



Privacy Notice for EP

Fairley House School

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Person responsible for review	Bursar
Ratified by	Board of Governors

Policy Changes

Date of Amendments	Page Number and Update

www.fairleyhouse.org.uk

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Introduction

We are giving you this notice because you are able to exercise your child's data protection rights on their behalf. If your child is older (usually when they reach the age of 12) they will be considered mature enough to exercise their own data protection rights, the same notice applies.

If you have any questions about this notice, please talk to the Finance Manager.

What is "personal information"?

Personal information is information that the School holds about your child and which identifies your child.

This includes information such as their date of birth and address as well as things like exam results, medical details and behaviour records. We will also hold information such as your child's religion or ethnic group for the purposes of statutory census returns. CCTV, photos and video recordings of your child are also personal information. We will hold information as to the reason for any Educational Psychology (EP) support, such as concerns about learning, and to support emotional wellbeing and development.

How and why does the School collect and use your child's personal information?

We use your personal information to:

Work with the child or young person to gain an understanding of strengths and needs based on their psychological skills.

Assess and advise on the most appropriate level of support.

Undertake consultation with adults who work with the child or young person.

Support and deliver interventions, such as, but not limited to, Cognitive Behaviour Approaches, Video Interaction Guidance and Motivational Interviewing techniques.

May provide school and parents with a report to inform their ongoing support for a child or young person.

Use data to compile reports on the service. No individual child will be identifiable.

What information do we share?

We will not share any information about you with other organisations or people, the information will be used among the qualified EP's at Fairley House School (FHS), except in the following situations: -

Consent – we may share information with professional carers or others whom you have requested or agree we should contact.

Serious Harm – We may share your information with the relevant authorities if we have reason to believe that this may prevent serious harm being caused to your child or another person.

Compliance with law – We may share your information where we are required to by law or by the regulations and other rules to which we are subject.

More than one basis

We may move from one of the legal bases to another as circumstances change. For example, as a safeguarding matter becomes more serious, we may start to rely on "legal obligation" to share personal information with the local authority in addition to the other legal bases, which are noted for safeguarding purposes.

How do we obtain consent?

When working with children and young people, psychologists are advised to ensure that they have ascertained who has parental responsibility and that those with parental responsibility are aware of their planned involvement, if this is appropriate. At FHS, we take the view that young people over the age of 12 are deemed competent to give their consent to work with an E.P; however, we will also request parental consent to engage in direct intervention work.

Psychologists also need to be aware that where separated or divorced parents share parental responsibility, one parent can give consent. Psychologists should always ensure that they have sought and received the consent of those they work with, given of their own free will, without undue influence. The concept of informed consent relates to the client's right to choose whether to receive psychological services and to make this choice based on the best information available presented in the most appropriate way.

We may ask for your consent to use your child's information in certain ways. For example, we may ask for your consent before sharing information internally with teaching staff. If we ask for your consent to use your child's personal information, you can take back this consent at any time.

Any use of your child's information before you withdraw your consent remains valid.

How do we manage confidentiality?

Psychologists are responsible for holding their records securely to ensure the confidentiality of the information contained within them and to control access to them.

When beginning direct work with a child or young person, the psychologist should discuss and agree who will have access to the information arising from the work. In undertaking this discussion, it is helpful to acknowledge that there may be those adults (e.g. parents/carers, other relevant professionals such as teachers, social workers, counsellors) who may have a supportive interest in the work and may wish to have appropriate access to information, but the wishes of the young person should take precedence unless there are safeguarding concerns. Those with parental responsibility do not have an automatic right of access to the psychologist's records by making a subject access request under data protection legislation. The nature and purposes of any work will vary and this will determine how and to whom information will be shared, however the child or young person should always be made aware of who will have access to what and for what purpose, in line with consideration of wishes of child and parents. The child or young person should be fully aware of the content of any shared information, including as appropriate, copies of the documents. Whatever is agreed

about information sharing including work where information is confidential, the psychologist must ensure the child or young person knows and understands that if there is a risk of harm the psychologist must follow safeguarding procedures.

The psychologist will not pass on any detailed accounts of sessions but may with the child/young person's permission; communicate periodically with school staff about the support being provided. A young person may wish a trusted member of staff to know they are receiving psychological intervention in order to feel supported between counselling sessions.

How do we manage record keeping?

In accordance with HCPC guidelines records made, kept or accessed by psychologists should be:

- systematic and appropriately detailed.
- in clear language/format.
- accurate.
- up to date.
- relevant to professional work and to the purpose for which they were collected
- kept confidential and secure

For how long do we keep your child's information?

We will hold your personal information securely and retain it from the child /young person's date of birth until they reach the age of 26, after which the information is archived or securely destroyed.

Please see our Information and Records Retention Policy for more detailed information. This can be found on our website here www.fairleyhouse.org.uk/policies

What decisions can you make about your child's information?

From May 2018, you will be able to make various decisions about your child's information. Some of these are new rights whilst others build on your child's existing rights. Your child's rights are as follows:

- **Rectification:** if information held by the School about your child is incorrect you can ask us to correct it.
- **Access:** The 'right to know and need to know' principle governing record access should apply. Clients have a legal right to access records concerning them, and this right is enshrined in legislation. Additionally, it is good practice for clients to be given feedback on their content. Sharing records with clients supports the collaborative approach of psychologists and enables clients to have full and effective involvement. Client access to records will be restricted to information about themselves and not third parties. Restrictions will also apply when disclosure would place the clients or others at risk of serious harm. If a client wants to see their file they should ask, the E.P. and the E.P. should be present to explain what the file contains.

- Those with parental responsibility do not have an automatic right of access to the psychologist's records by making a subject access request under data protection legislation.
- Where a parent requests to gain access to their child's counselling (psychologist) records, they should make these in writing to the Head Teacher, briefly stating their reasons. A request for access needs to be dealt with within 15 days.
- **Deletion:** you can ask us to delete the information that we hold about your child in certain circumstances. For example, where we no longer need the information.
- **Portability:** you can request the transfer of your child's information to you or to a third party in a format that can be read by computer in certain circumstances.
- **Restriction:** our use of information about your child may be restricted to simply storing it in some cases. For example, if you tell us that the information is inaccurate, we can only use it for limited purposes while we check its accuracy.
- **Object:** you may object to us using your child's information where:
 - we are using it for direct marketing purposes (e.g. to send your child the School magazine: the legal basis on which we are relying is either legitimate interests or performance of a task carried out in the public interest. Please see the section "Our legal bases for using your child's information" above.
 - we are using it for historical or scientific research purposes or archiving purposes. For example, we may keep photographs of your class for historical reasons.

The Finance Manager can give you more information about your child's data protection rights.

Further information and guidance

This notice is to explain how we look after your child's personal information. The Finance Manager can answer any questions that you might have.

Please speak to the Finance Manager if:

- you would like to exercise any of your child's rights listed above; or
- you would like us to update the information we hold about your child; or
- you would prefer that certain information is kept confidential.

If you consider that we have not acted properly when using your child's personal information you can contact the Information Commissioner's Office: ico.org.uk.

This policy and guidelines are shaped by, and complies with, key pieces of legislation.

- Practice Guidelines, Third Edition, British Psychological Association August 2017
- Electronic Records Guidance, British Psychological Association March 2019
- Code of Ethics and Conduct British Psychological Association July 2018
- Children and young people's mental health (CYPMH): Schools and colleges, Briefing Paper British Psychological Association November 2017
- Confidentiality – guidance for registrants. Health and care Professionals Council and guidance, which includes, but is not limited to:
- Gillick Competence/Fraser Guidelines (1985)