

## **MARKETING PROCEDURE FOR ST. MARGARET'S CofE PRIMARY SCHOOL**



At St. Margaret's Church of England Primary School we seek to develop wisdom, encourage aspiration and promote dignity and acceptance enabling our respectful children to live a life giving back to the community.

John 10:10: 'Live life in all its fullness.'

# Marketing Procedure

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## 1. Introduction

Marketing is more than just the selling or promoting of goods for financial gain. It also includes the promoting of ideals and beliefs. So even if you are not 'selling' something it may still count as marketing.

Schools often wish to promote events and services at their school, or even promote events or services of other community organisations, this is marketing.

If you send information out to parents by electronic means (this includes using email; text; School Communications Apps such as ParentMail), you must make sure you comply with the Privacy and Electronic Communications Regulations (PECR). This is because the information is being sent directly to that person's mailbox or phone number, and it is their right to object to receive marketing information sent in this way.

If you choose to promote services either your own or on behalf of others on your website, the rules in PECR are not engaged. This is because the marketing is not directed to an individual, it is up to the individual to read (or not) the content you place online.

Similarly, if you display posters, use a noticeboard, provide handouts at events, or drop a note into the school bag, it is not captured, as it is not addressed to an individual and is not sent by electronic means.

PECR covers any marketing you send to an individual by electronic means, e.g. by:

- School Communications Apps, e.g. ParentMail or School Ping
- Marketing telephone calls and voicemails
- Emails
- Texts
- Social Media, Picture Messages, Video Messages
- Faxes

The UK GDPR does not replace PECR, although it does update the definition of consent. If you are doing any direct marketing by electronic means you must comply with both PECR and UK GDPR (as applied by the Data Protection Act 2018).

The principle that the law introduces is this:

- If you do not have explicit, recorded consent to send marketing via electronic means you are in breach of PECR and UK GDPR
- If you have consent or are relying on the 'soft opt-in' provision you must always provide a simple way for them to opt out of receiving further marketing from you.

## 2. Quick Reference Guide

- Is this something the recipient has a choice about? Be clear about whether the messaging relates to your core tasks to deliver education, promote health and wellbeing, or provide care for the students – this will not be marketing

- Is there a simpler way to promote the event/service? Would posters and handouts achieve the objective? Would placing it on your website and encouraging parents to check the website for items of interest work just as well?
- Do you have explicit consent from parent/carers to send emails or messages to them for services not directly related to their child's education?
- If you have offered parent/carers the choice to sign up to a school's communications network, e.g. ParentMail to receive messages, have you been clear that some messages will be about community events or services? If not, you do not have consent for marketing on behalf of third parties as it must be explicitly consented to.
- Set out a marketing procedure for the school so it is clear to staff what methods of contact you allow and which you don't. Where you want to use a school communications network for parent/carers, ensure you ask for granular consent making clear that you intend to use it for the marketing purposes of the school, on behalf of third parties (where that is the case), and ensure you have an 'unsubscribe' link on all emails.
- Schools can make live marketing calls to numbers **not** registered with the Telephone Preference Service (TPS), if it is fair to do so. But they must not call any number on the TPS list without **specific prior consent**.

### 3. Policy References

This procedure is a requirement of the Data Protection Policy.

### 4. Procedures

#### **Messages directly related to the school**

If your messages are about information directly related to the running of your school including your core tasks to deliver education or provide care for the students, including promoting their health and wellbeing, consent is not required.

However, if you want to send electronic marketing about any other matter, you should only send it to someone who has consented to receiving it.

See [Appendix B](#) for some examples of when it is and is not acceptable to send marketing information without consent.

#### **Messages about services offered by your school**

A 'soft opt-in' is where you have an existing marketing relationship, for example someone has already received a service from you, e.g. used your lettings facility to hire a room, or has signed up to receive a service (even if it has not yet been delivered); you are permitted to send them a marketing communication regarding another service/product you think they may be interested in. You are required when sending this communication to ask them to opt-in to further communications. You must explain how to opt out, and each electronic message must carry an 'unsubscribe' message/functionality.

If the individual does not opt-in on the first communication, you cannot send any further marketing communications, and you must ensure you have recorded their decision.

### **Parent Teacher Association (PTA) or similar**

Parent/carer contact details such as email or telephone numbers cannot be provided to the PTA without consent from individuals. Whilst PTAs do an amazing job supporting schools, data protection and PECR rules must be observed. PTAs can make use of your community section on your school website to promote fundraising activities, as this is not captured by PECR. They can also add leaflets to school bags, or place posters around the school, or local community. However, if the school was to send those communications out on behalf of the PTA (including adding information to the school Newsletter), that is perfectly fine, and you will not need consent

### **Messages on behalf of other organisations/groups**

The above only applies where the consent received from the individual explicitly covers marketing of third-party events/services.

### **Is marketing to organisations the same as marketing to individuals?**

Only if the recipient is a sole trader. For other organisational types you can send marketing communications to corporate bodies (for example to admin@email address), but you must include the unsubscribe or similar simple opt out functionality.

## **5. Record keeping**

It is best practice to keep a suppression list of those who have requested that you stop sending marketing material to them. If you use a communications network these very often do this for you, but if this is not the case you must retain a suppression list to ensure you meet your legal obligation to not send further marketing material. If you do send marketing after an individual has unsubscribed, and you have had sufficient time to remove them from your list since they made their complaint, for example a month, then you are in breach of PECR which could result in regulatory action being taken against you.

## **Privacy Notices**

Your general privacy notice must make clear how individuals can exercise their rights and how to make complaints. In addition you must have available on your website the Marketing Activities specific privacy notice ([Appendix A](#)) so that individuals are clear about how their personal data may be used.

## **Records of Processing Activity**

To comply with data protection law you must maintain records of processing activity. An element of this is the mapping of your data flows. Where data is transferred or received for marketing purposes you must record them and identify the legal basis you are relying on for the use of the personal data for marketing purposes.

## **6. Advice and Support**

If you have any issues over the clarity of these procedures, how they should be applied in practice, require advice about exemptions from the requirements or have any suggestions for amendments, please contact the school office.

## 7. Breach Statement

A breach of this procedure is a breach of the Data Protection Policy. Breaches will be investigated and may result in disciplinary action. Serious breaches of Policy may be considered gross misconduct and result in dismissal without notice, or legal action being taken against you.

## Appendix A – Marketing Activities Privacy Notice



Marketing PN.docx

## Appendix B - When is it acceptable to send marketing information without consent?

See below for some examples of when marketing is and is not acceptable without consent, and scenarios that are not considered to be direct marketing.

Type of marketing	Is this OK?
A parent would like to provide PE shirts with their business logo printed on the back.	This is fine. It is not considered “direct marketing” because you are not emailing this to a parent. Yes, they will be able to see it on the back of the shirts, but it is not physically addressed to them.
What if we want to put in our Newsletter “Thank you to Bob’s Builders for providing football shirts for Year 6”	This is fine, providing you don’t give a link to Bob’s website
Can we give details of church services	<p>If you are a faith school, then it would be reasonable for parents to expect to be sent details of activities connected with the church that your school is affiliated with.</p> <p>If you are not a faith school, provide a weblink (perhaps on your own website community area) to the information, so the recipient has a choice about looking at the info.</p>
The Local Authority have asked us to send information to parents such as Library activities (e.g. this year’s Big Read); information on Fostering; parenting courses etc	The Local Authority have a statutory responsibility provide the public with certain services. They are able to do this using the legal basis of “Public Task”. One of the ways they will use to alert the public of these services is to

	ask schools to advertise them. The legal basis used by the LA is therefore extended to schools, and you can legitimately provide this information.
The Parent Teacher Association would like to advertise their fund raising activities?	You need consent from parents to send PTA materials to their personal email addresses as this is captured by PECR. You could consider adding this to your new intake forms and capture consent at that point. For existing parents you could ask them all via a parent email, or at a school event e.g. parent evening.
A parent is running yoga classes. She has said she will offer discounts for parents of our school. Can we tell people about this in the newsletter?	No, not without consent. The fact that it could be advantageous to your parents does not count, as it is not connected with the running of your school.
Can we advertise the netball club which is run afterschool on our premises? The club is being run by a separate provider, but it will benefit children in our school.	As this could directly affect the students in your school it is OK. As schools you are responsible for encouraging healthy activity and wellbeing
Can we advertise music lessons? Parents will pay for these separately, but the lessons will take place during the school day.	Yes. If the school is encouraging their pupils to take up a musical instrument, and will be allowing them to take time out of lessons to do this, then it would be considered to be adding to their education. Whist the school is not providing the lessons, they are facilitating them.
The local football team is offering classes during the school holidays and would like us to advertise this in our newsletter.	Yes, as part of your responsibility to encourage healthy activity and wellbeing
The village hall is running a fete in the Summer	No
The school are running a fete in the Summer	There is a clear connection to the running of your school, and (usually) your pupils will be actively involved. So yes, this is fine.

<p>A parent has asked if we can ask other parents if they would like to buy raffle tickets for a local cancer charity. The school will not benefit from this, and the parent's own details will be provided if anyone would like to buy them.</p>	<p>No</p>
<p>The school is raising money for a local cancer charity. Activities are taking place within school in order to raise money, such as bake sales, raffle tickets, fancy dress competition etc. Is this OK</p>	<p>If the activity is taking place on school grounds, during school hours, this is fine, as there is a clear connection with the school. If it is taking place afterschool, but your pupils will be involved, again, there is a clear connection to the school.</p>
<p>Can we advertise after school clubs / Holiday clubs operating in the area?</p>	<p>Yes, as part of your responsibility to encourage healthy activity and wellbeing. Most schools have their own or affiliated ASCs</p>