

# GDPR in the SEND Schools Nursing Team

How we manage, store, use and protect the data of our service users and their families as a community paediatrics team employed by East and North Hertfordshire Teaching NHS Trust based in one of the four specified SEND schools.

## The SEND schools covered by the above team that this relates to only:

Amwell View School (Stansted Abbotts)  
Greenside School (Stevenage)  
Lakeside School (Welwyn Garden City)  
Lonsdale School (Stevenage)

Please note CYP refers to Child or Young Person throughout the document

When a CYP attends one of these specialist provisions they are under the caseload of the SEND Schools Nursing Team and therefore receiving care and or treatment from this team. You will be asked for information about the CYP and your family and this document should clarify details of this.

This information will make up the CYP's nursing notes to inform their care, it will be shared with staff involved in their care and kept in a protected format to do so.

### Formative legislation and rationale –

As a health care team, we (the SEND School's Nursing Team) have an obligation to explain to parents and carers how we collect and use the family's personal information and the article within the *UK General Data Protection Regulation 2018* that permits us to do so is as follows:

UK GDPR, Article 6(1)(e) (often referred to as "public task") is one of the primary lawful bases that NHS England uses to process the personal data of those receiving treatment and other healthcare services. Article 6(1)(e) permits the processing of your family's personal data without prior consent, when it 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."

This means that the SEND Schools Nursing Team at the East & North Herts Teaching NHS Trust, does not rely on the provision of parental consent for sharing information with the appropriate surrounding teams (For example the base school or educational provision, Physio, SALT, OT, Dietician, Community Paediatrician, Continence team, safeguarding teams, and Immunisation teams).

This is because NHS England is legally mandated to deliver healthcare and related public functions. If the child or young person attends one of the specialist provisions listed above they are deemed to have need enough to attend a provision that works alongside the nursing team and other specialist community teams as above. This means all teams must be able to share data between them in order to facilitate care for the child or young person.

UK GDPR Article 9(2)(h) is a lawful condition that allows the processing of health data without consent when it is necessary for healthcare and related purposes.

*Article 9(2)(h) 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.*

### **What kind of data do we collect?**

- The CYP's personal details (full legal name, any other known names, date of birth, NHS number, address, GP address, diagnosis list, along with any care plans they may have specific to their individual care).
- Heights and weights of the CYP
- Clinical observations of the CYP
- Names, addresses, contact phone numbers and email addresses of parents, carers or emergency contacts.
- Who has parental responsibility, whether those with parental responsibility have contact with the CYP and who the child or young person lives with.
- If the family have a social worker we will ask for their contact details as we need to ensure we are invited to any relevant meetings for the CYP.
- If your child or young person is on a child protection plan
- Clinic letters from any consultants at East and North Hertfordshire Teaching NHS trust that are saved to your child or young person's medical records.
- Details of any tertiary or other teams involved in the care of the CYP and any medical letters from this care to support the care of the CYP in the school setting.
- Any medication the CYP takes and details of this (such as dose, times, strength etc)
- Allergies the CYP may have or intolerances, sensitivities
- Emergency treatment the CYP requires
- Details of how the CYP communicates, how they eat or drink safely, how they mobilise, how their continence needs are addressed.
- Details of attendances to departments within East and North Herts Teaching NHS Trust such as A&E or the inpatient ward.
- Equipment used by the CYP (such as slings, standers, Bipap, Suction etc.)
- Care needs for training purposes – in order to facilitate school staff training for those around the CYP in class.
- Medical history of the CYP, any procedures, previous treatments etc.

### **Why is it collected?**

This data is collected to facilitate the variety of needs of the CYP attending the SEND setting. It enables the team to form documents, records and care plans to support them to access the educational setting safely.

It also enables the SEND Schools Nursing Team to refer and review to other teams where needed with consent (where appropriate) in order to address the changing needs of the CYP.

This ensures that we can facilitate a team around the family approach and work alongside families to enable the CYP to remove barriers to thrive in educational settings well.

In addition we do so to ensure members of your care team are informed of any updates, that the information we hold for you and your CYP is correct and that the care we provide for your CYP is of the best quality.

We also do so in order to escalate to you whilst the CYP is in our care in the educational setting.

At times we may need to escalate to 999 and so we require relevant and up to date contact details for those around the CYP in order to alert you of this. We may also need to escalate to you that the CYP is unwell and requires collection and or treatment.

### **Who is it shared with and why?**

All members of the SEND School's Nursing Team adhere to the NHS confidentiality code – this means we will not share any information to those who are not involved in the CYP's care.

We will never share your CYP or families information with another professional unless they need to know it, in the interests of safety, wellbeing or facilitating care only. We may share your data if we are referring the CYP to another team (for example, transition or dietician) but we will always discuss this and ask your consent to refer the CYP first.

The SEND School's Nursing Team work within the SEND schools but are not employed by them, this means we must be able to share your information with the staff employed by the school attended when it is necessary. This will only be shared with the relevant senior leaders and any staff directly involved in the care of the CYP.

This ensures that services and care can be co-ordinated appropriately to ensure the CYP can access the educational setting safely and their health and wellbeing is protected and promoted at all times.

We will share your details with other professionals employed by East and North Herts Teaching NHS Trust that are involved in the care of the CYP (such as the community paediatrician) but also only when necessary and important to the care or wellbeing of the CYP.

Information may be shared with other members of the CYP's care team and this may include other professionals from differing organisations but once again only if necessary.

We may also need to share the CYP and family data without consent if it is in the best interests of the CYP for a safeguarding purpose, this data will only be shared with the essential and necessary teams involved in this process.

### **How do we store this data?**

We have printed notes for all the children in the SEND school's on site at each school, these are kept in locked filing cabinets and the keys for these are kept in locked key safes. Only the nursing team have access to these.

Any correspondence to or from our generic school nursing email addresses are on NHS Connect which is on a secure server and uses a password and two factor authentication, (each member of the SEND school's nursing team has access to all four school email inboxes including the Nurse Team Manager, this allows for cross site cover).

Any appointment details and trust medical letters letters using the East and North Herts Teaching NHS Trust systems are accessed on secure trust laptops and using passwords, VPN and further smartcard verification.

In addition we also use the school computer system during the school day, these have specific accounts for the nursing team that are password protected.

### **How long is this data kept for?**

NHSE Records Management Code of Practice paediatrics (to include community paediatrics) are permitted to retain a child's data until their 26<sup>th</sup> birthday.

When a CYP leaves the above named SEND school at 18 years or 19 years of age, or if they move to another setting, or pass away - we return the above mentioned nursing notes (including all care plans, drug charts etc) to medical records storage for East and North Herts Teaching NHS Trust (Gunnels Wood Park). Here they are assimilated into the patients full hospital records for storage. Once they leave the school for medical records we no longer have access to them. The trust are in the process of digitising medical notes, in this instance they would be scanned onto the secure trust system MediViewer with the rest of their acute trust medical records.

If you have a complaint regarding this process please contact the patient advice and liaison service (PALS) located at Lister Hospital on 01438285811 or [pals.enh-tr@nhs.net](mailto:pals.enh-tr@nhs.net)

## **Further information**

- **UK General Data Protection Regulations 2018**  
<https://www.legislation.gov.uk/eur/2016/679/contents>

- **NHSE Records Management Code of Practice**  
<https://transform.england.nhs.uk/information-governance/guidance/records-management-code/>

## Useful contact details

### East and North Hertfordshire Teaching NHS Trust:

- Website [www.enherts-tr.nhs.uk](http://www.enherts-tr.nhs.uk)
- Telephone 01438 314333

**Amwell School nursing team –**  
[Amwellnurses.enh-tr@nhs.net](mailto:Amwellnurses.enh-tr@nhs.net)

**Greenside School nursing team –**  
[Greensidenurses.enh-tr@nhs.net](mailto:Greensidenurses.enh-tr@nhs.net)

**Lakeside School nursing team –**  
[Lakesidenurses.enh-tr@nhs.net](mailto:Lakesidenurses.enh-tr@nhs.net)

**Lonsdale School nursing team –**  
[Lonsdalenurses.enh-tr@nhs.net](mailto:Lonsdalenurses.enh-tr@nhs.net)

## Leaflet information

**You can request this information in a different format or another language; please speak to your nursing team.**

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