



## Board of Governors of the City of London School

**Date:** WEDNESDAY, 25 FEBRUARY 2015

**Time:** 11.00 am

**Venue:** CITY OF LONDON SCHOOL, QUEEN VICTORIA STREET, EC4V 3AL

**Members:**

Deputy Dr Giles Shilson (Chairman)	Lord Levene of Portsoken (External Member)
Ian Seaton (Deputy Chairman)	Edward Lord
Deputy Billy Dove	Christopher Martin (External Member)
Sophie Fernandes	Sylvia Moys
Stuart Fraser (Ex-Officio Member)	Deputy Joyce Nash
Marianne Fredericks	Dame Mary Richardson (External Member)
Alderman David Graves	Sir Michael Snyder (Ex-Officio Member)
Deputy the Revd Stephen Haines	Deputy James Thomson
Ronel Lehmann (External Member)	Prof. Whitehouse (External Member)

**Enquiries:** Jacqui Daniels  
tel. no.: 020 7332 1480  
jacqui.daniels@cityoflondon.gov.uk

**Lunch will be served at the School at 1pm**  
**NB: Part of this meeting could be the subject of audio or video recording**

**John Barradell**  
Town Clerk and Chief Executive

# AGENDA

## Part 1 - Public Agenda

1. **APOLOGIES**
2. **MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**
3. **MINUTES**  
To agree the public minutes and summary of the meeting held on 1 December 2014.  

**For Decision**  
(Pages 1 - 4)
4. **DISCLOSURE AND BARRING REQUIREMENTS FOR SCHOOL GOVERNORS APPOINTED BY THE COURT OF COMMON COUNCIL**  
Report of the Town Clerk.  

**For Information**  
(Pages 5 - 12)
5. **HEAD'S REPORT**  
Report of the Head of the City of London School.  

**For Information**  
(Pages 13 - 26)
6. **QUESTIONS ON MATTERS RELATING TO THE WORK OF THE BOARD**
7. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**
8. **EXCLUSION OF THE PUBLIC**  
MOTION - That under Section 100A(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part I of Schedule 12A of the Local Government Act.

## Part 2 - Non-Public Agenda

9. **NON-PUBLIC MINUTES**  
To approve the non-public minutes of the meeting held on 1 December 2014.  

**For Decision**  
(Pages 27 - 28)
10. **HEAD'S REPORT**  
Report of the Head of the City of London School.  

**For Information**  
(Pages 29 - 32)

11. **NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE BOARD**
12. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE BOARD AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

This page is intentionally left blank

**BOARD OF GOVERNORS OF THE CITY OF LONDON SCHOOL**  
**Monday, 1 December 2014**

Minutes of the meeting of the Board of Governors of the City of London School held at City of London School, Queen Victoria Street, EC4V 3AL on Monday, 1 December 2014 at 2.00 pm

**Present**

**Members:**

Deputy Dr Giles Shilson (Chairman)	Ronel Lehmann (External Member)
Ian Seaton (Deputy Chairman)	Edward Lord
Deputy Billy Dove	Christopher Martin (External Member)
Sophie Fernandes	Sylvia Moys
Marianne Fredericks	Deputy Joyce Nash
Alderman David Graves	Dame Mary Richardson (External Member)
Deputy the Revd Stephen Haines	Deputy James Thomson

**Officers:**

Jacqui Daniels	Town Clerk's Department
Sarah Fletcher	Head, City of London School
Phillip Everett	City of London School
Charles Fillingham	City of London School
Andrew Little	Chamberlain's Department
Sarah Port	Chamberlain's Department
Paul Nagle	Chamberlain's Department

**1. APOLOGIES**

Apologies were received from Lord Levene of Portsoken and Professor Whitehouse.

**2. MEMBERS' DECLARATIONS UNDER THE CODE OF CONDUCT IN RESPECT OF ITEMS ON THE AGENDA**

The Deputy Chairman declared that he was on the Education Board.

**3. MINUTES**

The minutes of the previous meeting, held on the 6 October 2014, were agreed as an accurate record, subject to the correction of a number of grammatical and spelling errors.

**Matters Arising**

**School Partnership – Stepney Green College** (page 1) The Head advised that, as the partnership arrangements were ceasing shortly, she considered that it was no longer necessary for the Governors to visit Stepney Green College.

**Head's Report – Mandarin Chinese** (page 2) In answer to a Member's question the Head confirmed that a company called Dragons in Europe

currently provided lessons in Mandarin Chinese and she understood that they taught actively used vocabulary.

**First Aid Training** (page 4) The Head confirmed that she was investigating ways of providing alternative methods of ensuring that all pupils would leave the School adequately trained.

4. **TERMS OF REFERENCE AND FREQUENCY OF MEETINGS OF THE BOARD OF GOVERNORS OF THE CITY OF LONDON SCHOOL**

A report of the Town Clerk was considered which requested that Governors review the Board's Terms of Reference and the frequency of its meetings.

**RESOLVED** – That, subject to the word 'Headmistress' in paragraph 4(c) being amended to the word 'Head', the terms of reference of the Board of Governors of the City of London School be approved for submission to the Court of Common Council in April 2015 and that the current frequency of Board meetings be confirmed.

5. **HEAD'S REPORT**

The Board received a report of the Head of the City of London School which updated Governors on School matters.

The Head advised the Governors of the work undertaken by the Head of Staff Development with Newly Qualified Teachers (NQTs) and expressed her and the Board's appreciation of his efforts. She advised that 167 applications had been received for 10+ places, 666 applications for 11+ places and 337 applications had been received for 13+ places; 10 + and 11+ to commence in September 2015 and 13+ to commence in September 2017. She added that within those figures, there had been 180 applications for the 5 Bursary places available at 11+. In answer to a Member's question, she stated that the new shelter in the Upper Playground was intended to protect staff from balls.

6. **RISK MANAGEMENT STRATEGY**

The Board received a report of the Chamberlain on the Risk Management Strategy, advising that a risk review of the School was scheduled to take place at a meeting to be held on 2 June 2015.

During the course of discussion, the following points were raised:-

- consideration should be given to adding a reference to the need to ensure that no student was radicalised;
- the Director of Finance at the School, who had less involvement with exams, would be dealing with the risk review therefore the timing of the review close to exam time, would have little impact;
- the 4x4 risk scoring and the introduction of a target risk score was welcomed as they were likely to make the information more accurate; and
- concern was expressed at the amount of paper used over recent months on this matter as the document was large and had been circulated to a number of Committees.

**RESOLVED** – That the new Risk Management Strategy and the plans for the phased roll-out of the Strategy within departments and City of London institutions, be noted.

**7. QUESTIONS ON MATTERS RELATING TO THE WORK OF THE BOARD  
School Productions**

A Governor enquired whether her fellow Governors had had the opportunity to attend any of the School's recent productions and also those which had been undertaken in association with the Girls' School. She praised the staff and boys on the excellent productions and encouraged Members to attend such events in future.

**8. ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT**  
There were no urgent items.

**9. EXCLUSION OF THE PUBLIC**

**RESOLVED** - That under Section 100(A) of the Local Government Act 1972, the public be excluded from the meeting for the following items on the grounds that they involve the likely disclosure of exempt information as defined in Part I of the Schedule 12A of the Local Government Act 1972.

Item No.	Exempt Paragraphs
10 & 11	3
12	1 and 3
13	1, 3 and 4

**10. NON-PUBLIC MINUTES**

The minutes of the meeting held on the 6 October 2014 were approved as an accurate record, subject to the correction of a number of spelling and grammatical corrections.

**11. REPORT OF THE HEAD OF THE CITY OF LONDON SCHOOL**

The Board received a report of the Head which provided an update to Governors on summer works, a response to a recent consultation exercise and the Safeguarding Code of Conduct.

**12. PROPOSED 2015/16 REVENUE BUDGET REPORT**

The Board considered and approved a joint report of the Chamberlain and the Head which presented the proposed 2015/16 revenue budget for review.

**13. REPAIRS, MAINTENANCE AND IMPROVEMENTS FUND**

The Board considered and approved a joint report of the Chamberlain, the Head and the City Surveyor concerning the projected cost of works to be met from the Repairs, Maintenance Improvements and Major Works Fund over the next 21 years.

**14. NON-PUBLIC QUESTIONS ON MATTERS RELATING TO THE WORK OF THE BOARD**

In answer to a Member's question a discussion was held on the possible impact of developments proposals near to the School.

15. **ANY OTHER BUSINESS THAT THE CHAIRMAN CONSIDERS URGENT AND WHICH THE BOARD AGREES SHOULD BE CONSIDERED WHILST THE PUBLIC ARE EXCLUDED**

There were no non-public urgent items.

**The meeting ended at 3.10 pm**

-----  
Chairman

**Contact Officer: Jacqui Daniels 0207 332 1480  
jacqui.daniels@cityoflondon.gov.uk**



<p><b>Committees:</b>          Board of Governors of City of London School for Girls Establishment Committee          Board of Governors of City of London Freeman’s School Community and Children’s Services Committee – <b><i>For Decision</i></b>          Board of Governors of City of London School</p>	<p><b>Dated:</b>          4 February 2015          5 February 2015          11 February 2015          13 February 2015            25 February 2015</p>
<p><b>Subject:</b>          Disclosure and Barring Requirements for School Governors appointed by the Court of Common Council</p>	<p><b>Public</b></p>
<p><b>Report of:</b>          Town Clerk</p>	<p><b>For Information</b></p>

## Summary

This report outlines the City of London Corporation’s obligations in relation to disclosure and barring service (DBS) requirements for chairmen and governors on boards of the City’s independent schools, academies, and one maintained school. It summarises the legal basis of the DBS requirements and advises that the checks are mandatory in the context of academies and independent schools, and can be enforced by the Secretary of State for Education through the criminal courts. This report goes on to advise members of the policy recommendation made by the City of London Corporation’s Education Board to make it obligatory of all members of the Court of Common Council who stand for nomination as a school governor to undergo DBS checks.

## Recommendation

- Members of the Boards of Governors of the independent schools and the Establishment Committee are asked to note the report.
- Members of the Community and Children’s Services Committee are asked to agree that governors appointed by the City Corporation to maintained schools such as Sir John Cass Foundation Primary School be obliged to undergo DBS checks prior to commencing their appointment or as soon as practicable upon commencement.

## Main Report

### Background

1. Following queries from members over the legal basis for the enforcement of disclosure and barring checks for governors of the City’s independent schools and academies, officers in the Town Clerk’s Department have consulted with colleagues in the Comptroller and City Solicitor’s Department. The advice of the Comptroller and City Solicitor is summarised below. In short, the provisions are mandatory in independent schools, academies and free schools and can ultimately be enforced by the Secretary of State for Education through the criminal courts.

## Independent Schools

2. Section 157 of the Education Act 2002 states that, in relation to independent schools, 'regulations shall prescribe standards about the following matters...(d) the suitability of proprietors of and staff at independent schools...'
3. The relevant Regulations are the Education (Independent Schools Standards) (England) Regulations 2010. The Regulations lay down the standards to be met by all independent schools (with limited exceptions). Part 4 of the Regulations deals with the standards in relation to suitability of the proprietor and staff. It should be noted that the Independent Schools Inspectorate publishes a Handbook (2014) which provides detailed guidance on the regulatory requirements applicable. As the Handbook does not have the force of law it is not referred to in this report but it should be noted that the approach in the Handbook is entirely consistent with the explanation of the legal requirements in this report.
4. Section 18 (2) (d) of the Education (Independent Schools Standards) (England) Regulations 2010 states that checks, including DBS Checks, regarding the suitability of a person to be a Chair of Governors or a Governor "should be carried out before or as soon as practicable after a person is appointed".
5. A 'proprietor' is defined in Section 579 of the Education Act 1996 as "the person or body of persons responsible for the management of the school (so that, in relation to a community, foundation or voluntary or community or foundation special school, it means the governing body)".
6. Ownership of the independent schools rests with the City Corporation, but management is delegated to the Boards of Governors. The Chief Inspector of the Independent Schools Inspectorate has expressed the view in a letter to the City of London Schools for Girls (16 October 2014) that each Board of Governors should be regarded as the proprietor of their respective City school by virtue of the wide ranging powers of management and control vested in each Board. It is the view of the Comptroller and City Solicitor that this interpretation is correct.
7. Part 4, paragraph 21(4) – paragraph 21(8) of the Regulations relate to the suitability of the proprietor where the proprietor is a corporate or unincorporated body of persons. The principal obligations are placed personally on the **chairman** of the proprietorial body, that is, the Board.
8. The required standard is met if the chairman:
  - (a) Is not barred from regulated activity relating to children, or otherwise prohibited or disqualified, and

- (b) The Secretary of State makes the following checks relating to the chairman:
  - a) an enhanced criminal records check, countersigned by the Secretary of State;
  - b) checks confirming the individual's identity and their right to work in the United Kingdom;
  - c) checks that the person is not barred from regulated activity relating to children in accordance with the Safeguarding and Vulnerable Groups Act 2006;
  - d) in the case of an individual living or having lived outside the United Kingdom, and obtaining an enhanced criminal record check is not sufficient to establish the individual's suitability to work in a school, such further checks as the Secretary of State considers appropriate.
  
- 9. Paragraph 21(6) relates to the other Board members. It provides that the required standard is met if the member is not barred or otherwise prohibited or disqualified, and the chairman makes the following checks in relation to each Board member:
  - a) an enhanced criminal records check;
  - b) checks confirming the individual's identity and their right to work in the United Kingdom;
  - c) in the case of an individual living or having lived outside the United Kingdom, and obtaining an enhanced criminal record check is not sufficient to establish the individual's suitability to work in a school, such further checks as the Secretary of State considers appropriate.
  
- 10. Clearly it would be onerous if the chairmen were required to make these checks personally on other Board members. The work involved can be undertaken on behalf of the chairmen, but they remain responsible for satisfying themselves that all other members of their Board have been subject to the necessary checks.
  
- 11. In addition, the Regulations, at paragraph 22, make it clear that the proprietor is under an obligation to keep a register, known as a Single Central Record, of the date of when the above checks were undertaken, in respect of all other governors appointed after May 2007 and the outcome.
  
- 12. From the above there is no doubt firstly that all the Board chairmen of the City schools will be subject to the above checking and secondly that these checks are mandatory rather than discretionary. As a matter of law the Secretary of State will only permit a person to be a Chairman of Governors if they have satisfied the above checks.
  
- 13. Again, neither the Regulations nor guidance suggest that the performance of these checks by the chairmen in relation to the other Board members is

discretionary. All governors of the City schools should undergo the above checking if this has not already taken place.

14. Section 163 of the Education Act 2002 gives the Independent Schools Inspectorate the duty to inspect registered schools, including those run by the City, and the inspections shall relate to ensuring that specified standards are being met. For the avoidance of doubt this includes assessing whether the standards required regarding the suitability of staff, the proprietor and members of the Board of Governors have been complied with.
15. In the event that the Inspectorate determines that the standards required have not been complied with, the Inspectorate can make a determination that:
  - a) Notice be served on the proprietor identifying the breaches and requiring that an action plan be submitted by the proprietor, within a specified timeframe, outlining when the breaches identified will be remedied.
  - b) Admittedly in more extreme circumstances, the school could be prohibited from admitting any new students or part closed or closed.
16. It is important to note, again in the worst case scenario, that failure to comply with regulatory standards is taken extremely seriously and can result in criminal prosecution of a chairman personally as the proprietor of a School who can be liable on summary conviction to a term of imprisonment not exceeding six months, or to a fine not exceeding level 5 on the standard scale.

### **Academies and Free Schools**

17. Academies are defined as Independent Schools by virtue of Section 463 of the Education Act 1996. (*Meaning of Independent School is given as “any school at which fulltime education is provided for 5 or more pupils of compulsory school age .... And which is not (a) a school maintained by a local education authority” (b) .....*)
18. The relevant Regulations for Academies are the Education (Independent Schools Standards) (England) Regulations 2010. The Regulations lay down the standards to be met by all independent schools (with limited exceptions). Part 4 of the Regulations deals with the standards in relation to suitability of the proprietor and staff.
19. Accordingly, the Independent School Standards place a statutory duty on Academy Trusts (the legal entity that runs, and is the proprietor of, an Academy) to:
  - a) ensure that all members of staff have received an enhanced DBS check prior to the confirmation of their appointment or as soon as practically possible thereafter,
  - b) that this check confirms their suitability to work with children.

- c) New disclosures should be sought unless the member of staff has worked in a relevant educational setting within the previous three months.
- d) Undertake DBS Checks on the Chairman of Governors and all Governors.

20. The DBS check on the Chairman of Governors is carried out by the Secretary of State. However, it is the Chairman's responsibility to ensure that enhanced DBS checks are carried out for all other Governors. These checks must have been completed before a Governor takes up his/her position or as soon as practicable thereafter.

21. Free Schools are state funded primary, secondary, middle schools that are independent of local authorities and are academies in law and are set up under the Academies Act 2010. Therefore the DBS obligation is identical to that for Academies.

### **Maintained Schools**

22. It should be noted that a cause of recent misunderstanding in the City Corporation is that there is a difference in legislative approach between the maintained and independent sectors. The Protection of Freedoms Act 2012 altered the position for Governors in the maintained sector, to the effect that only a Governor who engages in "regulated activity" has to have an enhanced criminal record check. However, the position has not changed in the independent sector because the Standards Regulations clearly require a Board Governor to submit to the checks specified above in para 8. The Inspectorate emphasise that this is still the position in the independent sector, and indeed, the opportunity was not taken to change the position in recent Regulations last year that amend certain of the other standards, effective from 29 September 2014.

### **Portability of DBS Clearance**

23. It should be further noted that DBS clearance is portable from one organisation to another. However the Employee / Member / Governor must have firstly registered with the DBS Update Service and then provided to the employer for which the clearance is required a) the relevant reference number and b) permission to access the information for the purposes of checking to see if there have been any changes.

24. The City Corporation's Human Resources Department will support members engaged in registering with the DBS.

## **DBS Obligation for Members of the Court of Common Council**

25. At its meeting on 15 January 2015, the Education Board considered the DBS obligations of governors across the City Schools, including the three independent schools, the City academies, and Sir John Cass Foundation primary school, the City Corporation's one maintained school. The Board noted that the Court of Common Council also appoints members onto the governing boards of schools such as Prior Weston Primary School in Islington.
26. The Education Board noted that the City Corporation appointed over 70 schools governors onto the boards of independent schools and academies, and 2 governors onto the board of the Sir John Cass Foundation Primary School.
27. The Board noted that, given the majority of governors appointed by the City Corporation were appointed to the boards of independent schools and academies, and in light of its terms of reference to consult with those Committees where education responsibilities are expressly provided for within the terms of reference of that Committee, that it would be advisable for it to be a requirement of all school governors appointed by the Court of Common Council to be obliged to undergo DBS checks, even where this was not a strict legal prerequisite. This would ensure consistency of application across the City Family of Schools.
28. It is therefore recommended that the Community and Children's Services Committee, under whose remit the two City Corporation governors of Sir John Cass Primary School are appointed, agree that any person nominated by the Court of Common Council to the board of Sir John Cass Foundation Primary School be required to undergo DBS checks prior to commencing their appointment or as soon as practicable upon commencement.

## **Corporate & Strategic Implications**

29. The Comptroller and City Solicitor has been consulted on this report and his comments incorporated.

## **Conclusion**

30. This report outlines the City of London Corporation's obligations in relation to disclosure and barring requirements for governors of the City Schools. It summarises the legal basis of the requirements and advises that the checks are mandatory and can be enforced by the Secretary of State for Education through the criminal courts. There is therefore no scope for discretion in their enforcement.

## **Appendices**

- None

## **Background Paper(s)**

- *Disclosure and Barring Requirements for Governors of Independent Schools*  
– Report of the Town Clerk to the Education Board – 15 January 2015

**Alistair MacLellan**

Town Clerk's Department

T: 0207 332 1416

E: [alistair.maclellan@cityoflondon.gov.uk](mailto:alistair.maclellan@cityoflondon.gov.uk)

This page is intentionally left blank



<b>Committee:</b>	<b>Date:</b>
Board of Governors of the City of London School	25 February 2015
<b>Subject:</b> Head's Report	<b>Public</b>
<b>Report of:</b> Sarah Fletcher, Head, City of London School	<b>For Information</b>
<b>Summary</b>  The Head reports on the following: <ul style="list-style-type: none"><li>• Oxford and Cambridge results</li><li>• Sponsored Award (Bursary) Campaign Update</li><li>• Report on CLS Student Day</li><li>• Health and Safety Matters</li><li>• Parent and Pupil Data Policy</li></ul>	
<b>Recommendation</b>  Members are asked to note the report.	

## Main Report

### **1. Oxford and Cambridge Results**

This year the School secured 39 offers from Oxford and Cambridge which is a considerable increase on the figure of 25 for the previous year.

27 pupils applied to Cambridge, 26 were interviewed and 17 have received offers.

57 pupils applied to Oxford, 44 were interviewed and 22 received offers.

Details of the courses, colleges and grades related to these offers are given at Annex A.

### **2. Sponsored Award (Bursary) Campaign Update**

Four Sponsored Awards covering full fees have been made for Sixth Form entry in September 2015 and a further five will be offered for First Form entry at that time. These sponsored awards are available due to the generosity of:

City of London School Bursary Trust (via Tate Modern Dinner 2014 and other fundraising activities)

The Wolfson Foundation

John Carpenter Club

Carpenters Company

The School is very grateful to the above for their most generous support.

### **3. Report on Student Day 9 January 2015**

As in recent years, we held our Spring Term Student Day on the first Friday of the term. All boys in the Fourth Form and below, along with the Sixth Form, had twenty minute interviews with their Tutor to review their progress in the Autumn Term, go through their December reports and set targets for the rest of the academic year. In addition, boys in the Fourth Form and below had group sessions as follows:

<b>Year</b>	<b>Content</b>
OG and First	First Aid and a Study Skills course
Second	Personal Health and Social Education (PHSE) on Smoking and a Study Skills Course
Third	Team Building Events - African Drumming and talk by a Paralympian Rugby Player
Fourth	PHSE on Drugs and a Mindfulness Course

Sixth form students all had individual tutorials. In addition Junior Sixth members attended a talk on emotional resilience and Senior Sixth members attended a talk on risk.

### **4. Health and Safety Matters**

The Health & Safety Committee met on 2 December 2014 and again on 24 January 2015. The main issues dealt with were:

1. The School is reviewing its security arrangements in order to identify any further improvements which can be made. It is grateful to the City Surveyor's Department for its help with this review; and
2. A fire drill was held in January and advice is being sort from the City's Fire Safety Advisor as to any further improvements to the existing procedures which can be made. Another drill will be held before the end of the Spring Term which will be attended by the Fire safety Advisor.

### **5. Pupil & Parent Data Protection Policy**

The City of London Corporation is the data controller for the three City schools and the Guildhall School of Music and Drama. The Town Clerk's Information Officer has recently issued a revised policy after consultation with the schools with changes that are minor in detail covering such matters as scope, nomenclature and cross-reference correction. The revised version of the policy attached at Annex B.

**Sarah Fletcher**  
**Head, City of London School**

T: 020 7489 4701  
E: [skf@clsb.org.uk](mailto:skf@clsb.org.uk)

		Course	College	Offer
<b>CAMBRIDGE</b>	<b>1</b>	ChemEng via Natural Sciences	Gonville & Caius	A*A*A
<b>27 applicants</b>	<b>2</b>	Mathematics	Queens	A*A*A*A STEP(1,1)
<b>26 interviewed</b>	<b>3</b>	Law	St Catherine's	A*AA
	<b>4</b>	ChemEng via Natural Sciences	Churchill	A*A*AA
	<b>5</b>	HSPS	Emmanuel	U
	<b>6</b>	Computer Science	St Catherine's	U
	<b>7</b>	English	Queens	U
	<b>8</b>	Economics	Clare	A*AA
	<b>9</b>	Geography	Girton	A*AA
	<b>10</b>	MML (French & Spanish)	Emmanuel	A*AA
	<b>11</b>	Medicine	Trinity	A*A*A
	<b>12</b>	Mathematics	St John's	A*A*A* S&1 in Step 2&3
	<b>13</b>	Medicine	Fitzwilliam	A*A*A
	<b>14</b>	Natural Sciences	Queens	A*A*Aa
	<b>15</b>	Engineering	Pembroke	A*A*A
	<b>16</b>	Engineering	Peterhouse	A*AA Step (1)
	<b>17</b>	Classics	Pembroke	A*A*A
<b>OXFORD</b>	<b>1</b>	Engineering	Magdalen	A*AA
<b>57 applicants</b>	<b>2</b>	History & Economics	Worcester	AAA
<b>44 interviewed</b>	<b>3</b>	History & Russian	Oriel	AAA
	<b>4</b>	Biological Sciences	Brasenose	A*AA
	<b>5</b>	German & Linguistics ( <b>deferred entry</b> )	Magdalen	AAA
	<b>6</b>	History & French	Lincoln	AAA
	<b>7</b>	Experimental Psychology	Worcester	A*AA
	<b>8</b>	German & Italian	Worcester	AAA
	<b>9</b>	History & French	Brasenose	AAA
	<b>10</b>	Law	Open	U
	<b>11</b>	English Language & Literature	Magdalen	AAA
	<b>12</b>	Theology & Religion	St Peter's	AAA
	<b>13</b>	History & French	Jesus	AAA
	<b>14</b>	Psychology and Linguistics	Corpus Christi	A*AA
	<b>15</b>	Chemistry	Lincoln	A*AA
	<b>16</b>	Engineering	Brasenose	A*AA
	<b>17</b>	Psychology and Linguistics	St Catherine's	A*AA
	<b>18</b>	Chemistry	New College	A*AA
	<b>19</b>	History	University	AAA
	<b>20</b>	Geography	Worcester	A*AA
	<b>21</b>	MML (Russian & Portuguese)	Lady Margaret Hall	AAA
	<b>22</b>	PPE	University	AAA

This page is intentionally left blank

## **PUPIL & PARENT DATA PROTECTION POLICY**

### **General Statement of the Duties of the CLFS, CLS and CLSG**

1. The City of London Corporation ('the City') is the data controller for the City of London Freeman's School ('the CLFS'), the City of London School ('the CLS'), the City of London School for Girls ('the CLSG') and the Guildhall Young Artists Division ('Junior Guildhall & Centre for Young Musicians') of the Guildhall School of Music & Drama. This Policy applies to personal information held and processed by the CLFS, the CLS, CLSG and Junior Guildhall & Centre for Young Musicians, and may collectively refer to them as 'the School/s' in light of their common obligations under this Policy. References to the 'Bursar' in this Policy should, in respect of the CLS, be read as reference to the Head of IT & Computing, and, in the case of Junior Guildhall, the Head of Junior Guildhall.
2. The City, and the Schools, are required to process personal data regarding pupils, their parents and guardians as part of their operation, and shall take all reasonable steps to do so in accordance with this Policy and the Data Protection Act 1998 ('the DPA'). The City aims to have transparent systems for holding and processing written personal data. Any reference to personal data in this Policy includes reference to sensitive personal data. Processing may include obtaining, recording, holding, disclosing, destroying or otherwise using data.
3. Any individual is entitled to request access to information relating to their personal data held by the schools. In this Policy any reference to pupils includes current, past or prospective pupils.

### **The Data Protection Act 1998**

4. The City, and therefore each of the Schools, has the responsibility to comply with the DPA.
5. The DPA applies to information relating to both "personal" and "sensitive personal" data.
6. **Personal Data** is defined in the DPA as information relating to and identifying a living individual ("data subject"). The Schools may process a wide range of personal data of pupils, their parents or guardians, as part of their operation. To qualify as personal data, the data must be biographical in a significant sense, having the data subject as its focus and affecting the data subject's privacy. Personal data includes facts, any expression of opinion about an individual and any indication of the intentions of anyone in respect of that individual. Examples of personal data are: names and addresses; bank details; academic, disciplinary, admissions and attendance records; references; and examination scripts and marks.
7. **Sensitive Personal Data** is a sub-category of personal data and is defined in the DPA as information in respect of racial or ethnic origin, political opinions, religious beliefs or

"other beliefs of a similar nature", membership of a trade union, physical or mental health, sexual life, criminal convictions and alleged offences.

8. In order to comply with the DPA the Schools must comply with the eight Data Protection Principles which state that personal data must be:
  - (a) processed fairly and lawfully;
  - (b) obtained only for one or more specified and lawful purposes;
  - (c) adequate, relevant and not excessive;
  - (d) accurate;
  - (e) not kept longer than is necessary;
  - (f) processed in accordance with the individual's rights under the DPA;
  - (g) kept secure; and
  - (h) not transferred to countries outside the European Economic Area unless there is adequate protection to the individual in relation to processing.
  
9. **Processing** includes obtaining, holding, recording, adding, deleting, augmenting, disclosing, destroying, printing or otherwise using data.

#### **Processing of Personal Data**

10. Consent may be required for the processing of personal data unless the processing is necessary for the Schools to undertake their obligations to pupils and their parents or guardians. Personal data, unless otherwise exempt from restrictions on processing under the DPA, will only be disclosed to third parties under the terms of this Policy or otherwise with the consent of the appropriate individual.
  
11. The rights in relation to personal data set out under the DPA are those of the individual to whom the data relates. The Schools will, in most cases, rely on parental or guardian consent to process data relating to pupils unless, given the nature of the processing in question, and the pupil's age and understanding, it is unreasonable in all the circumstances to rely on the parent or guardian's consent. Parents should be aware that in such situations they may not be consulted.

#### **Exemptions which Allow Disclosure of Personal Data to Third Parties**

12. There are a number of exemptions in the DPA which allow disclosure of personal data to third parties, and the processing of personal data by the School and its employees, which would otherwise be prohibited under the DPA. The majority of these exemptions only allow disclosure and processing of personal data where specific conditions are met, namely:
  - (a) the data subjects have given their consent (with regard to sensitive personal data, this may require explicit, written consent, depending on the circumstances);
  - (b) for the prevention or detection of crime;
  - (c) for the assessment of any tax or duty;
  - (d) where it is necessary to exercise a right or obligation conferred or imposed by law upon the City or the Schools (other than an obligation imposed by contract);

- (e) for the purpose of, or in connection with, legal proceedings (including prospective legal proceedings);
- (f) for the purpose of obtaining legal advice; and
- (g) for research, historical and statistical purposes (so long as this neither supports decisions in relation to individuals, nor causes substantial damage or distress).

### **Use of Personal Information by the Schools**

13. It is required under the DPA that the personal data held about pupils must only be used for specific purposes allowed by law. The School holds personal data on pupils. The personal data includes contact details, assessment/examination results, attendance information, characteristics such as ethnic group, special educational needs, any relevant medical information, and photographs.
14. The data is used in order to support the education of the pupils, to monitor and report on their progress, to provide appropriate pastoral care, and to assess how well the school as a whole is doing, together with any other uses normally associated with this provision in an independent school environment.
15. The School may make use of limited personal data (such as contact details) relating to pupils, their parents or guardians for fundraising, marketing or promotional purposes and to maintain relationships with pupils of the School.
16. In particular, the School may:
  - (a) transfer information to any association society or club set up for the purpose of maintaining contact with pupils or for fundraising, marketing or promotional purposes relating to the School;
  - (b) make use of photographs of pupils in School publications and on the School website;
  - (c) disclose photographs and names of pupils to the media (or allow the media to take photographs of pupils) for promotional and congratulatory purposes where a pupil may be identified by name when the photograph is published e.g. where a pupil has won an award or has otherwise excelled;
  - (d) make personal data, including sensitive personal data, available to staff for planning curricular or extra curricular activities;
  - (e) keep the pupil's previous school informed of his/her academic progress and achievements e.g. sending a copy of the school reports for the pupil's first year at the school to his previous school.
17. Photographs with names identifying pupils will not be published on the School website without the express permission of the appropriate individual.
18. Any wish to limit or object to any use of personal data should be notified to the Bursar of the relevant School in writing, which notice will be acknowledged by the School in writing. Parents who do not want their child's photograph or image to appear in any of the School's promotional material, or be otherwise published, must also make sure their child knows this.

19. Pupils, parents and guardians should be aware that where photographs or other image recordings are taken by family members or friends for personal use the DPA will not apply e.g. where a parent takes a photograph of their child and some friends taking part in the School sports day.

### **Disclosure of Personal Data to Third Parties**

20. The School may receive requests from third parties (i.e. those other than the data subject, the School, and employees of the School) to disclose personal data it holds about pupils, their parents or guardians. This information will not generally be disclosed unless one of the specific exemptions under the DPA which allows disclosure applies (see paragraph 12); or where necessary for the legitimate interests of the individual concerned or the School.
21. The following are the most usual reasons that the School may have for passing personal data to third parties:
  - (a) to give a confidential reference relating to a pupil;
  - (b) to give information relating to outstanding fees or payment history to any educational institution which it is proposed that the pupil may attend;
  - (c) to publish the results of public examinations or other achievements of pupils of the School;
  - (d) to disclose details of a pupil's medical condition where it is in the pupil's interests to do so, for example for medical advice, insurance purposes or to organisers of school trips;
  - (e) to provide information to another educational establishment to which a pupil is transferring;
  - (f) to provide information to the Examination Authority as part of the examinations process; and
  - (g) to provide the relevant Government Department concerned with national education. At the time of the writing of this Policy, the government Department concerned with national education is the Department for Education (DfE). The Examination Authority may also pass information to the DfE.
22. The DfE uses information about pupils for statistical purposes, to evaluate and develop education policy and to monitor the performance of the nation's education service as a whole. The statistics are used in such a way that individual pupils cannot be identified from them. On occasion the DfE may share the personal data with other Government departments or agencies strictly for statistical or research purposes.
23. Any wish to limit or object to any use of personal data by third parties, except as stated in paragraph 21 above, should be notified to the Bursar of the relevant School in writing, or to the relevant authority (the contact details for which can be supplied by the School).
24. Where the School receives a disclosure request from a third party it will take reasonable steps to verify the identity of that third party before making any disclosure.

### **Accuracy of Personal Data**



25. The City and the Schools will endeavour to ensure that all personal data held in relation to an individual is accurate. Individuals must notify the relevant School's Bursar in writing of any changes to information held about them. An individual has the right to request that inaccurate information about them is erased or corrected.

### **Security of Personal Data**

26. The City and the Schools will take reasonable steps to ensure that members of staff will only have access to personal data relating to pupils, their parents or guardians where it is necessary for them to do so. All staff will be made aware of this Policy and their duties under the DPA. The City and the Schools will take all reasonable steps to ensure that all personal information is held securely and is not accessible to unauthorised persons.

### **Retention of Personal Data**

27. The Schools will have retention policies in place to ensure that personal data processed for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.

### **Rights of Access by Data Subjects to their Personal Data**

28. Under the DPA, individuals have a right of access to their personal data held by the City and the Schools. This is known as a "subject access request" and is subject to exemptions and constraints within the DPA. Any request in writing will be responded to as long as the appropriate fee is paid, satisfactory identification is given and the information request is clear. If these requirements are satisfied the Schools' *Personal Data Request Form* need not be completed.

### **Requests for Access to Records (Subject Access Requests)**

29. A subject access request must be made in writing. Where the request is not complete or clear, the fee has not been paid, or satisfactory identification has not been given, a *Personal Data Request Form* must be sent to the individual concerned within **two** working days of when the request is received by the School.
30. All requests for access to records must be placed on the relevant pupil's file, and the City's Data Protection Officer (who at the time of writing is the Information Officer in the Town Clerks' Department) informed that the request has been received.

### **Responding to Requests for Access to Records**

31. All requests for access to records must be passed to the Bursar of the relevant School.
32. The Head/Headmaster/Headmistress or, in his/her absence, the Bursar must authorise the applicant's request for access before **any** information is disclosed (see also paragraphs 37-41 below).

33. The Schools may also wish to get advice from the Information Officer or the Comptroller and City Solicitor in relation to disclosure.
34. A written response acknowledging the application form must be sent to the applicant within **5 working days** of the request.
35. The DPA requires a response to a request to be given within **40 calendar days** of the written request being received. The 40 day period does not begin until:
  - (a) a written application is received by anyone within the City of London Corporation (not when it has been passed on to and received by the Head/Headmaster/Headmistress, Bursar, City's Information Officer or the Comptroller and City Solicitor);
  - (b) the School has received sufficient information to enable it to identify the individual who is seeking access;
  - (c) the School has received sufficient information to enable it to access the information requested; and
  - (d) where applicable the fee of £10 has been received, unless otherwise waived at the School's discretion.
36. Where the conditions set out in paragraph 34 are fulfilled, in responding to the request, the School must confirm whether personal data is being processed and where that is the case, give a description of the personal data that is being processed, the purposes for which the personal data is being processed, and the persons to whom the personal data are or may be disclosed. The School must also provide, in an intelligible form, a copy of the information held and, where possible, details of the source of the information. Finally, where processing results in automated decision making which evaluates matters relating to the data subject (for example, in the marking of multiple choice questions), the data subject should be informed and informed also of the logic involved in that decision-making.
37. Data subjects are not entitled to information where exemptions to the right of access apply (see paragraphs 54-58 below). Moreover, in these circumstances, the School must only give a notification to the data subject that no information has been identified which is required to be supplied under the DPA.

#### **Authorisation of Access to Records on Behalf of a Child or Young Person**

38. A child or young person may appoint a person with parental responsibility for him or her to request access to their records. In such circumstances the School must have written evidence that the child or young person has authorised the person with parental responsibility to make the application.
39. The Head/Headmaster/Headmistress or, in his/her absence, the Bursar will determine what information will be shared with the person with parental responsibility. Access to records will be refused in instances where, for example, information sharing may place a child at risk of significant harm or jeopardise police investigations into any alleged offence(s).

40. Where a child or young person does **not** have sufficient understanding to make his or her own request, a person with parental responsibility can make a request on their behalf. The Head/Headmaster/Headmistress or, in his/her absence, the Bursar must, however, be satisfied that:
  - (a) the child or young person lacks sufficient understanding; and
  - (b) the request made on behalf of the child or young person is in their interests.
41. The School will only grant pupils' access to their personal data if, in the relevant School's reasonable belief, the pupil understands the nature of the request. It is generally accepted that, by the age of 12, a child can be expected to have sufficient maturity to understand the nature of the request.
42. Where a pupil seeks to raise concerns confidentially with a member of staff and expressly withholds their agreement to their personal data being disclosed to their parents or guardian, the School will maintain confidentiality unless it has reasonable grounds to believe that the pupil does not fully understand the consequences of withholding their consent, or where the School believes disclosure will be in the best interests of the pupil or other pupils.

#### **Disclosure of Information**

43. Any individual is, subject to exemptions and constraints within the DPA, entitled to have access to all information specifically held about him or her where:
  - (a) it is automated data being personal data held or processed electronically, for example, on a computer, word processor, audio and video system or telephone logging system;
  - (b) it is manual data which consists of non-automated information such as paper or microfiche files or records, which record information as part of a relevant filing system. A relevant filing system is defined as a set of information relating to individuals and structured either by reference to individuals or specific criteria relating to those individuals, so that specific information relating to a particular individual is readily accessible in a way broadly equivalent to information accessed within a computerised system.
44. The personal data must be provided in permanent form (e.g. paper, microfiche, CCTV images) unless:
  - (a) the supply of such a copy is not possible;
  - (b) supplying it in permanent form would involve disproportionate effort (in which case another way of viewing the data must be agreed with the applicant); or
  - (c) the data subject agrees otherwise.
45. Only relevant documents from the pupil's file will be duplicated and disclosed to the applicant who, if requested, should be given a copy of the duplicated document.
46. An individual is not entitled to information where:
  - (a) exemptions to the right of access apply (see paragraphs 54-58 below); or

- (b) another person, including any family member, has not given their written consent to disclose information that identifies them (**but** see paragraph 47 below) .
47. Information contained in an individual's records is likely to contain information about persons other than the individual. Generally, information about or identifying another person must not be disclosed to the individual seeking access to the information without that person's written consent.
48. There may be circumstances where the Head/Headmaster/Headmistress or, in his/her absence, the Bursar considers it *reasonable in all the circumstances* to disclose information without the consent of the other person. For example, when the person cannot be traced.
49. In determining what is reasonable in all the circumstances it is necessary to have regard to:
- (a) any duty of confidentiality owed to the other person;
  - (b) any steps taken with a view to seeking consent of the other person to the disclosure;
  - (c) whether the other person is capable of giving consent; and
  - (d) any express refusal of consent by the other person.
50. In instances where the Head/Headmaster/Headmistress or, in his/her absence, the Bursar, have decided information concerning other people, or their identities may not be disclosed, it is acceptable to blank out the relevant information.
51. There is also a general presumption in favour of disclosing personal data relating to employees, where this information is integral to the personal data of the applicant. So, the records kept by teachers in the course of their employment in respect of pupils may be disclosable.
52. Any request by an individual for access to information held about them must be complied with subject to this paragraph and to the exemptions set out in paragraphs 54-58 below. The School may, however, make a request for more specific details of the information sought.
53. A request for access to files without the permission of the individual must be directed to the Information Officer or the Comptroller and City Solicitor.
54. A record of the information disclosed in response to a request for access to information should be kept on the pupil's file, including details of any exemptions to disclosure relied upon (see paragraphs 54-58 below).

#### **Exemptions to Access by Data Subjects**

55. Confidential references given, or to be given by the Schools, are exempt from access. The Schools will therefore treat as exempt any reference given by them for the purpose of the education, training or employment, or prospective education, training or employment of any pupil.

56. It should be noted that confidential references received from other parties may also be exempt from disclosure, under the common law of confidence. However, such a reference can be disclosed if such disclosure will not identify the source of the reference or where, notwithstanding this, the referee has given their consent, or where disclosure is reasonable in all the circumstances.
57. Examination scripts, that is information recorded by pupils during an examination, are exempt from disclosure. However, any comments recorded by the examiner in the margins of the script are not exempt even though they may not seem of much value without the script itself.
58. Examination marks do not fall within an exemption as such. However, the 40 day compliance period for responding to a request is extended in relation to examination marks to either five months from the day on which the School received the request (if all the necessary conditions set out in paragraph 34 are fulfilled), or 40 days from the announcement of the examination results, whichever is the earlier.
59. Where a claim to legal professional privilege could be maintained in legal proceedings, the information is exempt from disclosure unless the privilege is waived.

#### **Repeated Requests for Access to Records**

60. Unless a reasonable period of time has lapsed between the compliance with one request and receipt of the next, under the DPA the School is not obliged to comply with subsequent identical or similar requests from that applicant.

#### **Complaints**

61. If an individual believes that the relevant School has not complied with this Policy or acted in accordance with the DPA they should utilise the relevant School's complaints procedure.
62. If the individual is still not satisfied, they may make representations to the Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF. Tel (01626) 545 700.

City of London  
December 2014

This page is intentionally left blank

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank



By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank