



BATH & NORTH EAST SOMERSET SEND PARTNERSHIP SERVICE

CONFIDENTIALITY POLICY

1. Introduction

- 1.1. The role of the SEND Partnership Service is to ensure parents have access to confidential and impartial information, advice and support so they can make informed decisions about their child's special educational needs. This is achieved by working in partnership with parents, providing information, services and training, working with relevant agencies and ensuring parents' views influence local policy and practice.
- 1.2. This confidentiality policy sets out the way in which Bath & North East Somerset SEND Partnership Service operates with respect to the confidentiality of its service users, taking into consideration current legislation, whilst complying with local government policies and procedures.

2. Confidentiality

- 2.1 Bath & North East Somerset SEND Partnership Service works with parents by invitation through parents' self-referring to the service about concerns with respect to their children's education. In exceptional circumstances, SEND Partnership staff may agree to contact parents who have been referred to the service by other professionals and where it is evident that the referrer has obtained prior consent to contact details being passed to the service. It is recognised that through implementation of the Common Assessment Framework and Team Around the Child indirect referrals may become more commonplace.
- 2.2. The SEND Partnership Service upholds the trust and confidence that parents place in the service, its staff and team of Volunteer Supporters by maintaining confidentiality about case work. Personal information may be provided to other professionals in order to achieve desired outcomes for service users. However, this will only occur if parental consent has been obtained.
- 2.3. The Service will only disclose personal information without consent if required by law, for example, in relation to Child Protection issues. In these circumstances, confidentiality obligations may be over-riden if it is believed that a child is at risk.

- 2.4. The SEND Partnership Service operates at 'arms length' from the Local Authority, but as a service provided 'in-house' it remains subject to the laws that regulate the use and sharing of personal information by public bodies with respect to data on school pupils. These laws include:
- 'Administrative law' that regulates the activity of public bodies.
 - The Human Rights Act 1998 and the European Convention on Human Rights.
 - 'Common law' Duty of Confidence.
 - The Data Protection Act 1998.
 - Freedom of Information Act 2000.
 - European Community law.
 - The Children Act 2004 (Section 11 Safeguarding Children)
 - In addition the Service complies with Local Authority policies on Information Sharing and Remote and Mobile Working.
- 2.5. In line with its obligations under the above legislation, the SEND Partnership Service strives to ensure the confidentiality of its service users. Subject to parental consent, the Service sometimes shares personal information about service users within the Council and with external agencies, for the purpose of assisting parents in dealing with circumstances affecting their children's education.
- 2.6. Anonymised statistical data is provided on a monthly basis to the Local Authority for Performance Monitoring as means of gauging service activity. No data is provided that would identify families or their children.

3. Training

- 3.1. SEND Partnership Service staff and the team of Volunteer Supporters (VS) are trained in the Service's obligations under the Data Protection Act (1998) and the Freedom of Information Act (2000). Volunteer Supporters are required to sign a Volunteer Agreement, confirming their compliance with this legislation and the working practices associated with their role, before undertaking any case work for the Service. Staff and Volunteer Supporters are periodically reminded of procedures for handling case work in order to ensure that they comply with legislation.
- 3.2. Volunteer Supporters are instructed not to store personal data relating to case work on their home computers, and are required to comply with the Local Authority's Mobile and Remote Working Policy.

4. Storage of Case Work

- 4.1. The SEND Partnership Service provides information, advice and guidance for parents of children with additional needs to help them resolve circumstances that affect their children's education. This often results in parents providing the Service with information of a personal and/or sensitive nature about their children.

- 4.2. It is generally accepted that if a child is under 12 years of age, their parent or guardian has a right of access to their personal information under the Data Protection Act (1998). If a child has the capacity to make their own request (normally from the age of 12) they will have an independent right of access to their personal information under the Act.
- 4.3. Requests for personal information about service users should be directed to the Manager – Family Information and SEND Partnership Services:
Telephone 01225 395344
SEND Partnership Service
Bath & North East Somerset Council
Lewis House
Manvers Street
BATH
BA1 1JG
- 4.4. Case work information held by the Service is subject to the Records Retention Policy of Bath & North East Somerset Council, as follows:

Children in Care	Destroy 75 years from 18 th Birthday
Children with Supervision Orders	Destroy 21 years from Date of Birth
SEND Partnership Service – Parent Support	Destroy 12 years from closure

While most case work will fall within the category of Special Educational Needs, there will be occasions when a case overlaps with another category of 'care'. In such cases, the longer time period for retention will apply.

- 4.5. Electronic case work information is stored on the Service's own secure database. Access to this information is regulated and controlled, and is provided on a need to know basis.
- 5. Consent**
- 5.1. SEND Partnership Service staff and Volunteer Supporters endeavour to strike a balance between handling case work confidentially and the need sometimes to share information in order to effect a solution to the circumstances presented.
- 5.2. Upon initial contact with the Service, parents may be asked if they consent to information being shared with other parties, and where possible will be informed of who the other parties will be. Consent is only sought where discussions with third parties is considered necessary to help the parents and their child. Parents may consent to the disclosure, may restrict it to certain professional roles only, or may refuse entirely. Consent, restricted consent or refusal is noted on the case file, as appropriate. If consent is sought over the telephone, this is noted by service staff and dated; if obtained in person, then the parent is asked to sign and date a consent form.
- 5.3. Occasionally, an enquiry may be so complex that the Service can only assist a parent by discussing the case with other professionals employed within

Children's Services or the school. If consent is refused, the parent is advised of the limits of the Service's ability to help them and this is recorded on the case file. At all times the views of the parents are respected.

- 5.4. Periodically, the issue of consent will be reviewed with parents/carers during on-going case work. This is done in recognition of the fact that parents' circumstances can change.
- 5.5 Parents will be advised that if their case is discussed with other professionals, information is divulged on a need-to-know basis only.

6. Volunteer Supporters

- 6.1. A team of Volunteer Supporters (VS) are available to support parents at individual meetings and to handle case work. When referrals are received, and if a parent has requested support from a VS, the SEND Partnership Service (SPS) will share information provided by the parent with the VS in order for the parent to receive support. Information held on Special Educational Needs case files is not shared with VS volunteers. If parents wish for their VS volunteer or SPS staff to have access to such information, this must be passed directly from the parent.
- 6.2. Volunteer Supporters will not have access to school records maintained by the schools when assisting parents with their concerns.
- 6.3. SEND Partnership Service data in hard copy format is maintained in individual case files, to which only SEND Partnership staff have access. Such data is held securely and access is provided on a need to know basis.
- 6.4. Volunteer Supporters and SPS staff will transport case work in a secure manner which ensures confidentiality.

7. Data Protection and Freedom of Information

- 7.1. The SEND Partnership Service and its VS volunteers may receive requests for access to case work files from either the Local Authority or external parties. The SEND Partnership Service will be responsible for handling such requests, and will only disclose personal information in those circumstances where required or permitted by law. Requests will be handled in accordance with national guidelines for SEND Partnership Services as follows:
 - a) Parents will be advised of any request made to the SEND Partnership Service and their consent will be sought to release any case notes to Local Authority staff. If parents agree, they are asked to sign a consent form (or send a letter) indicating their consent to release documentation held by the service,

or

- b) At the parents' request, the SEND Partnership Service will forward all documentation to the parents or their solicitor, who will then have responsibility for passing the information to the Local Authority.
- 7.2. Requests to the SEND Partnership Service for information under the Freedom of Information Act (2000) will be actioned by the Manager – Family Information and SEND Partnership Services, in accordance with the obligations set out under the Act, guidelines issued by the National Information, Advice and Support Network and the Local Authority's Freedom of Information Act Policy.
- 7.3. This policy will be reviewed every two years by the Manager – Family Information and SEND Partnership Service to reflect accurately the implementation of new working practices.

Manager – Family Information and SEND Partnership Services
November 2007
(Revised December 2009)
(Revised November 2012)

Updated January 2015 re change in name