

Rotherham SENDIASS Confidentiality and Risk of Harm Policy

Rotherham SENDIASS provides a confidential service. This means that the principles of confidentiality must operate across all areas of the Service and its management.

Service staff, whether volunteers or paid staff, will ensure information provided by service users:

- Will not be passed on without their permission unless there is a risk of serious harm
- Will be stored securely
- Will be treated with respect and discretion

Parents are provided with an overview of the Service policies regarding Confidentiality and Impartiality when making a referral to the Service.

Case work records

Case work information held within the SENDIASS will be treated confidentially. The Service is linked to the Education Management System (EMS) which is used by the Service to gather information and as a data base facility. Information held by SEND Parent Partnership within EMS is not accessible by other services within the Local Authority. Electronic information held by the Service is password protected and can only be accessed by SENDIASS Staff. Paper files are held in locked filing cabinets to which only SENDIASS Staff have access.

Service staff are able to access information held centrally on the EMS system and files held by the EHC Assessment Service. SENDIASS staff will ask parents permission before they access this information. Service staff will obtain consent from parents/children before entering into any casework discussion with Local Authority or school staff. At times it is necessary for staff to ensure the confidentiality of information provided by other service users. This information will be handled sensitively by Service staff and if appropriate staff will encourage this information to be shared with parents.

Information from parents/children may be discussed within the Service during staff supervision or training.

Case notes held by the Service can be viewed by the respective parents by arrangement. In the event of case notes being requested by parents under the Freedom of Information Act, the Service Manager will ensure information held by the Service is sent directly to the parents.

Confidentiality

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Requests for information from Local Authority staff for legal reasons will be discussed with the Service Manager and the parent. With the parent's permission the necessary information will be provided with a copy to the parents.

Records of closed cases will be transferred to the Records Centre in the year of the young persons eighteenth birthday. They will be archived for a period of 35 years after their eighteenth birthday. Following this they will be destroyed.

Service staff will follow the RMBC protocol for Information Security in handling paper and electronic information.

Information Sharing

Service users will be encouraged to share relevant information with school staff, other services or individuals where it is in the best interests of the child or parent to do so. With the parent/carers/child's consent SENDIASS staff will work closely with other practitioners and organisations supporting children with special educational needs in compliance with the Rotherham Children and Young People's Information Sharing Protocol.

Safeguarding

The only exception to confidentiality is in regard to information which leads us to believe a person is at serious risk of harm; we have a legal obligation to pass on concerns regarding child protection and are required to comply with RMBC practice with regard to Safeguarding. Concerns regarding a risk of harm should be discussed with the Service Manager.

Information to third parties

Examples from case work practice may be used in delivering training or providing information on Service impact/ outcomes. Staff will take responsibility for ensuring that any identifying details are removed to ensure the right to confidentiality is protected.

The Service works strategically to influence Local Authority policy and practice. Part of this work may involve raising concerns regarding the experience of children and families. If parents/children have not given permission for information to be shared identifying details will be removed to ensure the right to confidentiality is protected.

Parents/carers/children are made aware of how and why, we keep information. The following statement which is added to the letter sent on receipt of a referral.

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Data Protection Act
Why do we keep information about you?

- *Many people who provide services you already use, like teachers, schools and doctors, hold information about you.*
- *SENDIASS Staff also write down and keep certain information and put this on to a computer.*
- *The reason for having this information is to help us make sure you receive the services you are entitled to.*
- *The sort of written information that is kept about you includes: name, address, telephone number, record of all contacts you have with the Service*
- *The sort of written information that is kept about your child includes: child's name, date of birth, gender, ethnicity, school, year group, area of SEN, stage on the SEND Code of Practice*
- *If you wish to view the information held you can discuss this with the identified worker.*
- *All information you share is treated confidentially. There may be occasions where it would be beneficial to share information with schools and other services. The worker will discuss this with you and this will only happen with your consent.*
- *The only reason information will be passed on without your permission is if there is a legal requirement or duty for us to do this*
- *In compliance with the Data Protection Act, your information will not be kept longer than necessary.*

Legislative Framework

Rotherham SENDIASS is bound by statutory and legal requirements, including the Data Protection Act, Freedom of Information Act, Children's and Families Act, Rehabilitation of Offenders Act and Prevention of Terrorism Act.

Monitoring the Policy

All new members of staff and volunteers working within the Rotherham SENDIASS will be made aware of this policy via induction and training.

This policy will be reviewed at least every 3 years by the Monitoring Group.

Risk of Harm

The exception to the Confidentiality Policy involves 'risk of harm' to someone. Service users sometimes 'off load' negative feelings to SENDIASS staff, while these are usually nothing more than throw away comments they will be checked

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or challenged. Members of the SENDIASS are keen to develop positive relationships between children, parents, schools and services, this cannot be achieved in an atmosphere of mistrust, threat or fear. Staff are also aware that feelings run high and some things may be said in confidence which the speaker has no intention of doing. In these circumstances Service staff will maintain the confidentiality of service users.

On occasions things may be said which lead a member of the Service to question if there is a genuine risk of harm to someone. Wherever possible Service staff will discuss this with the Service user to make them aware of what they have said and how this may be perceived by others. If, following this discussion, there is a belief that someone is at risk of harm Service staff have a responsibility to act.

Concerns regarding a young person who may be at risk of being harmed or harming another person will be passed to Social Care. Concerns regarding the safety of an employee will be passed to their line manager and procedures for Work Related Violence to Staff will be followed. Concerns regarding a class teacher will be passed to the head, those involving a head teacher will be passed on to the Chair of Governors and Schools HR Service. In these circumstances only the necessary information will be passed on and, wherever possible, emphasis will be placed on working to improve the relationship.

This procedure was originally drawn up in in May 2010 in consultation with the Risk and Regulation Manager, Complaints and Customer Services Manager and Co-ordinator of Governor Services.