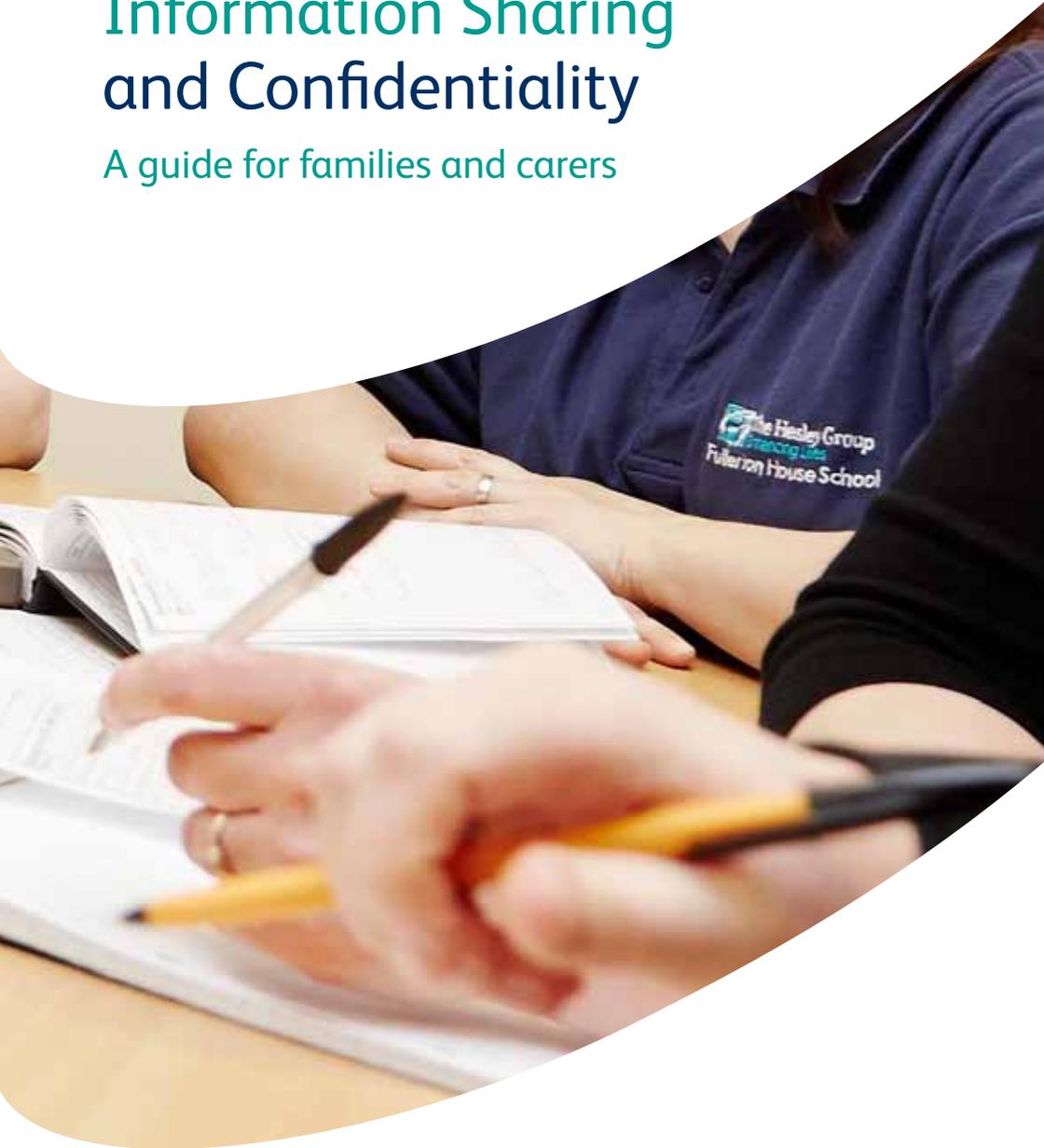


# Information Sharing and Confidentiality

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 people to whom we give education, care and support.

We want to work with families and carers in the best way we can. To do this we sometimes need to collect and keep a range of information. We may also need to share information you give us with other people.

To help ensure that there are clear guidelines on sharing information we have revised our Information Sharing Policy and Practice Guidance. This gives managers and staff guidance about when it is appropriate and lawful to share information.

This includes when and under what circumstances we can share information with you about your relative or the person you represent.

## What information does the Hesley Group hold about the people it supports?

*In order to support people properly we need to collect and hold 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 person's SEN statement (Children) and assessment or Community Care Assessment (Adults)
- Plans for and records of each person's day to day living needs (Support Plans and Daily Journals)
- Records of Incidents and Accidents
- Clinical records (eg Hesley Group speech and language, psychology, applied behaviour analysis, psychiatrist and occupation therapy assessments and notes)

## How does the Hesley Group store the information?

*Information is stored securely and safely at all times:*

- In paper files
- On computer databases



### **How long is the information kept?**

Information kept by CQC registered care services in respect of adults is generally kept for three years, unless it contains records about Mental Health Act assessments or safeguarding matters. After this time the records should be securely destroyed. This is laid out in the Essential Standards of Quality and Safety (CQC 2010) and the Health and Social Care Act Regulated Services Regulations 2010.

Information about children in Ofsted registered services must be kept for either 75 years from the child's date of birth, or for 15 years after the date of the last entry. This depends on the type of information and the detail is laid out in the Children's Homes Regulations 2001 (as amended 2011).

Our clinical team keeps and stores people's clinical records in line with NHS practice and guidance which generally will be for seven years from the last entry.

### **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 able 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 to ensure that the person receives an appropriate service.

### What happens if I do not agree to you sharing my or my relative's information?

We will listen to the reasons why and take your views into account.

Where possible we will respect your wishes.

We will inform you of the consequences of not sharing the information.

A decision may need to be made as to whether the sharing of information is in the best interests of your relative's welfare, health and safety.

### Can you share 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.

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

*This is dependent on circumstances.*

*Information will not be released where for example:*

- A competent child/young person or adult refuses 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.

We know it can be especially difficult and at times hurtful and worrying for parents of children or adults accommodated in residential services or of adults 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 regarded as very important and that we work proactively with families and carers.

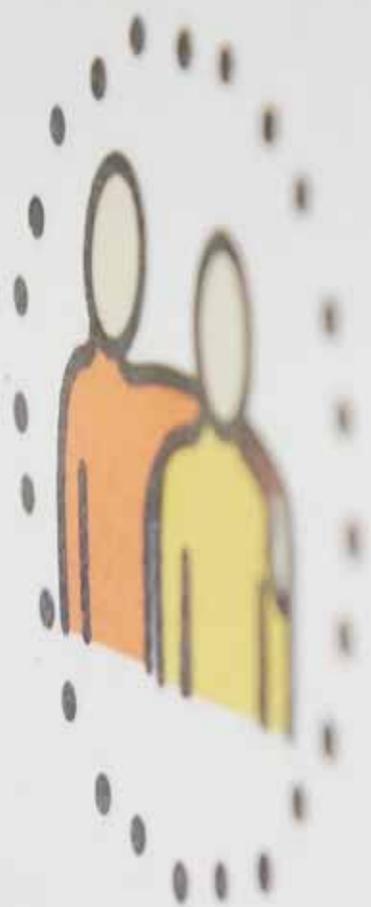
Hesley Group has commenced a process whereby each person we support, whether a child or adult, will have an agreed information sharing plan that is based on their individual needs and wishes. Families and representatives will be involved in agreeing what may be shared routinely, what may be notified

and what may not be shared or notified. 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 agree an information sharing plan. What we agree to share will be based on the individual needs and wishes of the individual so everyone’s plans may be different.

Where people have been receiving services for some time prior to this policy and guidance being agreed and a plan is not in place, the relevant people (ie person using the service, their advocate, their relative/ carer, manager clinician, support worker - as needed) should make arrangements to meet and formulate a plan that a) meets the person’s needs, b) has their consent, c) acknowledges the role of the relative/ carer, and if needed (if the person lacks capacity to agree what can and cannot be shared), d) is determined to be in the person’s best interests.



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

*Request a copy by writing to:*

The Designated Officer  
Janet Poulain  
Head of Quality  
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 printout of information held.

## 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 you wish to complain about the information held or how it has been shared, 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 named above. 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

