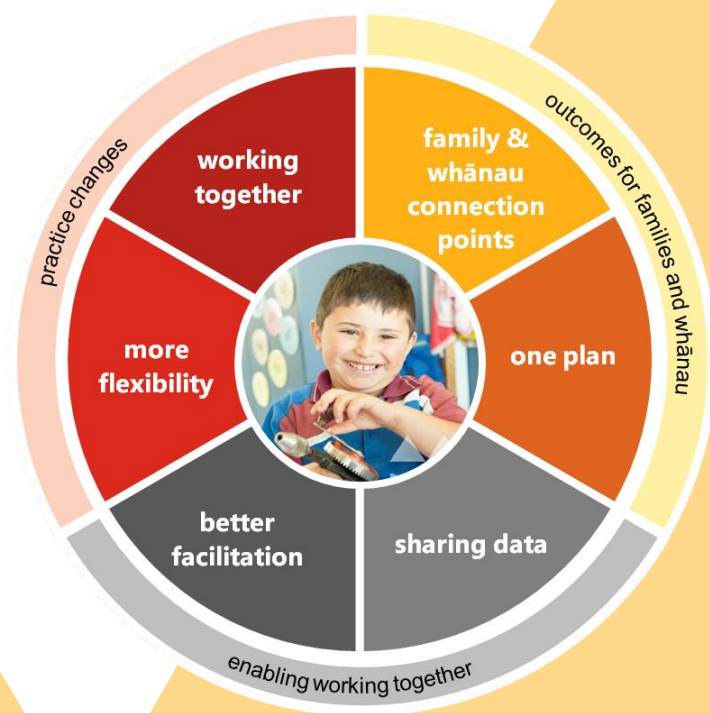


Learning support delivery approach

A guide for groups sharing learning support information



Purpose

The purpose of this guide is to help groups of education providers and other service providers safely and appropriately share information about children and young people who need learning support. This could be because of a disability or disadvantage, or for behavioural or emotional reasons. The support could be short term or long term.

This guide applies to all forms of information sharing, not only in written form – talking counts as sharing information too. However you are sharing information, you need to follow the right processes to keep the information safe.

Why groups share learning support information

In the past, early learning services and ngā kōhanga reo (services), kura and schools sought agreement from parents to share information about individual children and young people with the Ministry of Education to get help with their additional learning needs.

A new approach to delivering learning support involves groups working together to respond to the needs of a whole population of children and young people. Groups include education providers, Ministry of Education specialists, resource teachers learning and behaviour and in some cases, other agencies or service providers (such as child and adolescent mental health services). This allows them to work together to identify solutions more quickly and innovatively.

Who this guide is for

This guide is for education professionals working in groups. Groups may include teachers, principals, managers of early learning services, special education needs coordinators, Ministry of Education staff, resource teachers learning and behaviour, and people in related roles, such as child and adolescent mental health specialists.

Education providers, the Ministry of Education and other agencies (such as District Health Boards) are responsible for making sure that their employees and contractors comply with the Privacy Act when they collect and share learning support information. That also means protecting the information to make sure it is not accidentally disclosed or accessed by the wrong people. This guide aims to provide practical suggestions to help employers and their staff meet these responsibilities.

Before you start sharing information, put a protocol in place

A protocol is a formal record that sets out the agreed steps to share information safely and appropriately. It means that everyone is clear about what they can and can't do with the information.

You will need a different type of protocol depending on whether you are sharing personal or aggregate information.

Protocol templates for sharing personal information and aggregate information are included in this document and are available as word documents for downloading.

Seek help immediately if you think a child is at risk

You should act on your concerns immediately.

A general guide is that if at any time you believe that a child has been, or is likely to be harmed, ill-treated, abused or neglected you may contact Oranga Tamariki without consent to notify them of your concerns.

You can contact Oranga Tamariki at any time on 0508 326 459.

If you believe a child is in immediate danger, call the Police.

Services, schools and kura should have their own child protection policies in place, which set out the steps to take if there are concerns about a child.

Sharing personal information

Your group is sharing personal information if you are discussing individual children and young people.

What personal information is

Personal information is information that can identify a person. A child's name, contact details, behaviours, attendance record, and achievement record are all examples of personal information.

Ask "Could someone identify an individual based on the information I am providing?"

If the answer is yes, it is personal information.

Even if you don't use a child's full name, any information that provides enough detail for someone to work out or guess their identity is personal information. Examples include providing National Student Numbers (NSNs) or initials alongside other specific details about them or doing a case study that contains too much detail so that the individual can be identified.

Types of personal information you can share

Sometimes personal information will be formally recorded in a register, database or other format. At other times people may bring it to the table for discussion.

It is important that you share only relevant information when considering what learning support a child or young person needs. The types of information you may need to make decisions about appropriate support could include:

- name, gender and ethnicity, to identify support that reflects the child's identity and culture
- date of birth and/or year level, to identify support that is appropriate to their age
- family circumstances, but only where these are directly relevant to the child's learning support needs
- the kind of support required
- current services/supports being provided
- additional learning needs e.g. dyslexia, autism spectrum.

If you want to share personal information, you need to seek agreement

You can share personal information if you have the person's agreement or their parent's or guardian's if they are unable to give it themselves. The exception is if there is an immediate risk of harm (see page 2).

Where appropriate, you should also consider the young person's own views. There is no legal age at which you must seek consent directly from the young person, but you should think about whether or not they are capable of deciding for themselves.

When you are seeking agreement you should inform the person why you want to share information (the purpose), what information you plan to share, who you plan to share it with and how you will keep it safe. If any of this changes, you should go back again to get their agreement to share their information.

Let the person know if you have agreed as a group that the Ministry of Education may use information on the register for the purpose of administration and analysis, for example to find out about the overall numbers of children requiring specific types of support. This will allow the Ministry to plan ahead for numbers of staff and specialists, and other services and types of support.

Consent does not need to be written, but you will need to record that it has been given and note any specific views about how information is shared, for example if there are specific people or organisations the information should not be shared with.

Someone can withdraw consent at any time. You will need to make sure that you can respond quickly to remove the information.

A checklist for seeking agreement and an example consent form are included in this document and are available as a word document for downloading.

Personal information needs to be protected

If you are sharing personal information, it is vital that everyone who has access to it takes steps to keep the information safe and secure.

Here are some suggestions for how to protect the personal information:

- Restrict access to the information to people who need to see it.
- If information needs to be discussed in a meeting, take copies along rather than sending them in advance. Collect them in at the end and ensure they are destroyed (e.g. shredded or put in a secure document destruction bin).
- Password-protect all files emailed or uploaded to shared drives.
- Provide the password for protected files separately (over the phone, via text message or in person).
- Use a password-protected (encrypted) USB stick or an iron key if you are transporting personal information.
- Do not talk about personal information with or within hearing range of people who shouldn't know about it.
- Do not leave printed material or laptops with personal information unattended.

What happens if a service needs to be offered

In some cases the group will decide that a service is the best response for an individual child or a group of children. Then the organisation who provides this service, e.g. the Ministry of Education, needs to seek informed consent to that service being provided. Guidelines on informed consent are available for Ministry staff.

There are governing codes that professionals in this situation need to be aware of. If the service is a health service, it falls under the Health Information Privacy Code and the Code of Health and Disability Consumers' Rights.

An example of sharing personal information

A group of education providers collates a range of personal information about children and young people with additional learning needs on a group register. All members have signed up to a protocol for how they use that information. Services, schools and kura seek agreement from parents to put their child on the register and to share the information with specific agencies to improve the learning support they receive.

A small group meets monthly to discuss the register. The coordinator brings her laptop to the meeting and a printed dashboard that shows totals of children grouped by different categories. Meetings usually start by looking at overall patterns on the dashboard, but once members have identified the group they want to focus on, the coordinator accesses the more specific information on her laptop about the individual children that make up the group. They look into the unique characteristics of each child to tailor a response to their needs.

Members can take away the printed dashboard after meetings, but only the coordinator holds the detailed information.

Professionals such as psychologists and speech language therapists also have professional codes of ethics that include privacy and confidentiality and will guide how they deal with personal information.

Sharing aggregate information

Sometimes groups want to share information in aggregate form, which does not identify specific individuals.

This type of information is useful for identifying trends and patterns in learning support needs across a community, without identifying individual children or young people.

To avoid identifying anyone, each category in the data should include at least five individuals – any lower and there is a risk that someone could work out who they are. Sometimes you will need to use your judgement to work out where that threshold lies.

You can provide information to someone with data expertise for the purpose of aggregating it. Usually you should take out names when you provide it to that person and only include the information that you have agreed as a community is needed, unless the person needs to combine different data sources and needs to identify individuals to make the initial link. Information is then collated into groups and the original data is safely disposed of.

No one should be able to work back from the aggregate information to identify specific children and young people. Aggregated information is therefore suitable for designing programmes for groups of children rather than responding directly to individual needs.

Even if your group is only sharing aggregate information, it is important that you have a protocol in place to ensure that information is safely collated.

An example of sharing aggregate information

A network of early learning services, ngā kōhanga reo, schools and kura identifies that oral language skills are a common concern and decides to develop a programme to support the development of children's oral language skills.

The members agree that they will not seek to target students specifically, but will develop a universal programme available for families and whānau. They identify a range of demographic and pastoral care data that will provide them with the information they need to design the programme.

Each member pulls together information about students that potentially could benefit from the programme and removes names and NSNs. They provide this to the group's coordinator who combines and aggregates it by grouping individuals into categories. The coordinator safely disposes of the source data and provides the aggregated data back to the group.

The group analyses the data and identifies that children from bilingual families and children without any formal early childhood education are experiencing the greatest difficulty. They develop a programme that is targeted at bilingual families and whānau and which is delivered by their child's education provider.

Sharing information about an individual without identifying them

Sometimes it is necessary to talk about an individual child or young person in order to seek general advice about a learning support need. For example, a school wants advice about whether a child should be placed on a register.

This can be done without identifying the child or young person, which means you will not need to seek consent. Do not include the name or any detailed information that would give away their identity. In small communities where it is often easy to identify a child or family, this will mean being careful and using professional judgement about what you share.

If you're not sure that it is possible to do so without identifying the child, you can tell parents about your concerns and ask permission to talk to other professionals to seek further advice.

For further information...

The New Zealand School Trustees' Association advisory and support centre supports principals and Boards of Trustees with privacy and related issues. Contact 0800 782 435 (extension 1), or email govadvice@nzsta.org.nz.

If you need additional support, contact information.sharing@education.govt.nz

The following publications provide more detail:

- Office of the Privacy Commissioner, Privacy in Schools: A Guide to the Privacy Act for Principals, Teachers and Boards of Trustees www.privacy.org.nz/assets/Files/Brochures-and-pamphlets-and-pubs/Privacy-in-Schools-September-2009.pdf.
- Office of the Privacy Commissioner, Sharing Information about Vulnerable Children www.privacy.org.nz/privacy-for-agencies/sharing-information-about-vulnerable-children/
- NZSTA, Privacy Act 2020, www.nzsta.org.nz/media/437993/nzsta-guidelines-privacy-act.pdf

An example of sharing information about an individual without identifying them

A school is unsure whether a child should be included on a group register. They do not want to seek agreement from the parents if the child is not likely to benefit from being on the register.

They describe the behaviours that are causing concern (e.g. "a change in behaviour from a happy outgoing student to being quiet and withdrawn and not engaging in class") without going into detail.

- a) The group agree that the child may benefit from being on the register and that it is worth investigating further / discussing the specifics of the case. The member then seeks agreement from the parent or guardian to include the child on the register.

OR

- b) The group does not think that this is a case for the register. The group recommends some possible ways to support the child within the school.



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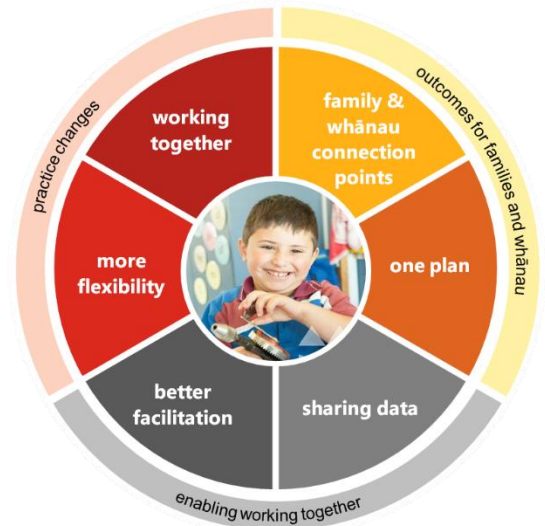
Checklist for seeking agreement to share information

To share personal information, you need to ensure that the person you are seeking agreement from is fully informed about:

- why the information is being shared
- whom you are sharing it with (who will have access to the information)
- what will happen with the information.

This will be the parent or guardian, or the young person themselves if they are capable of deciding for themselves.

You can do that either as a conversation or in writing, as long as you keep a record of their agreement. However, having it in writing gives people something to refer back to in the future, especially if there is a lot of detail to remember.



You need to explain:

- ✓ **the purpose** – why the information is being shared
- ✓ **what** information will be shared
- ✓ **who** will see it
- ✓ **how** it will be shared and stored safely
- ✓ **when** the information will be taken off the register
- ✓ **how** they can check the accuracy of the information
- ✓ **what** will happen if they don't agree to the information being shared or want to withdraw their consent.



Example consent form (school or early learning service):

Why we are sharing information

Our school/kura/early learning service is part of a group of education providers that shares information to:

- identify children and young people who might need additional learning support
- ensure that the adults who work with children (such as teachers or teacher aides) have the skills and resources they need to support them
- decide what additional learning support would help children and young people, whether individually or in groups.

The Ministry of Education may use information on the register for the purpose of administration and analysis, for example to find out about the overall numbers of children requiring specific types of support. This will allow the Ministry to plan ahead for numbers of staff and specialists, and other services and types of support.

What information we will share

The members of our group of education providers [list all members here] and the Ministry of Education share information for a collective learning support register that contains:

- name, gender and ethnicity to identify support that reflects the child's identity, language and culture
- date of birth and year level, to identify support that is appropriate to their age
- the type of support needed
- any health issue, disability or learning difficulty that means a child needs particular types of support
- services and support they are already receiving
- [add any other information that you think may be needed and that will be included in the register].

If you agree, we will put information about your child's additional support needs on the group's learning support register.

Who will see the information

Only a small group of people will have access to the register for the purposes explained in the first paragraph. It will include a school staff member with responsibility for learning support (e.g. special education needs coordinator), a resource teacher learning and behaviour, an early childhood representative and the learning support facilitator (a Ministry of Education staff member). These people will meet regularly to discuss the register and how best to respond to the needs of children and young people on the register. In some situations, other organisations may be able to help to determine the appropriate support for a child or young person. We will seek your agreement before other organisations are involved.

How we will keep the information safe

Any information will be transmitted and stored securely via password protected files, which only authorised people will be able to access. Information about children and young people no longer enrolled with an education provider in the community or no longer needing learning support will be removed from the group register quarterly.

How you can see and correct the information

You can request access to the information through the school/kura office/early learning service manager and may correct any inaccuracies.

What will happen if you don't agree to your child's information being shared

If you do not agree to your child's information being included on the register, we will still provide support for your child's needs within our school/kura/early learning service. But if your child's information is not on the register, they may not be able to gain early access to resources provided across the group.

You can decide to withdraw your consent at any time.

I agree to personal information about _____ [child's name] being included on the register and that information being shared with the group of people listed for the purposes explained above.

Signed _____ Date: _____



Learning support delivery approach

Protocol template: sharing personal information

This protocol template outlines what a group needs to discuss, agree and record to safely collate personal information about children and young people's learning support needs. The *Guide for groups sharing learning support information* includes supporting examples.

Purpose

Members of the group are disclosing and using personal information about children and young people, with agreement from them or their parent/guardian, for the purpose of providing better support to meet their additional learning needs.

In particular, [*explain why you are sharing the information and how it will benefit the children and young people concerned.*]

What information will be shared and why

[*List the members of the group, the types of information they will share and why.*]

Who will access the information and why

[*List the people who have access to the information and why they need to access it. You may decide that not everyone will have access to all information – if so, record what types of information each person will see.*]

How information will be securely shared, transmitted and stored

[*Describe the processes you will follow to keep the information safe:*

- *during the initial sharing from each education provider*
- *while the information is collated and stored*
- *when the information is transmitted e.g. to authorised people in the group to discuss it.*

How people can access the information to make corrections

[*Set out the process for parents, caregivers, children and young people to see and correct their information. Usually this will be managed by the education provider the child is enrolled with.*]

When and how you will remove information from a shared register or database

[*Establish how you will remove information from a shared register or database when you no longer have a reason to keep it e.g. a child has left the community.*]

How a privacy breach will be managed

[*The Office of the Privacy Commission has a detailed guide about responding to a privacy breach and can provide support (www.privacy.org.nz/data-breaches/data-safety-toolkit). The guide sets out the key steps to follow, including investigating and responding to the breach and preventing a repeat.*]



Learning support delivery approach

Protocol template: aggregate information

This protocol template outlines what a group needs to discuss, agree and record to safely pull together aggregate information about children and young people's learning support needs. The *Guide for groups sharing learning support information* includes supporting examples.

Purpose

[*Explain why you are collating aggregate information and why.*]

What information will be shared

[*List the types of information that will be shared.*]

Who will collate the information

[*Specify the person who will collate the information or their role/function.*]

How information will be shared securely for collation

[*Describe how education providers will provide their information securely to the person who collates it. For example, you may agree to remove identifying information such as names and NSNs from the data before it is sent for collation. The information will need to be securely transmitted e.g. in a password protected file.*]

How information will be stored and disposed of

[*Describe the processes the person who collates the information will follow to safely store the information while they are collating it and then dispose of it once the aggregate picture is completed.*]

How a privacy breach will be managed

[*The Office of the Privacy Commission has a detailed guide about responding to a privacy breach and can provide support (www.privacy.org.nz/data-breaches/data-safety-toolkit). The guide sets out the key steps to follow, including investigating and responding to the breach and preventing a repeat.*]