Cambridgeshire and Peterborough SENDIASS - Confidentiality Policy

Statutory Framework

The Childrens and Families Act 2014 and the SEND Code of Practice January 2015 require local authorities to arrange for children with SEN or disabilities for whom they are responsible, and their parents, and young people with SEN or disabilities for whom they are responsible, to be provided with information and advice about matters relating to their SEN or disabilities, including matters relating to health and social care. These Information, Advice and Support Services should be impartial, confidential and accessible and should have the capacity to handle face-to-face, telephone and electronic enquiries.

The Data Protection Act 1998 makes provision for the regulation of the processing of information relating to individuals, including the obtaining, holding, use or disclosure of such information.

Statutory and non-statutory guidance on child protection requires practitioners to make an immediate referral to local authority children’s social care if they believe that a child has suffered harm or is likely to do so. This is clearly set out in the cross-sector Working Together statutory guidance and is supplemented by What to do if you’re worried a child is being abused which aims to help practitioners identify when abuse or neglect might be occurring and provide advice on what to do next. This requirement overrides any confidentiality between SENDIASS, and anyone else working in education, health or social care, and anyone they are working with, supporting or advising.

Definitions

For the purpose of this policy Confidential information is any information about an individual or their family that is specifically communicated to SENDIASS orally or in writing, by the parent, young person, child or
anyone else. This includes any information about an individual parent, young person or child, including their family and personal life, which may be observed or discovered by a member of the SENDIASS team.

Requirements on SENDIASS

Parents
Information about parents (including details about their children) should not be passed from SENDIASS to any statutory or voluntary organisation unless the parent(s) know and agree to this in advance.

This also applies to arrangements made by SENDIASS for referring parents to Parent to Parent Support or P4P.

If parents do not want their details passed on to anyone else their wishes should be respected.

Young People
Information about a young person should not be passed from SENDIASS to any statutory or voluntary organisation unless they know and agree to this in advance.

This also applies to arrangements made by SENDIASS for referring them to Young Person to Young Person Support or YP4YP.

If young people do not want their details passed on to anyone else their wishes should be respected.

Children
Information about a child should not be passed from SENDIASS to any statutory or voluntary organisation unless they know and agree to this in advance.

This also applies to arrangements made by SENDIASS for referring them to support from another pupil at their school or setting.

If a child does not want their details passed on to anyone else their wishes should be respected.

Implementation of the policy.
1. **Respect for the parent’s, young people’s and the child’s right to privacy**

   1.1. Observations or information about the parent, young person, child or their family are not recorded or communicated unless they are directly relevant to the issues under discussion.

   1.2. Parents, young people and children are not required to state the nature of their enquiry in front of other people.

   1.3. Interviews are held in private where they cannot be overheard or observed.

   1.4. Telephone calls are held in private or managed so that the identity of the caller, their family and educational or care setting cannot be recognised.

2. **The parent’s, young persons and the child’s right to contact SENDIASS in confidence anonymously**

   2.1. SENDIASS undertakes not to inform anyone else that the parent, young person or child has contacted SENDIASS unless they agree.

   2.2. SENDIASS respects the right of anyone to contact the service anonymously.

   2.3. SENDIASS responds to general enquiries without asking for detailed information about the parent, young person or child or their family.

3. **SENDIASS’s commitment to principles of confidentiality in its relationship with parents, young people and children**

   3.1. All information obtained from parents, young people and children is treated as confidential.

   3.2. Information is not shared with anyone else except with the parents, young person’s or child’s permission. After giving permission this may be modified or withdrawn at any time.

   3.3. If a parent, young person or child does not want their details passed on to anyone their wishes should be respected.

4. **Practical arrangements to ensure confidentiality**
4.1 Office procedures protect the confidentiality of parents, young people and children
4.2 Personal information sent by email is with the parent’s, young person or child’s permission
4.3 All letters related to individual parent’s, young people and children will be marked as “strictly private and confidential”
4.4 Particular care is taken when sending sensitive information by fax to an “open” office.
4.5 “Coded” information such as initials and date of birth should be used in electronic and insecure communications
4.6 Identities of parents, young people and children will be protected in any information published by SENDIASS
4.7 Records are kept securely and comply with the provision of the Data Protection Act
4.8 Any statistical information provided by SENDIASS to help the local authority or health make provision more responsive to parents, young peoples and children’s needs, or to identify a potential problem, will be anonymised to ensure individuals cannot be identified.

5. Confidentiality between SENDIASS and Cambridgeshire County Council

5.1. SENDIASS has ownership of the information provided by parents, young people and children
5.2. Access to parental, young people’s and children’s records held by SENDIASS, by other Local Authority Departments or other bodies is only with the consent of the relevant parents, young person or child, subject to safeguarding requirements.

6. Information to parents on SENDIASS confidentiality policy

6.1 Parents, young people and children will be informed of the SENDIASS confidentiality policy
6.2 Parents, young people and children will be informed as to who has access to SENDIASS records
6.3 Parents, young people and children will be informed of their rights to see any information held on them and in relation to parents their child unless that information was provided by the young person or child in person. Access to this information is by way of a printed report on request.
6.4 Parents, young people and children will be informed that information is kept securely and will not be passed on to anyone else without their permission.

7. The priority given to child protection issues at all times

7.1 Child protection issues will take priority over any other consideration.

8. Office procedures

8.1 No information provided by a parent, young person or child should be stored without their permission.

8.2 Case recording
   a) All information relating to calls of concern from parents, young people and children must be recorded on the agreed Case Recording Database, currently provided by Cross Data.
   b) The Case Recording Database should not be accessible by the local authority and should only be accessible by SENDIASS staff.
   c) The Case Recording Database should have two levels of password protection.

8.3 Computer screens should not be left unattended with confidential information about parents, young people or children visible.

8.4 Computer screens should be locked when left unattended.

8.5 ‘Written’ materials, either electronic or paper, should be loaded onto the Case Recording Database as soon as possible. The original electronic copy should be deleted immediately from the server and paper copies disposed of in the locked confidential waste bins to be shredded.

8.6 Papers for and from meetings should be shredded as soon as practically possible and stored securely until this is possible.

8.7 Correspondence relating to parents or their families, young people and children should not be left on desks overnight but must be locked away.

8.8 Post relating to casework will be stored in a locked cabinet and picked up by the relevant member of staff when they are next in the office.
8.8 Cases recorded on paper dating from before SENDIASS used a case recording database for all its work will be kept in locked filing cabinets.
8.9 All records are kept securely and comply with the provision of the Data Protection Act.
8.10 All SENDIASS staff will be aware of the Confidentiality Policy
8.11 All SENDIASS staff will receive training and advice regarding data protection and information storage.

9. Working with Children and Young People

9.1 The Children and Families Act (CFA) 2014 and subsequent guidance requires young people and children to be offered confidential advice i.e. without their parents knowledge
9.2 The CFA takes into account the Gillick case, the Gillick Competencies and the Fraser Guidelines.
9.3 As per the SEND Code of Practice SENDIASS staff should where possible ensure the parents of young people, while they are under 18 years old, and children are involved with their child’s decision making. If the child or young person does not want them involved their right to make this decision should be recognised subject to Safeguarding/Child Protection and Mental Capacity Act requirements.

10. Review
10.1 This policy should be reviewed annually by the Managers of the SENDIASS Service.
10.2 Question about the Policy should be referred to the SENDIASS Managers.

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