

## Special Educational Needs and Disabilities (SEND)

<p><b>Purpose</b></p>	<p>The Children and Families (C&amp;F) Act 2014 places statutory duties on the NHS, Integrated Care Board (ICB), health commissioners, and providers, to work with local authorities to provide support to children and young people (CYP) with SEND who are aged 0-25 years. This requires all partner agencies to work collaboratively across the system to improve outcomes for CYP with SEND (0-25)</p> <p>The SEND Code of Practice 0–25-year-olds, 2015, provides guidance to the statutory requirements underpinned in the C&amp;F Act, 2014.</p> <p>For NHS professionals to meet the statutory requirements outlined in Part 3 of the C&amp;F Act 2014:</p> <ul style="list-style-type: none"> <li>• They must respond to</li> <li>• Information will also be used to inform strategic delivery and funding decisions as well as for audit and quality assurance purposes.</li> </ul> <p><b><u>Education, Health and Care Plan (EHC Plan)</u></b></p> <p>EHC Plans bring together all the services that currently support CYP with SEND and their families as part EHC assessment process and this issuing of EHC plans. The EHC plans provides statutory protection for education, health and care provision detailed within and are accessible for individuals from birth up to the age of 25, with SEND, extending the rights and protections of young people in further education and training. EHC Plans are subject to annual reviews.</p> <p>The parties involved in developing EHC Plans process personal data to enable their completion (and review) in compliance with the structure of EHCPs outlined in the <a href="#">‘Special Educational Needs and Disability Code of Practice 2014</a></p> <p><b><u>Tribunal ‘Extended Powers of Appeal’</u></b></p> <p>‘Special Educational Needs and Disability (First-tier Tribunal Recommendations Power)’ These sit alongside the Tribunal Procedure (First-tier Tribunal) (Health, Education and Social Care Chamber) Rules 2008 (the ‘Tribunal Procedure Rules’).</p> <p>Health and LA social care commissioners <b>must</b> respond to any request for information and evidence from the Tribunal</p>
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	<p><b>Children under compulsory school age</b></p> <p>For children who are under compulsory school age, the legal basis for sharing information between the Parties has been identified as: Under section 23 of the Children and Families Act 2014, whereby, the Integrated care Board, NHS trust or NHS foundation trust form the opinion that the child has (or probably has) special educational needs or a disability, they <b>must</b> bring their opinion to the attention of the appropriate local authority.</p> <p><b>Health provision and commissioning arrangements</b></p> <p>Furthermore, part 3 of the Children and Families Act 2014 places a duty on Local Authorities and Health bodies to work collaboratively with a view to making sure that services work together where this promotes CYP wellbeing or improves the quality of special educational provision (Section 25 of the Children and Families Act 2014).</p> <p>Section 28 of the Children and Families Act, 2014 requires the local authorities to co-operate with local partners including ICB, NHS Trusts and NHS Foundation Trusts to exercise the local authority functions under this Part.</p>
<b>Type of Information</b>	Personal Data (such as name, address, date of birth) and Special Category (health information, racial or ethnic origin)
<b>How we will collect and use the Information</b>	<p>Information is provided by the Local Authority or education providers as part of the process of gathering information to support you/your CYPEHC assessment and EHC annual reviews</p> <p>NHS Trust and NHS Foundation Trust will contribute to your/your CYP EHC annual review</p> <p>The local authorities share the information collated as part of the assessment process to panel members to inform their decisions making.</p> <p>The Designated Clinical Officer team participate in the EHC multiagency assessment needs panel and contribute to the decision making for the issuing of EHC plans.</p>
<b>Who we will share the information with</b>	<p>Information will be shared with the local authorities who coordinate the EHC assessment and tribunal extended appeals process</p> <p>Section 23 Notification will be shared with the local authority early years teams</p> <p>Information will be shared with local authorities and ICB, health commissioners and NHS Trust and NHS Foundation Trust when to work collaboratively to ensure appropriate provision is in place</p>

	<p>to meet your/your CYP SEND or complex health needs and improve outcomes</p> <p>Information will be shared with Local authorities to support the defence for First Tier Tribunal and Extended Appeals</p> <p>The parent/carer with parental responsibility for the child/young person that requires an EHCP, or, if appropriate, the child/young person requiring the EHCP will be advised of the reasons for the proposed share of information.</p>
<b>Legal Basis for Processing Personal Data</b>	<p><b>6(1)(c)</b> processing is necessary for compliance with a legal obligation to which the controller is subject.</p> <p>Children and Families Act (2014) and SEND Code of Practice (2015)  Special Educational Needs and Disability Regulations 2014  Special Educational Needs and Disability Needs (Personal Budgets) Regulations 2014  Special Educational Needs and Disability (Detained Persons) Regulations 2015  Childrens and Families Act 2014 (Transitional and Savings Provisions) (2) Order 2014</p> <p><b>6(1)(e)</b> processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.</p> <p><b>Processing of Special Categories of Data</b></p> <p><b>9(2)(h)</b> processing is necessary for the purposes of preventive or occupational medicine, for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services on the basis of Union or Member State law or pursuant to contract with a health professional and subject to the conditions and safeguards referred to in <a href="#">paragraph 3</a></p> <p>Schedule 1 part 1 (2) of the DPA 2018 'Health or Social Care purposes'.</p>
<b>Common Law Duty of Confidentiality</b>	Consent will not be sought as the ICB has a duty to share information as set out in legislation.
<b>Data Processors</b>	The ICB does not use any data processors.
<b>Your Rights</b>	<p>To be informed about the processing of your information (this notice)</p> <ul style="list-style-type: none"> <li>• Of access to information held about you</li> </ul>

	<ul style="list-style-type: none"> <li>• Have the information corrected in the event that it is inaccurate</li> <li>• To restrict or stop processing</li> <li>• Object to it being processed or used (where we are relying on public task as the legal basis)</li> <li>• Not to be subject automated decision-taking or profiling</li> </ul>
<b>How long we will keep the information</b>	<p>Your personal data will be deleted from our systems and files in line with the Records Management Code of Practice 2021.</p> <p><a href="#">Records Management Code of Practice - NHS Transformation Directorate (nhsx.nhs.uk)</a></p> <p><a href="#">Information is retained until completion of the panel process.</a></p>