**SEND (Special Educational Needs and Disabilities )**

**Sharing Your Personal Information & How We Look After It**

**Why do we need to ask for personal information?**

We will collect information about you from you (if you are aged 16 and are beyond the age of compulsory education), or from your parents or carers if you are below this age, as well as educational providers and other people who know you (or your child) as

* part of a statutory assessment process, disclosure of an EHC Plan or for the ongoing monitoring of Education, Health and Care (EHC) Plans (or Statements of Special Educational Needs (SSEN)), this includes information and advice sought for Annual Review and or tracking information, disagreement resolution or mediation processes and processes relating to appeals to the Special Educational Need and Disability Tribunal (SENDT)
* part of High Needs Funding or SENIF processes

This will help us to:

* identify your (or your child’s) needs and the support you or your child may need
* know who we need to speak to so we can ask them to send us information and advice relating to you or your child
* make decisions about whether to issue an Education, Health and Care plan and or support the ongoing monitoring of the provision specified in an EHC Plan (or SSEN) where one is issued
* make decisions about whether to provide additional funding to the setting where you or your child is educated
* help to resolve any disagreements

**Who do we need to share your (or your child’s) personal information with?**

We must speak to specific persons to seek information and advice about you or your child in relation to Statutory Assessment processes, the disclosure of an EHCP and the monitoring of any SSEN’s or EHC Plans where they are issued. In some cases parents, carers or the young person may disagree with a decision the LA makes. We will try to help resolve disagreements through disagreement resolution processes, mediation or appeals to SENDT.

We will also need to share information in relation to High Needs Funding or SENIF Process. Your (or your child’s) educational setting will provide the LA with information relating to the cost and type of provision needed to support you (or your child) in that setting. The LA will need to assess the information it receives from the setting and make a decision about allocating additional funding. Where additional funding is agreed the LA will need to monitor this. Where a request for High Needs Funding or SENIF Funding is agreed we will notify the educational setting and you or the parents/carer’s of the child will receive a copy of your or your child’s personal timetable if they are in school or details of the additional support they will receive in the early years setting.

This may include organisations like:

* Children and Adult Social Care services and Social workers
* Education Services including Special Educational Needs (SEN), SENDT and the Tribunal Team
* Locally established Forums for advice such as LIFT (Local Inclusion Team Forum)
* NHS Clinical Commissioning Groups
* NHS Kent and Medway Commissioning Support Unit
* NHS England Area Team
* Teachers
* Therapists and /or Doctors and/or Psychologists
* Youth Justice services for example Youth Offending Teams (YOT)
* Other Local Authority services within KCC (for example Early Help) and outside of Kent
* Educational providers such as Early Years settings, Schools or Colleges
* People who can provide you or parents/carers with Independent advice
* Mediation services

Where an EHC Plan is issued the Local Authority must share the advice and information it has received from all the people who have received information and advice from. This means that Health professionals for example will see information from Social Services, educational psychology, specialist teachers, the school, parents/carers or young person’s contributions and so on. This could be all of the advice submitted. In some cases we will only share some of the information. We would only say that a child was subject to a child protection plan for example on the EHC plan itself, although we would need to share the full details with the Headteacher and SENCO (or equivalent) and the LAs Educational Psychologist. We would not share this with the other people we had sought information and advice from unless we had very clear reasons for doing so. If there are bits of information that you do not feel should be shared with the other people who we have sought advice and information from please let us know so we can take this into consideration when making the decision. There may be some cases where we are required to share information even when you have asked us not to – for example if this relates to child protection.

**Why do we need to share information and advice with these organisations?**

Information sharing is really important to enable the Local Authority to

* carry out an effective assessment and planning process. This is one that fully identifies your needs or the needs of your child. This will help us to decide whether conduct a full statutory assessment and if we do whether we need to issue an EHC plan or not. The Local Authority will continue to collect information in relation to your or your child’s Special Educational Needs (SEN) so we can continue to support you or your child if an EHC Plan is issued (for example via the Annual Review Process). It will also help the Local Authority to work with its partners such as NHS providers, NHS Clinical Commissioning Groups and NHS England Area Team to identify the services that will be required to meet the agreed outcomes in the EHC plan
* make decisions in relation to giving additional funding to educational providers to ensure you or your child can receive the support they need
* Help to resolve any disagreements

**What is your personal information?**

It is any piece of information which identifies you (or your child), for example:

* Name and address
* Gender, e.g. male or female?
* Date of birth
* Information about physical or mental health
* Information about where you live and who you live with
* Other organisations that are already helping you and your family such as Adult or Children’s Social Services, NHS providers delivering services such as CAMHS and your (or your child’s) educational provider (this could include child-minder reports, preschool setting reports as well as school, FE and post 16 provider reports).

**How do we look after your personal information?** This information will be kept securely on both paper and computer records and will only be seen by members of staff who, as part of our work with you (or your child), need to learn more about you (or your child).

**How do we share your personal information?**

We will follow set rules when we share your (or your child’s) information with other organisations. These rules are set by the law which is called the Data Protection Act 1998.

* You (or your parents if you are aged under 16 and have not left compulsory education) will be asked if you agree to share your personal information and asked to sign a consent form at the start of the process.
* Sometimes personal information or things that we discuss will need to be shared to keep you (or your child) safe or other people safe without asking you if you agree.
* You (or your parents/carer) will be told why we need to share information.
* In order to comply with our statutory duties we must consult with certain people. The staff who are discussing the statutory assessment process with you will explain who we must consult and why.
* We will only share personal information that is appropriate.
* We will check that the information is correct before sharing.
* Information will be kept safe and only shown to people who are allowed to see it.
* If the information needs to be sent to other organisations it will be sent safely.
* Information will only be kept for as long as it is needed. The time information is kept for will change depending on the reasons that the information is needed for.
* You have been told about your rights which are called ‘subject access rights’. This means you can ask for a copy of the information we have about you.

**How do I ask to see my personal information?**

Any individual has the right of access to information held about them, which in law is called your ‘Subject Access Rights’. However with children, this is dependent upon their capacity to understand.  As a general rule, a child of 12 or older is expected to be mature enough to understand the request they are making.  If the child cannot understand the nature of the request, someone with parental responsibility can ask for the information on the child’s behalf.

**If you are a parent please remember that you cannot ask to see your child’s file if they are over the age of 12 without their consent unless they do not have mental capacity**

You will need to:

* contact the Kent Information Resilience & Transparency Team at dataprotection@kent.gov.uk
* provide proof of ID and pay a £10 fee if dealt with formally as a ‘subject access request’
* be prepared to wait up to 40 calendar days to receive the information , be aware that sometimes we will not be able to share information with you because it may be about someone else or it may belong to another organisation
* ask another organisation, on occasions, for information about you (or your child) if they were the first to record it to support a ‘tell us once’ approach
* **You should now understand:**
* What personal information is
* How we will keep a safe record of personal information
* Why we need personal information
* Why we may need to share information with other organisations
* How to ask for a copy of information, this is your ‘subject access rights’
* Why some information may not be given to you and the reasons why this information is limited
* You can withdraw your consent at any time, but this may the limit the support we can provide

**Making a complaint**

If you are unhappy with how we handled your request for access to your personal information, follow our complaints process at the following link on the KCC website: <http://www.kent.gov.uk/about-the-council/contact-us/complaints-and-feedback>