

WEST MIDLANDS REGIONAL SENDIASS NETWORK CONFIDENTIALITY POLICY

1. Introduction

SENDIASS (special educational needs and disability information, advice and support service) are statutory services offering free neutral, accurate information for parents, children and young people on special educational needs (SEN) and disabilities procedures as set out in SEN legislation and the SEND Code of Practice: 0 to 25 years.

SENDIASS are expected to meet certain minimum standards as prescribed by the Government and, in addition, 'in order to strengthen the arm's length nature of SENDIASS and to improve the quality of services in every area' are expected to comply with new Quality Standards set out by the Government in 2016.

2. Confidentiality Statement

SENDIASS are committed to ensuring the confidence of parents in their services is fostered through an explicit policy on confidentiality.

The handling of information that parents/young people provide complies with the requirements of the Data Protection Act and is not shared with anyone outside of SENDIASS unless they have given permission for it to be shared or there are strong public interest concerns, i.e. child protection (see breaches of confidentiality).

3. Definition of Confidentiality

SENDIASS understands confidentiality to mean that no information regarding a service user shall be given directly or indirectly to a third party which is external to SENDIASS, without the service user's prior express consent to disclose such information.

SENDIASS recognise that all parents should be able to access their services in confidence and that no other person should ever know that they have used them, if they wish.

Information may be shared with SENDIASS staff whilst discussing cases; SENDIASS will not confirm the parents' use of the service without obtaining their consent. The Local Authority will not receive details of individual parents or their case.

4. Use of Data

SENDIASS maintain electronic recording systems, accessed only by SENDIASS staff to enable them to monitor take-up of the service, to identify any policy issues and provide usage statistics (in an anonymous form) to third parties. It is the responsibility of all staff to ensure that all statistical records given to third parties are produced in anonymous form, so that individuals cannot be recognised.

Paper files containing information about parents are kept in locked cabinets accessed only by SENDIASS staff, parents may have access to these files at any time. The Local Authority will not have access to written files unless a parent has asked for this to happen.

From time to time and after risk assessment, paper files are taken by SENDIASS staff out of the SENDIASS office. SENDIASS staff must ensure these files are kept safe and out of sight of third party.

Quotes from service users may be used in SENDIASS promotional materials in anonymous form unless the service user has given prior consent for it to be used. Photographs of parents and children taken at SENDIASS events will only be used if written consent has been given.

5. Database: Log Sheets

It is normal practice to ask parents for their name and address as well as other personal information relevant to them and their child, i.e. date of birth, school, ethnicity, needs etc. It is the responsibility of all staff to ensure their log sheets are kept safely and out of sight of any third party, however parents have a right to be anonymous if they wish.

When information about parents is provided by a third party, i.e. other parents, practitioners and schools, SENDIASS staff must confirm with the third party that they have parents consent to disclose such information.

6. Expressed Consent to Give Information or Make Contact

SENDIASS staff must not take action on behalf of a parent or make contact with a third party without their express consent.

SENDIASS consider it acceptable to contact parents on their home and mobile telephones but should check with them on the acceptable method of contact. SENDIASS staff should also check if it is acceptable to leave messages on answer phones and with work colleagues.

When sending information to parents by post, care must be taken to establish the correct mailing address, including full postcode. Parents have the right to request that their details be removed from the database at any time.

7. Breaches of Confidentiality

SENDIASS recognise that exceptional circumstances may arise, in which a breach of confidentiality must be considered. These exceptions are as follows:

- Information is shared that raises concerns about a person's safety.
- Information held by SENDIASS, which, if disclosed, may prevent a crime, or assist in the detection of a crime.
- Information held by SENDIASS which must be legally disclosed.

Circumstances in which parents, or a third party, may be at risk include the following:

- The parent discloses that they have been abused.
- The parent describes a situation which raises concerns about the safety of a child or vulnerable adult.
- The parent is in immediate danger, e.g. suicide.

In any of these situations SENDIASS staff must consult their line manager. A decision on whether or not to breach confidentiality should then be made.

If a decision is made to contact services for help, e.g. police, social care etc, parents should be contacted, if possible and appropriate, and informed of the decision.

If SENDIASS staff receives information relating to a criminal offence, they should inform their line manager as soon as possible, who will then make a decision on whether or not to contact the police.

SENDIASS will disclose information where legally required to do so.

Although such a situation is unlikely to occur in the world of SENDIASS, under the Prevention of Terrorism Act 1989 it is an offence to withhold information relating to acts of

terrorism. The Police and Criminal Evidence Act 1984 allows the police to make an application to a judge for a production order; it is an offence not to produce the documents referred to in the order.

In any situation where a breach of confidentiality is being considered, the situation must be recorded on the case notes as soon as possible.

8. Legislative Framework

The West Midlands Regional SENDIASS Network will monitor this policy regularly to ensure it meets statutory and legal requirements.

9. Ensuring the Effectiveness of the Policy

All SENDIASS staff will receive a copy of the confidentiality policy. Existing and new staff will be introduced to the confidentiality policy via induction and training. The policy will be reviewed annually and amendments agreed.

This policy will be made available to parents on request.