

Therapy, Nursing and Wellbeing Services

Our Therapy Teams work across all of our Education Services, Adult Day Services and also provide limited support to some of our Residential Services and are regulated by the Health Care Professional Council (HCPC).

Our Nursing Teams work within Education Services and work to the Royal College of Nursing (RCN) standards.

Percy Hedley School also provides additional Wellbeing Support to pupils, including Counselling Services (CS) and Educational Psychology (EP). CS works to the British Association for Counselling and Psychotherapy (BACP) standards and EP are regulated by HCPC.

Information collection

Whilst the majority of information you provide to us is mandatory, some of it is provided to us on a voluntary basis.

The information collated from you and any relevant third party during your *enrolment* at our key service e.g. Education, Adult Day Services, is then shared with our internal **Therapy Teams** who will assess your personal needs and therapy care via an initial assessment to determine the level of therapy required to support your individual needs.

In cases where both we and the local authority (or similar) process the same personal information relating to you, we will be joint data controllers of your personal information.

The **Nursing Teams** provide additional support to the Therapy Teams in relation to your medication requirements, as well as regularly monitoring your height and weight. Again, relevant information collected from you and third parties during *enrolment* will be shared with our internal Nursing Team.

Counselling Services works a little differently, in that **no** information is shared internally after enrolment. Information will be collected via an internal referral form, which will include your name only and a brief description of the issue, along with the name of the individual who has made the referral and whether parents/guardian are aware.

Educational Psychology (EP) is an internal service for pupils at Percy Hedley School where our psychologist supports children with emotional and wellbeing needs, and carries out specialist assessments as appropriate. This will be via a verbal internal referral, and the only information given will be your name and concern.

Through a Department for Education (DfE) grant, our EP also works into other North East schools via our **Teaching School Service**. This will be via a verbal external referral, and happens only with parental consent. The only information given will be the name of your school, your name, and concern.

How we will use your information

The categories of information that we collect, hold, and share include:

- Personal information (such as name and address)
- Characteristics (such as ethnicity, language, nationality, and country of birth)
- Special Category information (such as medical and health information, which may include medical images)
- Behavioural information
- safeguarding information

The information you give us and we collect from relevant third parties will be used to form your **therapy record**. For instance, your specific therapy needs, progress, and specific clinical notes will be added to your records.

Your **nursing record** will also include a record of your medication administered and your height and weight charts.

Counselling records are highly confidential and as such, no identifiable personal information will be recorded. The record simply has a unique identifier number and notes of sessions, no names or initials will be documented in the record.

Your **Educational Psychology** record will include background information, notes of meetings, assessments, and reports.

With the exception of counselling records, additional relevant communications that contains key information relating to your therapy, nursing, medication or wellbeing needs may also be added to your records, including records of telephone calls, email communications, or letters from parents or guardians, as well as third parties e.g. GP's, Therapists etc.

We will use this information to formulate our decision making process for your therapy, nursing, medication or wellbeing needs, to ensure we provide you with the required treatment and support.

For instance:

- to enable us to communicate with you and to fulfil your request for information or services appropriate to your needs
- to provide specific medical care and therapy treatments
- to monitor and improve our performance in responding to your request
- to ensure we meet our regulatory and legal obligations
- to protect individuals from harm or injury
- to allow the statistical analysis of data so we can plan the provision of services.

Legal basis for our processing

All our Therapy, Nursing and Wellbeing Teams work to appropriate standards and will ensure they gain your appropriate *consent* for any treatments; however, this consent is not to be confused with our legal basis for the *processing* of the associated personal information in relation to the treatment provided e.g. records of treatment etc.

As a data controller when we collect your personal information, we will make sure this is only done in accordance with an appropriate legal basis, alongside an additional **'special category'** legal basis under data protection laws. This means we will never process your information without a legal basis to do so.

When processing your **therapy, nursing** information;

If you are a **private user who contracts directly with us** - *processing is necessary for the performance of a contract to which the data subject is party (Article 6 (b) GDPR)*, or

If you are **funded via your local authority or are in an education setting** – *processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority (Article 6 (e) GDPR)*, and

Our additional **special category condition** for processing is - *processing is necessary for the purposes of preventive or occupational medicine, or the provision of health or social care or treatment or the management of health or social care. (Article 9 (h) GDPR)*.

This is in accordance with the **DPA 2018 schedule 1 Condition; Part 1, Health or social care purposes.** 2 (1) *This condition is met if the processing is (a)preventive or occupational medicine, (d)the provision of health care or treatment, (e)the provision of social care, or (f)the management of health care systems or services or social care systems or services.*

To support medication and/or Therapy needs it may be necessary to take **Images** as they can play an important part of our process to support your clinical needs. We will use **consent** as our legal basis for processing any image of you. (Article 6 (a) GDPR), and

Our additional **special category condition** for processing is - *the data subject has given **explicit consent** to the processing of those personal data for one or more specified purposes* (Article 9 (a) GDPR), which is supported by the same schedule 1 condition as above.

When processing your **Counselling** information;

Our legal basis for processing your information is – *processing is necessary for **the performance of a contract** to which the data subject is party* (Article 6 (b) GDPR), and

Our additional **special category condition** for processing is - *processing is necessary for the **purposes of preventive or occupational medicine, or the provision of health or social care or treatment or the management of health or social care.*** (Article 9 (h) GDPR).

This is in accordance with the **DPA 2018 schedule 1 Condition; Part 2, Counselling etc.**17(1)*This condition is met if the processing is (a)is necessary for the provision of confidential counselling, advice or support or of another similar service provided confidentially.*

When processing your **Educational Psychology** information (internal to Percy Hedley School);

If you are a **private user who contracts directly with us** - *processing is necessary for the **performance of a contract** to which the data subject is party* (Article 6 (b) GDPR), or

If you are **funded via your local authority** – *processing is necessary for the **performance of a task** carried out in the public interest or in the exercise of official authority* (Article 6 (e) GDPR), and

Our additional **special category condition** for processing is - *processing is necessary for the **purposes of preventive or occupational medicine, or the provision of health or social care or treatment or the management of health or social care.*** (Article 9 (h) GDPR).

This is in accordance with the **DPA 2018 schedule 1 Condition; Part 2, Counselling etc.**17(1)*This condition is met if the processing is (a)is necessary for the provision of confidential counselling, advice or support or of another similar service provided confidentially.*

At times our services may be involved in **Safeguarding** incidents and investigations which we have a legal duty to report to various third parties, who could include; CQC, Ofsted, LADO, Social workers, LAC Nurse, parent/carer.

Our legal basis for this processing this information is - *processing is necessary for compliance with a **legal obligation** to which the controller is subject* (Article 6 (c) GDPR), and

Our additional **special category condition** for processing is - *processing is necessary to **protect the vital interests** of the data subject or another natural person where the data subject is physically or legally incapable of giving consent* (Article 9 (c) GDPR).

This is in line with the **DPA 2018 schedule 1 Condition**; Part 2, **Safeguarding of children and of individuals at risk**. 18 (1) *This condition is met if (a) protecting an individual from neglect or physical, mental or emotional harm, or (i) protecting the physical, mental or emotional well-being of an individual, or (b) the individual is (i) aged under 18, or (ii) aged 18 or over and at risk.*

Recipients and disclosing your personal information

Where appropriate, we will share some of your personal information internally between relevant departments, and within the Foundation, for instance, between therapy and nursing teams, education services, residential and finance.

We may also disclose your personal information external to the Foundation in the following circumstances:

- To third parties who provide a service to us and process your personal information on our behalf, these systems are used with Education Services, which therapists and nurses can access and contribute to. These include;
 - Google Docs <https://www.google.co.uk/docs/about/>
 - SIMS (schools only) <https://www.capita-sims.co.uk/>
 - Databridge (college and Wansbeck) <https://databridgemis.net/>
 - iASEND (schools only) <https://www.lcp.co.uk/iasend>
 - CPOMS (schools only) <http://www.cpoms.co.uk/>
 - Dropbox <https://www.dropbox.com>
 - *Earwig (schools only) <https://earwig.uk.com/>

*As this system is image based, your information will only be processed in Earwig if you have given explicit consent, via our Image Consent Form.

- With third parties who also process your information, for instance, organisations you have a vested interest in your health and wellbeing. These include;
 - Local Authorities
 - DfE
 - GPs
 - Social Workers
 - NHS
 - External therapy and/or behavioural teams
- With trusted suppliers or service providers who provide products or services for your health and wellbeing needs. These include;
 - Hoist suppliers
 - Wheelchair suppliers
- Where we are under a duty to disclose your personal information in order to;
 - comply with any legal obligation (for example to a government body, including data sharing in relation to COVID-19, law enforcement agency), or
 - in order to enforce or apply our rights (including in relation to our website or other applicable terms and conditions), or
 - in order to protect our organisation, (for example in cases of suspected fraud or defamation), or

- in order to protect your vital interest or the vital interests of another individual (for example in cases of abuse or suspected abuse).

We can assure you, we require third parties and suppliers we contract with to comply with data protection laws and have appropriate controls in place.

Data collection requirements

As part of our Teaching Schools agreement with the DfE, it is a statutory requirement that we provide data returns via the Teaching Schools hub on an annual basis. The data shared is solely for statistical purposes and does not include any identifiable personal information e.g. names or DOB.

More information about the DfE can be found here:

<https://www.gov.uk/government/organisations/department-for-education>

Keeping your personal information

We keep your personal information only for as long as required to operate the service in accordance with a legal, regulatory, or specific business purposes. Where your information is no longer required, we will ensure it is disposed of in a secure manner.

Any information that we are required to retain for archive purposes will be held securely, with limited access rights and this information will not be further processed.

Our retention period for therapy and nursing records relating to an adult:

We will retain your patient record for 30 years from the end of treatment, or 8 years after death, in line with IGA Records Management Code of Practice for Health and Social Care.

Our retention period for therapy and nursing records (including EP) relating to a child:

We will retain your patient record until you turn 26 years old, in line with IGA (as above).

To find out more about IGA go to: <https://digital.nhs.uk/data-and-information/looking-after-information/data-security-and-information-governance/codes-of-practice-for-handling-information-in-health-and-care/records-management-code-of-practice-for-health-and-social-care-2016>

Our retention for counselling records:

We will retain your counselling record for 10 years from the end of your sessions, in line with BACP guidance.

To find out more about BCP go to: <https://www.bacp.co.uk/>

An exception to the above retention periods will occur, for any record relating to allegations of abuse or suspected abuse. These records will be retained for a minimum period of 50 years, to comply with our insurance terms and conditions.

Our retention period for images

Records that may include images that evidence your progress or decline in therapy treatments will need to be retained in line with requirements as outlined above.

Images that are not directly related to your therapy record will only be retained while you are in attendance at our services.

We have made a business decision to preserve our history and heritage by retaining some archive materials permanently. This may include some images of our service users. Examples of categories of images that we can archive permanently are as follows (but not limited to):

- Award ceremonies, or similar

- Leavers balls/leavers assemblies, or similar
- Career/progression case studies, or similar
- Anniversary celebrations, or similar

ⁱ *Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade union membership, and the processing of generic data, biometric data for the purposes of uniquely identifying a natural person, data concerning health or data concerning a natural person's sex life or sexual orientation (Article 9 Processing of special categories of personal data)*

ⁱⁱ Sometimes your therapy treatment will involve images being taken to evidence therapy assessment needs and progress or potential decline. These images can sometimes be sensitive in nature. These images will be held securely and only be accessible to the appropriate therapy team(s).

ⁱⁱⁱ A small number of Physiotherapists at Hedleys Northern Counties School are employed by the NHS and as such will operate under joint data controller status. In line with our contract, we have data sharing provisions and appropriate safeguards in place when transferring personal information; they will use NHS systems and follow NHS policies and procedures. Please see the NHS privacy notice for further information on how they process your personal information.