract of all 'Leavers' for current academic year. Only 4 fields will need to be used for import: LA Code, DfE No, Entry Date and Leaving Date. Additional fields are also required to be extracted for the purposes of matching records. Fields required; (M = Matching, I = Import).

UPN (M)
First Name (M)
Surname (M)
Preferred name(s) (M)
DOB (M)
Gender (M)
Former UPN (M)
Postcode (M)
LA Code (I)
DfE No (I)
Entry Date (I)
Leaving Date (I)
Leaving Reason (I)
Destination LA Code (I)
Destination School DfE No (I)
Enrolment Status (I)
School Admission/Enrolment No (I)

Data Extraction Schedule = Weekly

Data Transfer of All Pupil Attendance

Sessional Attendance Data is extracted on a weekly basis from academies/schools. Fields required; (M = Matching, I = Import).

UPN (M)
First Name (M)
Surname (M)
Preferred name(s) (M)
DOB (M)
Gender (M)

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Former UPN (M)
LA Code (I)
DfE No (I)
Attendance Year (I)
Start Date (per week) (I)
Sessions (all sessions from the beginning of the academic year) (I)
School Admission/Enrolment Number (i)
Enrolment Status (I)
Part Time Pupil Flag (I) (RM Integris Schools Only)

Data Extraction Schedule = Weekly

Data Transfer of Fixed Term Exclusions (RM Integris Schools Only)

Latest Fixed Term Exclusions Data is extracted on a weekly basis from academies/schools. Fields required; (M = Matching, I = Import).

School Name (M)
Surname (M)
Forename(s) (M)
UPN (M)
Date of Birth (M)
DfE No (M)
NC Year (I)
Start Date (I)
End Date (I)
Code Description (I)
Number of Sessions (I)
Action Code (I)
Type (I)

Data Extraction Schedule = Weekly

Data Transfer of Permanent Exclusions (RM Integris Schools Only)

Latest Permanent Exclusions Data extracted on a weekly basis from academies/schools. Fields required; (M = Matching, I = Import).

School Name (M)
Surname (M)
Forename(s) (M)
NC Year (I)
Registration (I)
UPN (M)
Date of Birth (M)
Address (I)
Main Attendance (I)

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Start Date (I)
End Date (I)
Type (I)
Reason (I)
Sessions (I)
Comments (I)
Relationships (I)
Main Telephone Number (I)
Mobile Telephone Number (I)

Data Extraction Schedule = Weekly