



Therapeutic Learning Service

PRIVACY POLICY

BACKGROUND

Your privacy is very important to us, and this privacy policy explains how KITE Therapeutic Learning Service Limited ("KITE TLS") will collect, use, communicate and disclose, and make use of your personal data. This privacy policy applies to KITE TLS's website and all products and services offered by KITE TLS, including all self-employed Tutors, Learning Support Assistants (LSAs), Mentors, and Therapists working with KITE TLS who are involved with the sharing and recording of information.

The purpose of this policy is to help ensure that the sharing of relevant information is done safely, ethically and lawfully in order to help protect KITE TLS's clients and the students they refer, administrative staff and self-employed Tutors, LSAs, Mentors, and Therapists working with KITE TLS.

Sharing information presents risks and this policy sets out a code of practice which should be used to minimise this risk. It will enable self-employed Tutors, LSAs, Mentors, Therapists and staff members to make good quality decisions about sharing personal information so that the benefits of information sharing are delivered, while maintaining trust and respecting personal privacy.

In this policy, the legislation of the General Data Protection Regulation ("GDPR") Act 2018 is disseminated by means of a series of practical and logical steps to help secure good practice. Good practice includes, but is not limited to, compliance with the requirements of the Data Protection Act 2018.

KITE TLS recognises a statutory duty to promote good practice in the handling of personal information.

- KITE TLS will routinely share information in the following ways:
 - i) The sharing of information between two or more parties in the form of disclosing limited information once off or sharing substantial information detailing the particulars of potential students which are sent to KITE TLS by clients. KITE TLS will, in turn, share information about students and clients with Tutors/LSAs/Therapists, or potential Tutors/LSAs/Therapists. The sharing of this information may extend to schools, social service departments, and/or specialist education departments in councils which look after the interests of vulnerable children such as those in care.
 - ii) The sharing of information about tutors/LSAs/mentors/therapists, clients and students between the Directors and administrative staff of KITE TLS.
- The decision to share personal information will be based on strict necessity for KITE TLS. Any information that is shared will be relevant and warranted.
 - i) It is necessary for KITE TLS to share information in order to:
 - Match tutors/LSAs/mentors/therapists with potential clients and students.

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- Provide tutors/LSAs/mentors/therapists with information on potential clients and students, and pass on relevant personal details on acceptance of tuition/support/therapy assignments.
 - Investigate any concerns regarding tutors/LSAs/mentors/therapists, clients and students.
 - Share information regarding a student's progress with clients and relevant agencies.
 - Share information with relevant parties in accordance with the KITE TLS Child Protection Policy, for example: social services / police.
- ii) The impact of holding and sharing sensitive information will be assessed in each case. This is necessary in order to consider the effect that the possession or disclosure of such information may have on the data subject. Some examples of sensitive information might be:
- A client may refer a tutor/LSA/mentor/therapist regarding gaps in their knowledge or cite weaknesses in their performance.
 - A council referring a vulnerable child for extra tuition/support/therapy may disclose information regarding their special educational needs or behaviour in order to source an appropriate tutor/LSA/mentor/therapist.
- iii) There are a variety of circumstances in which personal information may be disclosed to KITE TLS about students. Tutors/LSAs/Mentors/Therapists and staff will always ensure that information is only shared when and with whom it is strictly necessary; taking care not to divulge confidential information to any unauthorised third party. To this end, wherever possible, only the students' initials or first name should be used in any correspondence.
- iv) KITE TLS, Tutors/LSAs/mentors/therapists may need to share the following types of information so that they have good quality information about their students before they start their assignment:
- Personal details of the clients, parents, carers or guardians such as their name, telephone number, address, email address.
 - Personal details of the students such as their name, telephone number, address, and information that is relevant to their tuition/support/therapy. In the case of adult students, this information could include information about their job and possibly their educational background. In the case of young people, information could include test results, school reports, areas of concern such as behaviour, EHCPs or safety issues (medical conditions, allergies and behavioural needs, for example). For all young people, and especially vulnerable young people, our policy is not to communicate via mobile phones or email, but rather via parents or carers, for example, when necessary to arrange or change a tuition/support/therapy session. It may be appropriate to correspond via email directly with a student in some instances (for example

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when this relates to homework or work related tasks); on these occasions the client / parent / carer must be copied into the emails.

- Personal details about tutors/LSAs/mentors/therapists relevant to their work as a tutor/LSA/mentor/therapist, such as their qualifications and/or experience and work email address.

Sharing this information will enable tutors/LSAs/mentors/therapists to make informed decisions about which assignments they accept and help them to provide the best possible service and match. This is also important to ensure the safety and welfare of the young person and the tutor/LSA/mentor/therapist. Every effort will be taken to ensure that only relevant information and the minimum necessary to achieve the objective will be shared.

- v) The use of WhatsApp Groups to relay Team information may be used, as this is end-to-end-encrypted. To this end, wherever possible, only the students' initials or first name should be used in any correspondence. When associates leave a programme they should remove themselves from the WhatsApp Group and delete all the associated chat regarding that student from their phones. Programme Leads are the Admins for these groups and should monitor the communications and entry and exit of team members.
- vi) In some instances it may be that legal requirements dictate that KITE TLS shares information, or prevents KITE TLS from doing so. There might be occasions where it will be necessary to share information in the case of medical emergencies, criminal activities, suspected criminal activities or of suspected danger to a client or student. In cases of a serious emergency or criminal act, reporting the incident to the relevant authorities is clearly a legal and moral duty, and in these circumstances it is recognised that considerations of data protection may be secondary to the need to deal with the emergency.

For KITE TLS a particular instance of the need to share information beyond what would normally be the case is any incident or concern about safeguarding. This is especially important as the majority of students being tutored/supported by KITE TLS are currently minors. Moreover, because KITE TLS specialises in the tuition/support/therapy of young people with special educational needs who may also be vulnerable, it will be crucial to report any concerns or incidents promptly, taking proportionate action.

- vii) The sharing of confidential or sensitive information must be carried out in a way that minimises inappropriate or unnecessary distribution in order to protect individuals from damage, distress or embarrassment. It is important to obtain explicit consent from KITE TLS and clients before disseminating sensitive information detailed in EHCPs for example.

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- viii) The primary responsibility for ensuring that information is handled appropriately lies with the organisation that originally collects that information. It is therefore important that where a student is referred to KITE TLS by an organisation or individual, that party must only divulge necessary information and ensure that they have consent to share it. Should KITE TLS and/or their tutors/LSAs/mentors/therapists become aware that information has mistakenly been released by an organisation or individual, necessary corrective action will be taken immediately.

Furthermore, should KITE TLS wish to publish case studies or student results, the explicit, written consent of the client and student must be obtained in advance of any publication. The identity of the client and student should be anonymised as a general rule and in accordance with their wishes.

- KITE TLS will process personal information fairly and lawfully. In the interests of fairness and transparency, the following information will be shared:
 - Details about the identity of the person or organisation receiving the information;
 - The purpose the information will be processed for;
 - Any further information needed to enable fair processing.

KITE TLS will take it as understood that when a client refers a student to us, or we are approached directly by a student, that basic details about them will be shared with tutors/LSAs/therapists and administrators, as necessary. Any sharing of data concerning a client or student other than that used directly for purposes of tuition/support/therapy, requires written consent from them and can be revoked by them with immediate effect.

- All personal information on clients, students and associates gained during the course of their duties will remain confidential.
 - i) In order to ensure confidentiality, all information regarding service users must not be disclosed either orally or in writing to unauthorised persons. All written records, computer records and correspondence pertaining to any aspect of KITE TLS's activities must be kept securely at all times. All associates of KITE TLS have an obligation to ensure that electronic devices are protected from inappropriate access by ensuring that devices, passwords and encryption codes are kept securely. During telephonic conversations, the authenticity of the caller must be checked prior to the disclosure of any sensitive information. Confidential discussions regarding clients should not take place within earshot of any passers-by in public areas like cloak rooms, reception areas or corridors. All work related matters pertaining to organisations and associates must also be preserved with the same confidentiality.
 - ii) All company information must be kept confidential and can only be shared with third parties after gaining prior written consent from KITE TLS.

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- To maintain the integrity of information tutors/LSAs/mentors/therapists and associates must check that it is adequate, relevant, not excessive, accurate and up to date.
 - Sharing information should be done only insofar as is necessary to achieve a given objective.
 - Extracted written information from official documents may be shared where relevant, without sharing the document in its entirety.
 - Where new information comes to light, KITE TLS should be updated accordingly to maintain up to date records.
- Personal information should only be retained for as long as necessary. When a student's tuition/support/therapy is terminated, their personal information should be deleted from electronic sources and hard copies should be shredded by KITE TLS and associated tutors/LSAs/mentors/therapists and staff within a year of cessation.
- Personal information will be protected by appropriate technical and organisational measures as follows:
 - KITE TLS, tutors/LSAs/mentors/therapists, support staff and associates undertake to keep all personal and sensitive information as securely as possible. Hard copy / printed information will be locked away and electronic information will be password protected.
 - The use of memory sticks to backup and transfer data is prohibited.
 - KITE TLS, tutors/LSAs/mentors/therapists, support staff and associates must maintain and regularly run anti-virus software on their computers to ensure high levels of security.
 - Should KITE TLS receive any sensitive information in error, the sender will be informed and it will be returned / deleted with immediate effect.
- Individuals will have rightful access to information about them which is held by KITE TLS. Information will be held uniformly in an orderly way so as it can be easily retrieved should the data subject wish to review it. The source of and purpose for the information held will also be recorded.

In certain circumstances where information may be legitimately withheld for legal purposes pertaining to whistleblowing or allegations of criminal misconduct, the responsible authorities will control the amount of information that is permitted to be shared with the data subject.
- On occasion, in exceptional circumstances, associates may be asked to sign a non-disclosure agreement with KITE TLS.

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- KITE TLS will evaluate and review this policy annually (at minimum) to ensure its efficacy.

Monitoring and Reviewing the Privacy Policy

This Privacy Policy will be monitored regularly to ensure that it is effective, and reviewed and updated to ensure that it continues to meet the necessary requirements.

Laura Kerbey
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Andrea Haybittle
Director

Created: November 2018

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Next Review Date: August 2026

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