



autism
learning disabilities
complex care needs

Information Sharing and Confidentiality

A guide for families and carers



This leaflet will tell you what we will do with the information you give us and the information we keep about the people to whom we give education, care and support.

To provide an effective service to any individual we need to consider a certain amount of personal information about them and their history. We sometimes need to collect and keep a significant range of information from relatives and carers of people we support. We may also need to share this information with other people.

This leaflet summarises our information sharing policy and includes when and under what circumstances we can share any information with you about your relative or the person you represent.

What information does the Hesley Group hold about the people we support?

In order to support people properly we need to collect, hold and share information about:

- Personal details such as name, age, address and contact details of family and significant people
- Health
- Welfare and development
- Home or family circumstances
- History and information from previous care/education providers
- The individual's Education Health & Care Plan, Placement Plan, Care

Act Assessment documents and any other relevant assessment and planning documentation

- Plans for and records of each person's day to day living needs (Support Plans and Daily Journals)
- Records of Incidents and Accidents
- Clinical and therapeutic records (eg Hesley Group speech and language, psychology, applied behaviour analysis, psychiatrist and occupation therapy assessments and notes)
- Assessments of risk
- Educational progress and achievement

How does the Hesley Group store the information?

Information is stored securely and safely at all times:

- In paper files
- On computer databases

To help ensure that there are clear guidelines on sharing information we have an Information Sharing Policy and Practice Guidance. This gives managers and staff guidance about when it is appropriate and lawful to share information and is linked to our Data Protection Policy and Procedures, which can be provided on request.



People we support have the right to access their own information (Personal Data). This is with some minor exceptions, for example, confidential information received from other organisations, or information that includes reference to a third party who hasn't given permission for us to share it.

Young People and Adults Aged 16 and Above.

Young People and Adults Aged 16 and Above. Every person that we support who is aged 16 years and above will be given privacy notices in an accessible format or in writing dependent on their level of understanding. These will tell them the type of information we hold about them. If a person we support makes a request to review their own information (Personal Data) then we must make eligible information available to them.

There will generally be no charge for doing this. The request is called a "data subject access request"

Children aged under 16 years

Information relating to a young person aged under 16 years can generally be shared with their parents or guardian providing they are not subject to a child protection order that prevents this. However, it is considered good practice for us to always to seek the consent of the young person concerned, and particularly if they are aged 13 and over and are able to understand the issue of consent.

Requests from Family and Carers

There are occasions where you may, as someone's family member make a data subject access requests, for example on behalf of a son or daughter. If your relative does not have the mental capacity to give their informed consent for us to share their information it will not be lawful for us to do so.

If you have been appointed by the Court of Protection as a Deputy for your Relative's care and welfare you will have the right to access agreed information about their care and support. You will need to ensure you have provided us with copy of the court order in order to enable us to do this.

Family members and representatives who are not appointed by the Court are not automatically entitled to see or have a copy of their son or daughter's records.

Who can see this information?

Personal information will only be available to staff who need to know it when providing a service. All staff will keep information safe and private and will only share it as agreed and have all been trained on the importance of respecting the confidentiality of your information and will only share it within clear guidelines.

Relatives of people using our service cannot expect to routinely access personal records.

When will you share information about my relative?

We will share information with other professionals or agencies that may be needed to help support your son/ daughter/ relative if it is determined to be in that person's best interests, eg to access a service or to make a decision.

We will not share your own personal information without your consent.

We will only share the minimum information required with other professionals and with our staff to ensure that the person receives an appropriate, effective, safe and responsive service.

Can you share my information and that of my relative information without consent?

Yes, in some circumstances. If we believe that we need to share information without consent we will tell you why. We will only take this action if there is a legal requirement or duty for us to do so for example:

- When professionals are concerned that a child, young person or adult might be at risk of significant harm.
- When there is a concern about the welfare of a child, young person or adult which is so important we need to share it in their best interests.
- When there is a reason to believe the release of information may prevent or help detect a serious crime.
- By order of a court or for certain public health reasons, eg notifiable infectious diseases.

- When we are required to notify the regulatory body (Ofsted or CQC) of an incident or occurrence.
- When requested to provide access to personal information during inspections by a regulator

Can I see all the records and information that you hold about my relative?

This is dependent on circumstances. Information will not be released where for example:

- A child, young person or adult who has the capacity to consent refuses their consent for a parent to see the information about them.
- Release of the information could cause significant harm to the person, or someone else.
- If the young person is aged 16 and over and lacks capacity to give consent, a “best interests” decision has been made that does not agree the sharing of certain information is in the person’s interests or is likely to be unlawful.

We know it can be especially difficult and at times hurtful and worrying for parents of children or adults accommodated in residential services who are aged 16 and over to have other people involved in decision making about their son or daughter. Hesley Group staff will try to ensure that relatives and representative’s views are properly considered. It is very important that we work proactively with families

and carers but we must also work within the law.

Hesley Group has a process whereby each person we support, whether a child or adult, will have an agreed information sharing plan that is based on their individual needs and wishes. Families and representatives will be involved in agreeing what may be routinely shared or notified to them.

The aim of Hesley Group is to get the balance right. This means we must support effective and lawful information sharing that enables sound decision making processes to occur whilst protecting the personal information of individuals using our services.

An information sharing and contact plan should be agreed with families or carers at the outset on any new placement.

At the outset of any placement for someone 16 and over, and when a young person already using our service becomes 16 years of age, managers should work with relatives/carers to discuss the implications of the Mental Capacity Act 2005 and the Data Protection Act 2018. What we agree to share will be based on the individual needs and wishes of the individual so everyone’s plans may be different.



Safe

How can someone get a copy of the information held by the Hesley Group about them?

Request a copy by contacting the Registered Manager for the service or by writing to:

The Designated Officer
Data Protection
Hesley Group
Hesley Hall
Tickhill Doncaster
DN11 9HH

We will acknowledge your request within 21 days. No later than 40 days from your original request we will send you a response and a printout of information held if this is deemed to be lawful and appropriate.

How can I change information?

If you believe the information held about you or the person you support is incorrect, you should first discuss it with the manager of the team who is working with your relative. Should you have difficulties you can contact the Designated Officer named above who will be able to help you.

How can I complain about information related matters?

If we decline your request or wish to complain about the content of the information held or how it has been shared, please contact the manager of the team working with your relative .

If you are not satisfied with what they say you can contact the Designated Officer.. You will receive a response within 10 working days.

Should you not be satisfied with the response you can contact the Information Commissioner at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Information Line: 01625 545 745
<https://ico.org.uk/global/contact-us/>



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