



AGAINST BORDERS FOR CHILDREN

1. What is the School Census?

The School Census takes place every academic term, so three times a year. This academic year the census dates were/are 6 October 2016, 19 January 2017 and 18 May 2017. It is statutory data collection on individual pupils and the schools themselves. It is done for all schools that receive government funding.

2. What sort of information does the School Census collect?

Personal individual information on each child, including name and home address, sensitive confidential personal data like special needs, and reasons for exclusions including drug and alcohol use or sexual misconduct, national curriculum attainment levels, exam grades, and educational progress.

Since 2008, there has been a widening of information requested. Not all of this information has value for children's education. Our campaign is specifically concerned about the new requirements for nationality/country of birth (COB) data in the 2016/17 census.

3. Why is the Department for Education (DfE) collecting children's nationality/COB through the School Census?

In 2015 then-Home Secretary Theresa May outlined proposals to be included in the Immigration Bill that would bring schools under the government's agenda to create a 'hostile environment' for migrants. According to the BBC,¹ those plans included schools withdrawing places offered to children of irregular migrant families and checking immigration status before accepting new pupils. After the then-Education Secretary Nicky Morgan expressed 'profound concerns', they reached a compromise, and the DfE agreed instead to collect nationality, COB and an expanded language data through schools "to improve [the DfE's] understanding of the scale and impact of pupil migration on the education sector."² The new data collection is explicitly linked to the government's policy to create a hostile environment for migrants, and is part of an attempt to make schools a proxy for immigration enforcement.³

4. Are the new nationality/COB questions anything to do with school funding?

The nationality/COB questions have nothing to do with school funding. There are no repercussions for refusing to answer these questions and it is the right of all parents/legal guardians. That there is no sanction for refusing to answer was confirmed in the House of Lords on Wednesday October 12 2016,⁴ and by DfE representatives on 16 November 2016.

5. How can schools receive funding for children with additional language needs if they do not have access to nationality/COB data?

English as an additional language (EAL) data is already collected by teachers in the classroom. The new nationality/COB questions are not used to determine EAL or funding needs.

6. Can parents opt out?

Yes. Pages 61 and 66-67 of the DfE's School Census guidelines⁵ explain that schools can record that a child's immigration data is either "not yet obtained", "not known", or has been "refused".

7. Can I retract data that I have already submitted?

Yes. If you respond 'refused' to the nationality/COB questions in the Spring Census which is due January 19 2017, this response will overwrite any previous response that has been given. Even if your school has not previously asked for nationality/COB data we would encourage you to write to retract it in case the school used information it held on file to fill in the October Census without informing you.⁶

¹ BBC News, December 2016 <http://bit.do/ABCref1>

² Written Question 42942, July 2016 <http://bit.do/ABCref2>

³ Schools Week, December 2016 <http://bit.do/ABCref3>

⁴ Hansard, October 2016 <http://bit.do/ABCref4>

⁵ School census 2016 to 2017 guide v1.5, January 2017 <http://bit.do/ABCref5>

⁶ Written Question - HL3296, November 2016 <http://bit.do/ABCref6>

8. What difference does it make if I refuse to answer the nationality/COB questions?

The DfE has told us that if there are high rates of refused/not yet obtained responses in the January Census, it will not be able to use the data that it does manage to collect for its intended purpose, and will have grounds to stop collecting the data entirely.

9. Are there any schools that are refusing to submit nationality/COB data to the DfE?

Schools are under a statutory obligation to ask for pupils' nationality/COB and must submit data that they obtain. However, some schools have recorded 'not yet obtained' for all pupils as default in response to the new nationality/COB questions, and have informed parents of their choice to provide nationality/COB data if they wish to do so. Schools still meet their statutory requirements to the DfE by doing this.

10. Do schools need to see ID documents as evidence for the nationality/COB questions?

No. DfE guidance specifically states at pages 66-67⁷ that passports and birth certificates must not be requested. However, many schools have erroneously asked to see ID documents.⁸

11. Can schools ask children directly for data without consulting their parents?

This is inadvisable even for older children as they may not fully understand the implications of providing it. Although we have received numerous reports of schools asking children for their nationality/COB directly, schools should ask parents/guardians for the data rather than children themselves.

12. Can schools use data that they already hold to answer the new nationality/COB questions without informing parents?

No. If schools plan to use data they already hold for purposes other than those for which it was first collected, they must seek consent from a child's parent/guardian first.⁹ If you are concerned that your child's school has used data without informing you, please email hello@schoolsabc.net.

13. Is nationality/COB data available to the Home Office?

Nationality/COB data is not currently available to the Home Office, but would have been had the DfE not changed its data-sharing policy on 7 October 2016¹⁰ after we wrote an open letter expressing precisely that fear.¹¹ However, nationality/COB data is still being collected as part of the government's attempt to create a hostile environment for migrants, and future changes in the data-sharing agreement could see nationality data made available to the Home Office once again. It may still be used within the DfE and there is no transparent oversight or any safeguard in place.

14. Is other School Census data used for immigration enforcement purposes?

Yes. The DfE has an agreement with the Home Office, in place since 2015, that it will share the data of up to 1500 children a month, including name, address and school details, for immigration enforcement purposes. This is an agreement to track down migrant children and families using school records that was kept secret from parents, the press and the public until it was released in December 2016 under the Freedom of Information Act.¹²

⁷ School census 2016 to 2017 guide v1.5, January 2017, <http://bit.do/ABCref7>

⁸ Schools Week, September 2016 <http://bit.do/ABCref8>

⁹ Information Commissioner's Office, <http://bit.do/ABCref9>

¹⁰ Schools Week, December 2016 <http://bit.do/ABCref10>

¹¹ Against Borders for Children, September 2016 <http://bit.do/ABCref11>

¹² The Guardian, December 2016 <http://bit.do/ABCref12>