

## **Principles relating to Confidentiality of Information within Fostering North Yorkshire**

### **Background**

Following the Data Protection Act 2018 coming into force, Fostering North Yorkshire have undertaken a review of the guidance and policies to ensure compliance. This document applies to the management and handling of information relating to North Yorkshire County Council's responsibilities to look after children and young people through placements with registered foster carers, and forms part of the written agreement between North Yorkshire County Council and North Yorkshire approved foster carers.

### **DUTY OF CONFIDENTIALITY**

As well as being subject to the Data Protection Act 2018 and the UK General Data Protection Regulation (GDPR) NYCC have committed to ensuring their staff understand their obligations with regard to data protection and maintaining confidentiality of information they process, specifically:

- We aim to continue our work in embedding data protection into our culture
- All staff have completed mandatory online GDPR training sessions
- We have undertaken a comprehensive internal communication campaign to raise staff awareness of GDPR using key message emails, intranet articles and team training sessions
- We will continue training all staff on how to recognise and respond to subject access requests, freedom of information requests, data breaches, and the rights of data subjects
- Staff contracts require our employees to adhere to all council policies which include data protection and information security policies, which are reviewed annually.
- NYCC publishes details relating to GDPR obligations and individuals' rights via privacy notices. All such notices can be found here <https://www.northyorks.gov.uk/privacy-notices>

These principles extend to individuals who process personal data relating to looked after children, namely Foster Carers. Where information is learned by carers in the course of their role it is confidential unless it is made clear that the information is publicly available. Fostering services have a legal obligation to respect this principle and not disclose confidential information to any third party, other than in connection with their responsibilities as Foster Carer of the Council.

### **Responsibilities of Fostering North Yorkshire**

In fulfilling their duty of confidentiality, the Council will:

- Ensure all carers are properly informed about the children in their care. This will include factual and subjective information gathered by social workers, former carers and other professionals involved with the child. The Council recognises that full access to this information is vital to carers in providing the best home environment for children to flourish.
- Ensure that all carers are properly equipped to manage personal information about children in their care safely and securely.
- Ensure all carers have a good understanding of their responsibilities relating to the sharing of information and the need to protect the child's privacy and that of their family.

- Ensure all carers understand the appropriate use of communication, storage and technology.
- Embed in practice the use of a 'need to know' principles, the promotion of self-care by children, and information about the carer's family members.
- Ensure adequate formal training opportunities for carers and social work professionals forms part of this understanding.
- Provide opportunities for carers to meet within a safe environment to seek peer advice and support with social workers and other professionals. It is recognised the sharing of confidential information is inherent to these discussions.
- Regularly review issues of confidentiality of children's information, notably through the carer's Annual Review process.
- Treat information about carers with respect and share this information only on a 'need to know' basis. Both through the recruitment process and ongoing supervision, the Council is aware of extremely sensitive private information about carers and their family backgrounds.
- All social workers are fully aware and properly trained in their duty to protect this information, and the implications of inappropriately divulging this information.
- Promote the joint learning of social work professionals and carers in order to develop common standards and mutual understanding of the challenges around protecting information relating to children and their families.
- If required, carers can access their information by submitting a subject access request to the council.

## **Responsibilities of Carers and their families**

As part of their initial training or induction, all carers are made aware of their responsibilities to maintain the confidentiality of information they are given or learn about their children. Nevertheless, this is only a start to the process of learning how to judge the appropriate and inappropriate sharing of that information. Part of the process of learning comes in training, supervision and discussion with other carers, in order to make complex judgements about the appropriate sharing of information. Specifically, responsibilities include:

- Carers should freely share relevant information about the child in an appropriate manner with all professionals who are also bound by a code of confidentiality.
- Carers have a duty to explain to all members of their household and members of their extended families that confidentiality can only be maintained with their help and co-operation.
- All carers are equipped with a locked box to enable them to store confidential information and all confidential documents relating to the child should be kept in that box.
- All documentation relating to the child should be passed back to your Supervising Social Worker at the end of the placement.
- Information regarding the child may be stored on a computer for the purpose of electronic recordings. It is suggested that a separate computer file is made for each child, enabling erasure of these files once a placement has ended.
- Use of Egress wherever possible is encouraged to protect email communication.
- Carers should exercise great care in their use of social media to protect the identity of children in their care, and information about children.
- Carers have a responsibility to report breaches of confidentiality, and should make full use of their relationship with their supervising social worker to ensure that

confidentiality is maintained and where, information protocols may not have been adhered to.

- The responsibility to maintain confidentiality continues beyond the period of the placement.
- Carers are expected to help children in their care to learn how to safeguard their own information. It is very common for children in the care system to share information about themselves in an inappropriate manner, and these incidents present good opportunities for developing better self-care.
- Carers have a responsibility to avail themselves of training in confidentiality issues, particularly where these are highlighted by the Annual Review process.

## **Breaches in Confidentiality**

If a carer considers that a breach of confidentiality may have taken place, whether by the carer, a member of their household, the wider family or friends, they should, at the earliest opportunity, raise this with their supervising social worker. Credit will be accorded to the carer for taking the initiative in raising such incidents.

If a carer considers that a breach of confidentiality may have taken place by another professional or their own information has been shared inappropriately, the carer should raise this immediately to the supervising social worker or practice supervisor.

If a carer or a member of their family is suspected of having breached confidentiality, then the matter will be raised by the supervising social worker. This discussion will be part of the determination as to whether care has fallen short of the minimum fostering standards. If significant harm is likely to have been caused to the child or his family, this could lead to the carer's registration being reviewed.

Any breaches of confidentiality will be referred to the DPO and appropriate action taken.

Information on what constitutes a breach, how the risk level of a breach is determined and examples of breaches can be found in 'Appendix A – Breach Overview – Foster Carers'.

## **General Principles**

- Carers should seek out as much information about their child that they need in order to provide the best care for the child. This should include knowing the child's past lived experience so that current behaviours can be placed within a historic framework.
- The guiding principle with regard to sharing information is that of a 'need to know' in order to promote the welfare of the child and the safety of the carers.
- It is important that carers can make their own assessment of who they share information with, however, if unsure they should seek advice from the supervising social worker.
- In emergency situations, carers need to share any relevant information to ensure a child's safety. This may also be the case for planned activities for the child.
- Care should be exercised in all conversations, phone calls, social media posts, and images shared.
- It is recognised that carers often need additional support in managing the challenges that committed fostering creates. Carers are encouraged to seek support and share openly, but in a controlled and professional manner with other carers, particularly through support groups.

- It is acceptable to discuss caring requirements with other carers for example, moving placement or going to a respite arrangement.
- Opportunities should be taken to educate children in the principles of confidentiality as they apply to conversations within and outside the household. This needs to cover their use of social media.

This is not an exhaustive list and will be kept under review.