

Research into the uneven distribution of pupils with SEND: privacy notice for local authority staff

The purpose of this document is to explain what personal information (data) will be collected from research participants as part of this project, why we are collecting it, and who is responsible for keeping it safe.

The project will run from January 2025 to May 2026. It will involve analysis of the National Pupil Database, interviews with staff in local authorities (LAs), case studies with staff and parents and carers in ten 'high SEND' schools, and a survey of leaders in schools across England. The project will be guided by an advisory group.

Further information about the project can be found on our information sheet, which is available from our [website](#).

1 Why are we collecting this data?

The [National Foundation for Educational Research](#) (NFER) is collecting personal data as part of a research project, funded by the Nuffield Foundation, which is investigating the uneven distribution of pupils with special educational needs and disabilities (SEND) across mainstream schools. In England, pupils with SEND are disproportionately concentrated in a small number of schools, particularly at the secondary level. This includes both those with and without an Education, Health and Care Plan (EHCP). However, little is currently known about the factors driving this pattern or its impact.

The findings from the study will be shared through a series of accessible research reports, providing recommendations for policy and practice. The research aims to inform government decisions on SEND, funding, and accountability, supporting a fairer and more inclusive education system.

For the purposes of data protection legislation, NFER is the data controller, meaning NFER is responsible for deciding how any personal data is used.

2 What is the legal basis for processing activities?

The legal basis for processing personal data is covered by GDPR Article 6 (1) (f), which states that:

'processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party except where such interests are overridden by the interests or

fundamental rights and freedoms of the data subject which require protection of the personal data’.

We have carried out a legitimate interest assessment, which demonstrates that the project fulfils one of NFER’s core business purposes (undertaking research, evaluation and information activities). The research has broader societal benefits, and the project will provide new insights into how pupils with SEND are currently distributed across mainstream schools in England, the factors driving this distribution, and the implications of this distribution. It cannot be done without processing personal data, but processing does not override the data subject’s interests.

3 How will personal data be obtained?

NFER will collect personal data from LA staff using two approaches, summarised below.

1. Interviews with up to ten LA staff, selected in discussion with the LA, but likely to include support service professionals with unique local knowledge (e.g., education psychologists) and representatives from LAs’ SEND coordination teams/advisory services.
2. Case-study interviews with up to ten mainstream primary and secondary schools identified as having a higher proportion of SEND pupils than those in the surrounding area. Each case study will involve interviews with a strategic representative from the LA.

We will use publicly available information to contact LAs and invite them to participate in the research. We may also ask intermediaries, such as the Local Government Association, to contact LAs on our behalf. We will ask the LA representatives to identify the relevant staff to speak to. To minimise data sharing, we would hope LAs would arrange the staff interviews on our behalf. Failing that, we would require them to share the contact details (e.g., name, email, and phone number) of those who have agreed to participate with us, allowing NFER researchers to contact them directly.

4 What personal data is being collected by this project?

For each of the two data collection methods, we plan to collect the following information from LA staff.

Interviews with LA staff

- name, email address, telephone number, role and LA name
- views on the main drivers for certain schools having above average proportions of SEND pupils
- the perceived impacts on schools and pupils of having schools with different proportions of pupils with SEND, including for resource provision and the academic and non-academic outcomes of pupils
- perceptions on how schools approach SEND identification and the perceived reasons for any variation.

School case study interviews (relevant to LA staff)

- how the case-study school came to have its current SEND pupil profile
- how the school collaborates with other schools in their community
- how pupils with SEND are supported to access the curriculum
- perceived impacts on SEND and non-SEND pupils.

To support response rates, research participants will be offered a small financial payment to thank them for their time. In order to process these payments, it may be necessary to collect their name, email address, and bank details.

5 Who will personal data be shared with?

All interviews will be undertaken remotely by telephone or Microsoft Teams. The privacy notice for Microsoft Teams can be found here: <https://docs.microsoft.com/en-us/microsoftteams/teams-privacy>.

The interviews will be recorded so the research team can ensure the notes they produce are accurate. The recording will not be listened to/watched by anyone outside of the research team and research participants' permission to record will be asked at the start of the interview.

As part of this project, a pseudonymised data set (with direct identifiers such as name replaced by a numeric identifier) will be deposited in an appropriate archive, such as the UK Data Archive (managed by UK Data Service, University of Essex), within one year of completion of the grant. This supports NFER's commitment to open science and methodological developments.

No participating individuals or LAs will be named in our reports.

6 Is personal data being transferred outside of the United Kingdom (UK)?

NFER only stores personal data in the UK.

7 How long will personal data be retained?

NFER will retain personal data for up to 12 months after the publication of the final report in spring/summer 2026. Interview recordings will be deleted once analysed.

8 What rights do I have over my personal data?

Participants can withdraw their data from being processed at any time during the project. Should you withdraw from the research, any personal data you have provided up to that point will still be used unless you indicate otherwise.

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Under certain circumstances, you have the right:

- to request access to information that we hold about you (subject access request)
- to have your personal data rectified, if it is inaccurate or incomplete
- to request the deletion or removal of personal data where there is no compelling reason for its continued processing
- to restrict our processing of your personal data (for example, permitting its storage but no further processing)
- to object to our processing
- not to be subject to decisions based purely on automated processing where it produces a legal or similarly significant effect on you

If at any time you wish to exercise any of these rights and/or withdraw your data from the project, please contact the Project Leader Matt Walker (m.walker@nfer.ac.uk).

If you wish to make a subject access request, restrict or object to processing, please contact our Compliance Officer (compliance@nfer.ac.uk).

9 Who can I contact about this project?

NFER is responsible for the day-to-day management of this evaluation. Contact the Project Leader Matt Walker (m.walker@nfer.ac.uk) with any queries.

If you have a concern about the way this project processes personal data, we request that you raise your concern with us in the first instance (see the details above). If you are still dissatisfied, you can contact the Information Commissioner's Office, the body responsible for enforcing data protection legislation in the UK, at <https://ico.org.uk/concerns/>.

10 Last updated

We keep this privacy notice under review to make sure it is up to date and accurate. Any changes will be noted.