



**Stoke on Trent
SEND Information Advice & Support Service
(SENDIASS)**

Confidentiality Policy 2017

Updated: October 2017



Introduction

Stoke-on-Trent SEND Information, Advice & Support Service (SENDIASS) is a statutory service offering free impartial, accurate information, advice and support for parents/carers, children and young people on special educational needs and disability (SEND) procedures as set out in SEND Legislation and the SEND Code of Practice 0 to 25 years (2015), so that parents/carers, children and young people can make informed decisions around special educational needs & disability.

Confidentiality Statement

The SENDIASS commitment to ensuring the confidence of parents/carers, children and young people in their services is fostered through an explicit policy on confidentiality.

The handling of information that parents/carers, children and 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).

Definition of Confidentiality

The 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.

The SENDIASS recognises that all parents/carers, children and young people should be able to access their services in confidence and that no other person should ever know that they have used them. The SENDIASS recognise that information may be indirectly given out through staff discussing cases. The SENDIASS will not confirm any person's use of the service without obtaining their consent.

Use of Data

The SENDIASS maintain an electronic recording system (Database) that is password protected, accessed only by SENDIASS staff, volunteers and Independent Supporters (IS) 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 service users are kept in locked cabinets accessed only by SENDIASS staff, volunteers and Independent Supporters.

From time to time, notes are taken by SENDIASS staff and Independent Supporters out of the SENDIASS office. SENDIASS staff and Independent Supporters must ensure these notes are kept safe and out of sight of any third party and shredded on return.

Service users will be informed that they have a right to see any information held on them or their child.

Referral Forms

It is normal practice to ask service users for their name and address as well as other personal information relevant to them and/or their child, i.e. date of birth, school, ethnicity, needs etc. It is the responsibility of all staff to ensure their referral forms are kept safely and out of sight of any third party.

The details written on the referral forms are entered onto the database and a hard copy is kept in the service user's paper file.

When information about service users is provided by a third party, i.e. other parents, practitioners and schools, SENDIASS staff, volunteers and Independent Supporters must confirm with the third party that they have the service user's consent to disclose such information.

Expressed Consent to Give Information or Make Contact

SENDIASS staff, volunteers and Independent Supporters must not take action on behalf of a parent/carer, child or young person or make contact with a third party without their express consent.

The SENDIASS consider it acceptable to contact service users on their home and mobile telephones but should check with them if it is acceptable to call them at work. SENDIASS staff, volunteers and Independent Supporters should also check if it is acceptable to leave messages on answer phones and with work colleagues.

When sending information to service users by post, care must be taken to establish the correct mailing address, including full postcode.

Breaches of Confidentiality

The 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 or IS which, if disclosed, may prevent a crime, or assist in the detection of a crime.
- Information held by SENDIASS or IS which must be legally disclosed.

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

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

In any of these situations SENDIASS staff, volunteers and Independent Supporters must consult the Service Lead. A decision 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. service users should be contacted, if possible and appropriate, and informed of the decision.

If SENDIASS staff, volunteers and Independent Supporters receive information relating to a criminal offence, they should inform their Service Lead as soon as possible, who will then make a decision on whether or not to contact the police.

SENDIASS and IS will disclose information where legally required to do so.

Although such a situation is unlikely to occur in the world of SENDIASS or IS, 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.

Ensuring the Effectiveness of the Policy

Parents/carers, children or young people will be consulted on its contents at time of referral. Staff will record on case notes that a copy has been given. The policy will be shared with Local Authorities, education settings and other relevant agencies.

All SENDIASS staff, volunteers and Independent Supporters will receive a copy of the Confidentiality Policy. Existing and new staff and volunteers will be introduced to the Confidentiality Policy via induction and training. The policy will be reviewed annually by the Steering Group and amendments agreed.

All SENDIASS staff, volunteers and Independent Supporters will be required to sign the following Confidentiality Agreement, the original of which will be kept on their personnel file.

Our advisors have completed SEND Legal Training, accredited by the Law Society (through the Solicitors Regulation Authority).

Administration

This policy was written and published in consultation with the SENDIASS Steering Group.

Date written - updated October 2017

Previously Amended - May 2017

Review date - October 2018

Signatures:

Name:

Position:

Date:

Name:

Position:

Date:

Confidentiality Agreement for Stoke-on-Trent SENDIASS

Name _____

Job Title _____

I have read and understand the SENDIASS Confidentiality Policy, and agree to adhere to its guidelines.

Signed _____ Date _____