



## **Privacy Policy – Primary School Child**

**Profluence Ltd**

**Sarah Ellison**

Independent Specialist Speech and Language Therapist

BSc Hons, MRCSLT, MASLTIP, HCPC Registered

Company Number: 8316794

[www.profluence.co.uk](http://www.profluence.co.uk)

Profluence Ltd is registered with Companies House (No:8316794). Profluence Ltd delivers independent Speech and Language Therapy to children and adults in clinic and educational settings. It is owned and directed by Sarah Ellison – a qualified Specialist Speech and Language Therapist with extensive experience – 20 years of which was in the NHS. She is a member of RCSLT (Royal College of Speech and Language Therapists) and ASLTIP (Association for Speech and Language Therapists in Independent Practice) and is also registered with HCPC (Health and Care Professions Council) – the regulator of standards in health and care professionals. Profluence Ltd operates a website at [www.profluence.co.uk](http://www.profluence.co.uk).

Profluence Ltd is registered with the ICO (Information Commissioner's Office) as a Data Controller. This is a legal requirement, to ensure that Profluence Ltd is controlling data as specified under the Data Protection Act 1988 and also the new rules which came into effect on 25<sup>th</sup> May 2018 – GDPR (General Data Protection Regulation) and the UK Data Protection Act 2018 (similar to GDPR but links into UK rather than EU law).

Profluence Ltd is committed to protecting the privacy of information provided by clients. This document informs you of Profluence Ltd's Privacy Policy in relation to the obtaining, storage and use of information obtained during initial contact, speech and language therapy assessment and provision, and afterwards.

### **Collection of Personal Information**

Information about your child may be collected via spoken (in person, on the telephone or by video call) or written (by report/e-mail/text) information from you. Such information will be contact details (name, address, telephone numbers, e-mail address); contact details for parents/guardians; personal details for the child (date of birth, developmental history, medical history – e.g. illnesses and medications); other contacts (name and address of GP and other professionals involved in your child's care); sleep patterns; any eating/drinking difficulties; information relating to mother's pregnancy and child's birth; description of family and family life; languages spoken; behaviour patterns.

With parental consent, information may also be collected from other professionals working with your child (such as GP, private or NHS Speech and Language Therapist, Consultant Paediatrician, Audiologist). We may also collect information about family members where this relates to your child – for example, contact details for parents and relevant medical or developmental history.

You may use the Profluence Ltd website ([www.profluence.co.uk](http://www.profluence.co.uk)) without providing any personal information. The website contains links to other internet sites which are outside our control and are not covered by this privacy policy. We are not responsible for data which you gain or provide through any such linked websites.

## **Telehealth**

Telehealth is the remote provision of healthcare services using technology. Profluence Ltd will be using 'Zoom' to deliver the Telehealth sessions. Most Telehealth sessions will be conducted whilst your child is in school but the following details are so that you have more information and also for if the online sessions are conducted at home.

You will be sent an email or text message containing a meeting invitation, where you will click on the link to access the meeting. Telehealth will only be used for pre-scheduled Speech and Language Therapy appointments. The Speech and Language Therapist will deliver the session from a private and confidential room.

The parent/carer is responsible for information security on their computer and in their own physical location. It is also their responsibility to ensure privacy at their own location so that individuals who are not involved in the therapy session cannot hear the session. Profluence Ltd will not be responsible for anyone else who may be able to see/hear what is being discussed.

Telehealth does have some risks. A person could gain access to the consultation from the UK or overseas as the information is passed between international servers. However, Profluence Ltd will minimise these risks by 'locking' the session once it has started (just like closing the door in the clinic room). Technical difficulties with hardware, software, and internet connection may result in service interruption and Profluence Ltd is not responsible for any technical problems and cannot guarantee that services will be available or work as expected.

You are responsible for ensuring you have sufficient capacity for connection to allow for Telehealth sessions. This is best performed via a broadband connection as it may affect your data allowance if undertaken on a tablet device. You are responsible for your data usage and any costs incurred for exceeding your data allowance. This will not be the responsibility of Profluence Ltd. It is also your responsibility to ensure you are protected with adequate security, for example firewall and antivirus programmes.

You should not record, copy or in any way capture images relating to the Telehealth call. It is a criminal offence to record, copy or capture images without consent. You will be able to access information, official recordings and session updates after the session, if required and if appropriate. Information accessed after the session should also not be recorded, copied or captured.

A record that the Telehealth appointment has taken place and has been consented to will be kept in your child's records. The advice you receive is individual to your child and should be treated as a course of prescribed treatment personal to your child. Do not share the advice with others even if you think it will help. You can withdraw your consent for Telehealth sessions at any time.

## **Use of Personal Information**

We use personal information:

- To prepare, plan and provide appropriate speech and language therapy services for your child's needs.
- To communicate with you via post; telephone; e-mail; text messages (only child's initials or first name used in the latter two) in relation to:
  - confirming and preparing for assessment and therapy sessions in school.
  - general communication between sessions.
  - copying you in to communications with other professionals involved in your child's care.
  - occasionally e-mailing you reports, activities and resources (always password protected if confidential).
- For clinical audit to assess and improve our services. Results of audits are always presented with all patient identities removed.
- For management and administration such as preparing our accounts so that we pay the correct taxes.

It is considered best practice to share information with relevant professionals involved in your child's care (e.g. GP, private or NHS Speech and Language Therapist, teaching staff, Consultant Paediatrician, Audiologist) in order to work together to best support your child's needs. Sharing information may be through e.g. written report/letter, in person, telephone call, video call and during meetings about your child.

All patient details, records and correspondence are stored securely and treated confidentially. All sessions, conversations, telephone calls, video calls, e-mails and texts are documented, to create a complete and accurate record of the contact with you and your child and, where appropriate, other professionals in your child's care.

E-mail, text messaging and Zoom are not deemed to be 100% secure methods of communication but they are very convenient to use. When confidential information is being sent, attachments will be password protected and the password communicated to you either by telephone call or text. I will refer to your child in an e-mail or text by initials or first name only. All e-mail and text communication will be documented in your child's records.

Profluence Ltd does not employ agents to process personal data (e.g. communication mailing companies) and will never give or sell patient details to any third parties for marketing purposes.

## **Storage of Personal Information**

Profluence Ltd keeps records for your child – to ensure that we have a complete record of our services to them. All paper based confidential information such as your child's records are stored securely in accordance with Data Protection Regulations and locked in filing cabinets when not in use. Confidential, electronic documents (e.g. reports, activities and video demonstrations) are accessed via an encrypted computer and stored on a secure Cloud storage system.

Patient telephone numbers are not stored on the Profluence Ltd mobile telephone. Text messages sent to it, however, will remain on the telephone until they can be documented into your child's records. After which, the text messages will be deleted. Profluence Ltd will only refer to your child by initial or first name. The mobile telephone is only accessible by passcode and only by Sarah Ellison, Specialist Speech and Language Therapist. E-mail

addresses are not retained on the computer and e-mails are deleted as soon as the communication has been documented in your child's records.

Within assessment and therapy sessions videos may be taken of your child with your permission. These are temporarily stored on a portable video camera. The video camera will be locked away when not in use – until the footage is used to document findings in your child's records. This will be done within 24 hours of the appointment and then the video will be deleted. Zoom session recordings may be stored for longer on an encrypted laptop and/or a secure Cloud storage system if we have both decided that storage is appropriate (e.g. to show progress).

When your child's information is taken out of the office base it will be kept either under the Speech and Language Therapist's care or locked in the boot of the Speech and Language Therapist's car (whichever is deemed to be more secure at that time).

In accordance with the law and with professional standards and recommendations, records must be kept until your child is 25 years of age. After which, all information will be confidentially destroyed.

### **Safeguarding, Confidentiality and Data Protection**

All personal information that is provided is kept confidential. The only exception is when information is required by law – if you or your child disclose something that puts your child or someone else at risk of harm. If any information is disclosed which relates to a child protection issue it is the duty of care of the professional to disclose this information to the appropriate professionals in accordance with the Safeguarding Children Act 2004. This duty of care will be carried out as appropriate by Profluence Ltd.

According to the NSPCC (National Society for the Prevention of Cruelty to Children), "Safeguarding is the action that is taken to promote the welfare of children and protect them from harm" and that, "Everyone has a responsibility to keep children and young people safe." I am aware of the local Safeguarding Children Board and follow their policies and procedures. Professional guidelines from RCSLT, ASLTIP and HCPC are also followed. I have attended safeguarding training and this will continue to be updated as required by my professional standards. My DBS (police) check is kept up to date via the DBS Update Service.

### **Our Lawful Basis for Processing, Storing and Using Personal Information**

Profluence Ltd's lawful basis for processing and storing personal information is one of 'legal obligation' (under Article 6 of GDPR). Profluence Ltd is legally obliged to keep records – therefore data processing is necessary in order to adequately provide services to your child. For contractual work that Profluence Ltd undertakes in schools, the lawful basis is 'contract' in addition to 'legal obligation' due to needing to process a child's personal information in order to fulfil the contract to assess and treat specified pupils and also to advise and train the staff accordingly.

Data relating to an individual's health is classified as 'Special Category Data' under Article 9 of GDPR. The reason chosen by Profluence Ltd to justify processing your child's health data is: Article 9: 2(b) "Processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller or of the data subject."

For 'legal obligation', data processing is required to comply with certain laws and professional obligations – as follows:

### **HCPC (Health and Care Professions Council)**

HCPC was established in February 2002 to regulate healthcare professions – in accordance with Section 60 of The Health Act 1999 and The Health Professions Order 2001.

It is a legal requirement for all Speech and Language Therapists to be registered with the HCPC, which has clear standards of conduct, performance and ethics that all registrants must adhere to. These standards affect the way in which information is processed and shared. In particular:

#### **Standard 2: Communicate appropriately and effectively**

*“You must share relevant information, where appropriate, with colleagues involved in the care, treatment or other services provided to a service user.”*

#### **Standard 7: Report concerns about safety**

*“You must report any concerns about the safety or well-being of service users promptly and appropriately. You must take appropriate action if you have concerns about the safety or well-being of children or vulnerable adults. You must acknowledge and act on concerns raised to you; investigating, escalating or dealing with those concerns where it is appropriate for you to do so.”*

#### **Standard 10: Keep records of your work**

*“You must keep full, clear and accurate records for everyone you care for, treat or provide other services to. You must complete all records promptly and as soon as possible after providing care, treatment or other services. You must keep records secure by protecting them from loss, damage or inappropriate access.”*

For further information the full document can be found at: <http://www.hcpc-uk.org/assets/documents/10004EDFStandardsofconduct,performanceandethics.pdf>

### **Records Management Code of Practice for Health and Social Care 2016**

This document describes what people working with or in NHS organisations in England are required to do to manage records correctly. Although Profluence Ltd is independent rather than NHS, it is still relevant to refer to because the document is based on current legal requirements and professional best practice for the management and retention of records. It was produced by the IGA (Information Governance Alliance) in July 2016. Within the document it clearly states the retention periods for notes after intervention has ceased and before being destroyed – for children, 25 years of age. This is due to the Limitation Act (1980) which gives the time frame as 6 years for bringing legal action in the UK – for children, this is 6 years from when they turn 18 years old (so by stating their 25<sup>th</sup> birthday, it gives them the full 6<sup>th</sup> year).

For further information the full document can be found at: <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>

## **RCSLT (Royal College of Speech and Language Therapists)**

The RCSLT website says, “The Royal College of Speech and Language Therapists (RCSLT) was established in January 1945 to promote the art and science of speech and language therapy – the care for individuals with communication, swallowing, eating and drinking difficulties. The RCSLT is the professional body for speech and language therapists in the UK; providing leadership and setting professional standards.”

The RCSLT has produced a document called ‘Information Governance – Guidance’ which states that “Speech and Language Therapists have a legal responsibility to meet information governance standards. Specific legislation controls how information is managed from creation to disposal. Ownership and access to information is controlled to protect confidentiality, whilst still enabling the information to be used to best advantage for the individuals to whom it relates.”

The document links in to the HCPC standards of conduct, performance and ethics (see above). The above RCSLT document clearly states the retention periods for notes after intervention has ceased and before being destroyed – for children, 25 years of age.

For further information the full document can be found at:

[https://www.rcslt.org/cq\\_live/resources\\_a\\_z/info\\_gov/info\\_gov\\_pdfs/igg](https://www.rcslt.org/cq_live/resources_a_z/info_gov/info_gov_pdfs/igg)

## **Special Educational Needs and Disability Code of Practice: 0 to 25 years**

Sharing information to benefit an individual’s input is supported in this document when it says, “If children and young people with special educational needs or disabilities are to achieve their ambitions and the best possible educational and other outcomes, including getting a job and living as independently as possible, local education, health and social care services should work together to ensure they get the right support.”

For further information the full document can be found at:

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

## **Our Responsibilities**

Profluence Ltd is committed to maintaining the security and confidentiality of your child’s records. We actively implement security measures to ensure their information is safe, and audit these regularly. We are constantly working to ensure compliance with current data protection regulations.

## **Your Rights**

Data protection legislation gives you, the parent/guardian various rights. The most relevant of these to your child’s Speech and Language Therapy input are:

- You have a right to be informed (as detailed in this Privacy Policy and with copies of reports etc.)
- You have a right to access a copy of the information we hold about your child.

- You have the right to ask for your child's record to be amended if you believe that it is incorrect.

### **How to Access Your Child's Records**

You may apply in writing to access a copy of your child's records or to request modifications of inaccuracies. Please apply in writing rather than by e-mail so that Profluence Ltd receives an original signature to compare against the records we hold. Such requests will be provided free of charge and will be provided within 30 days of receipt of all necessary information. Please make your request in writing to:

Subject Access Requests  
Profluence Ltd  
77, Bluebell Way  
Huncoat  
Accrington  
BB5 6TD

### **Being Discharged from Profluence Ltd**

You are free to withdraw your child from treatment at any time. The therapist may also withdraw treatment and discharge your child for any of the following reasons:

- ✚ Your child's speech and language skills are at an appropriate level for their age
- ✚ Your child's therapy is complete – all targets have been achieved
- ✚ Your child is no longer progressing – appropriate strategies are in place and advice has been given
- ✚ Due to non-engagement – e.g. home practice activities not being carried out
- ✚ Therapy/intervention is not deemed appropriate by the therapist
- ✚ Other exceptional circumstances

If you have any further questions about how we use your child's information please contact Sarah Ellison, Specialist Speech and Language Therapist: [sarah@profluence.co.uk](mailto:sarah@profluence.co.uk) or Tel 07934 677750.

Further information about data protection legislation and your rights is available from the [Information Commissioner's Office](#) or by calling 0303 123 1113, 9am to 5pm, Monday to Friday.