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**Blackburn with Darwen SENDIASS**

**(Special Educational Needs & Disability, Information, Advice & Support Service**)

Blackburn with Darwen SENDIASS complies with all Blackburn with Darwen Community & Voluntary Service (CVS) Policies and in addition also has the following service specific policy

**Confidentiality Policy**

SEND Information Advice & Support Service (SENDIASS) offers free impartial advice and information for parents, children and young people about special educational needs (SEN) procedures as set out in SEN legislation and the SEN Code of Practice 2015.

Under the revised SEND Code of Practice (January 2015), children and young people have a right to confidential and impartial information, advice and support, regardless of their age or mental capacity. Whilst the Code suggests that many children and young people will access services via their parents or carers; services must make it possible for them to access services separately if they wish. Information, Advice and Support Service staff must be clear about these rights, as well as the limits to confidentiality, as safeguarding children and young people will always be paramount.

The handling of information that parents, carers, a child or young person provide complies with the requirements of GDPR (General Data Protection Regulations, May 2018) and is not shared with anyone outside of SENDIASS unless:

* Consent has been given; or
* There is a strong public interest concern such as child protection and/or risk to others.
* If the Local Authority has an Ofsted Inspection in the area.
* Or if required to do so by court order or by law

**SENDIASS role**

* SENDIASS Services are a statutory service that offers information, advice and support to children and young people with special educational needs and disabilities, their parents and carers (including all those with parental responsibility)
* Blackburn with Darwen SENDIASS is arms length from the Local Authority and is based in the Conmnunity & Voluntary Service
* All service users are encouraged to share any information that will enable SENDIASS to respond effectively to their needs. This may range from basic data to quite detailed information about their situation.
* Some service users may want to share experiences, both positive and negative, or to discuss issues that are of concern to them. Others may also want to talk about their feelings, anxieties, fears or grievances. In the course of SENDIASS work, we may be privy to information that is sensitive and personal.
* The relationship between a service user and SENDIASS is one of trust. Unless the information given suggests that a child may be at risk of harm, conversations between a service user and SENDIASS should remain confidential, if this is their wish.
* Where there are issues that need to be brought to the attention of the relevant body within the Local Authority we will do so in a way that protects the service user's anonymity, unless they have given us consent to identify them. This anonymity will not apply where a child’s safety is at risk.
* If the Local Authority has an OFSTED inspection in the area the OFSTED team may request to legally access files as part of the inspection process.

**Data collection and record keeping:**

* When a referral is received and any further information gathered by the SENDIASS Officer this will stay within the confines of the service and will remain confidential to the service unless the service user gives consent for it to be shared with others outside the service or where a child’s safety is at risk.
* Case files are kept electronically on a protected computer network only accessible to SENDIASS. We also keep some paper notes of your case for the purpose of quality assurance. These include concerns or issues raised and the action taken. In the event of case files being requested in writing by service users under GDPR, the SENDIASS Manager will send the requested information in line with the procedure for Subject Access Requests.
* Only with service users consent will SENDIASS officers work with Local Authority SEND officers and other professionals.
* Only with service users consent will SENDIASS request access to information held by the Local Authority SEND Team, or pass on information to them.
* SENDIASS strictly adheres to Blackburn with Darwen Community & Voluntary Service security policy.
* Information may be used to generate statistics about service performance. Information will not be used in such a way that individual parents, carers, children / young people or families can be identified.
* If we receive a request for information from Local Authority officers for legal reasons, for example judicial review, this will be considered by the CVS Manager & SENDIASS Manager. They may, with the consent of the child, young person or parent/carer, direct that the relevant information be extracted from the case file and sent to the relevant officer, with a copy to the parents/carers/child/young person.
* SENDIASS case files will be kept in accordance with Blackburn with Darwen Community & Voluntary Service retention and disposal policy.
* **The only exception to confidentiality is in regard to information which leads us to believe a child is at risk. We have a legal obligation to pass on concerns regarding child protection.**

**This policy will be reviewed annually and amended if necessary.**

**Reviewed September 2020**