

Privacy and  
Confidentiality

December

2019

## PRIVACY AND CONFIDENTIALITY

### 1. Introduction

- 1.1 [Children's Homes Regulations 2015: Wishes and Feelings Standard 4.12 states:](#) 'Staff should ensure that each child understands the home's procedures and policies for respecting their confidentiality and also when it will not be possible to preserve this – e.g. where protecting a confidence puts themselves or others at risk'.
- 1.2 Children's need for privacy and confidentiality should be respected by all staff in ways which are consistent with 'good parenting'. However, children need be made aware that there are boundaries to privacy and confidentiality, with respect to welfare and protection.
- 1.3 Those working with children must make it clear that confidentiality may not be maintained if the disclosure of information is necessary in the interests of the child. Even in these circumstances, disclosure will be appropriate for the purpose and only to the extent necessary to achieve that purpose.
- 1.4 Children should be informed of the circumstances in which information about them will be shared with others. It should be made clear that in each case the information passed on will only be what is relevant and on a 'need to know' basis.

### 2. Aims and Principles of the Policy

- 2.1 Each child's individual needs and wishes, with regard to issues of privacy and confidentiality, will be taken into account when developing their individual Care and Placement Plans.
- 2.2 Children's privacy will be respected in so far as it is consistent with their safety and welfare.

- 2.3 Staff should demonstrate sensitivity to gender issues, particularly in relation to privacy and personal space. This is of particular importance with bathing, showering and toileting facilities and arrangements.
- 2.4 Children who are able to bathe themselves should be encouraged to do so and be given privacy in the bathroom and be protected from intrusion whether accidental or deliberate.
- 2.5 Children should be given privacy to write letters or to meet with parents/others if desired.
- 2.6 Children will have access to a telephone where it is possible to make and receive phone calls in private if required.
- 2.7 Staff should make arrangements for children to discuss personal matters with them, in private.
- 2.8 Where information is being passed between parents/carers about a child it should be done in private, away from other children.

### **3. Bedrooms**

- 3.1 As a general rule, children's bedrooms should be regarded as their own private space and children should be allowed unsupervised access to their room unless this is contra-indicated in a risk assessment. Children's bedrooms should be pleasantly furnished, and be equipped and decorated in a manner appropriate to their individual needs, interests and choices. Children should be encouraged to personalize their bedrooms, with posters, pictures and personal items of their choice.
- 3.2 Children should have their own bedrooms.
- 3.3 Children should have adequate and safe storage for their belongings and medicines, if administering their own medication.

- 3.4 Bedrooms are fitted with locks and the child is given their own key. Another key is also available for staff/carers for health and safety purposes.
- 3.5 Some bedrooms for disabled children are fitted with safety gates for the child to create a safe personal space. The same considerations apply to passing beyond these safety gates as apply to entering a child's bedroom through a door. The safety gates should never be used by staff to restrict the movement of the child.
- 3.6 When a child is admitted to live in a residential home, they should be advised about the procedures for staff entering bedrooms and in the event of concerns, the procedure for searching bedrooms.
- 3.7 Unless there are exceptional circumstances, residential staff should always knock on the door before entering children's bedrooms; and then only enter with their permission. Staff should talk through the door to the child asking them to answer the door and must ascertain whether the child is dressed and decent.

**PRACTICE GUIDANCE**

An exceptional circumstance includes disabled children who have no verbal communication. In this circumstance staff may enter the room without permission after knocking and announcing that they are coming in.

- 3.8 Staff should leave the door ajar unless personal care is being given and the door needs to be closed to maintain the person's dignity.
- 3.9 In the event that the child is refusing to answer, or is being abusive, and it is essential to gain admission, staff can enter the room without the child's consent. Staff must inform the child of their intention to enter if consent has not been given.
- 3.10 Circumstances where residential staff may have to enter a child's bedroom without waiting for permission are:

- To ensure the health and safety of the child e.g. if they are ill or have cigarettes, lighter or matches and intends to use them in a dangerous manner.
- To wake a heavy sleeper, return or remove soiled clothing (although, in these circumstances, the child should have been told/warned that this may be necessary).
- To take necessary action, including forcing entry, to protect the child or others from injury or to prevent likely damage to property.
- It is believed the child may have placed themselves in danger and their immediate safety is in question.
- It is believed the child may have substances or articles in their room which are illegal or which are harmful to themselves or others.
- It is believed the child may have stolen property.
- To look for information which may indicate the whereabouts of a missing child.  
[Statutory guidance for Children who Runaway or Go Missing from Home or Care 2014 and the Pan Cheshire Missing from Home strategy 2019](#)
- It is known the child is unable to give a verbal response.

3.11 A second member of staff should be available if a decision has been made to enter a room without the child's consent and where the child may be distressed, abusive, despondent or causing the staff team concern.

3.12 Staff should then prop the door open and stand in the doorway of the room.

3.13 When leaving the room staff must not lock the door. The child must be able to remain in control of whether the door remains locked or unlocked.

3.14 Residential staff should always record when they have entered a child's bedroom in any of the circumstances listed above and share the recording with the child.

- 3.15 If staff need to go into bedrooms when a child is not already in their room, staff should ask beforehand. When entering a child's bedroom when they are not present, there must be respect for the child's privacy. For example if documents or the child's diary have been left out, they must not be routinely inspected, unless a specific risk has been identified and recorded.
- 3.16 Visitors are not usually allowed in the bedroom areas of the home. However under exceptional circumstances and under supervision of staff there may be occasions when this could be allowed e.g. a parent visiting to view their son/daughter's bedroom.
- 3.17 In no circumstances should an adult get into a child's bed.

#### **4. Personal Care**

- 4.1 Children should be able to bathe, shower and use the toilet in private. In instances where a younger child or a disabled child requires assistance with bathing this should be provided in a sensitive manner. Even very young children should be enabled to express their wishes with regard to how they receive help with their personal care.
- 4.2 Staff should be particular aware of and sensitive to privacy needs in relation to physical, emotional and sexual maturation processes for young women and young men. For instance, sensitive and thoughtful arrangements should be in place to provide for teenage girls when they are menstruating.
- 4.3 Both boys and girls should be allowed and actively encouraged to take responsibility for washing their own clothes. Staff need to be sensitive to children requiring privacy with respect to washing their underwear.

#### **5. Mobile Phones**

- 5.1 Children may have mobile phones if they can be afforded and they are capable of using them without posing risks to themselves or others.

- 5.2 Mobile phones may be confiscated where there is an immediate risk of injury, damage to property or of an offence being committed if the phone were not confiscated. If a mobile phone is confiscated the social worker must be notified within 24 hours. The confiscation must be time limited and must be reviewed within 48 hours and revised if appropriate.
- 5.3 If a mobile phone is confiscated for a period of time as a consequence of unacceptable behaviour, the confiscation must be recorded in the Daily Record and the Consequences Book with the reasons for confiscation clearly stated. Ref: [Behaviour Management and the Use of Physical Intervention](#).

Ref. [Protocol for use of mobile phones and digital images in Warrington's residential homes](#)

## 6. Landline Phones

- 6.1 Each home should have a children's telephone that enables them to make telephone calls in private. Children should not be expected to pay for calls made by them to their social workers, parents or close family members so long as the frequency and length of calls are not excessive.

### **PRACTICE GUIDANCE**

Children living in residential care will be provided with £10 credit per month for their mobile phone to enable them to communicate with the home and family and will be able to earn an additional £10 credit through positive behaviour within the home and community.

- 6.2 Should a child choose to contact their social worker, contact can be made at any time without prior arrangement with residential staff.
- 6.3 If there are any restrictions on who a child can have communication with, this must have been agreed within the placement plan and the Care Plan.
- 6.4 Use of landline telephones may be restricted during normal school hours unless in an emergency.

## 7. Searches

- 7.1 Searching children's possessions is a very serious infringement of personal liberty. Staff should not engage in any searches of personal possessions unless the child gives their permission to do so. In **exceptional** circumstances, such as where the safety of the child or others is seriously compromised, there may be a need to search and retrieve a dangerous implement without the child's permission.
- 7.2 In these **exceptional** circumstances staff on duty should agree a course of action and seek permission for taking such action from the Registered Care Manager or On Call Manager. The decision, the reasons for it and the action taken should all be recorded in the Daily Record and the Room Search Book.
- 7.3 If there is a suspicion that concealed weapons, illegal drugs or other items, which may place the child or others at risk of injury are concealed, residential staff should try to obtain them with the child's co-operation.
- 7.4 Before conducting such a search, staff should always attempt to consult their manager and the child's social worker. Staff must inform the child of their intention to carry out a room search and allow the child to be present if the child wishes and if it is considered appropriate.
- 7.5 Only outer garments may be searched. More intimate searches may only be conducted by the Police or with the authorisation of the Court. Room searches should only seek to identify risks or inappropriate items – they should not scrutinise personal possessions or documents unless a specific risk has been identified and recorded.
- 7.6 When conducting searches, reasonable precautions must be taken to protect against possible sharp or dangerous objects that may be concealed. If weapons or any dangerous or offensive items are found, they must be confiscated and passed to the Manager who will arrange for safe keeping.



7.7 All efforts should be made to leave the bedroom in the condition in which it was found, the focus being on respect for privacy.

## **8. Notifications**

8.1 Searches undertaken with the child's co-operation must be notified to the Home Manager and social worker at the first opportunity.

8.2 Searches conducted without the child's co-operation are deemed to be Incidents and must be notified to the Home Manager and social worker as soon as possible, but within 24 hours or the next working day. If the Incident results in any serious damage or the police are called for assistance the Service Manager and Ofsted must be notified.

## **9. Recording**

9.1 Searches conducted with the child's cooperation should be recorded in the child's record, and the Home's Room Search Book. Details to be included are:

- The time and date of the search
- Details of who/what has been searched
- The reason or suspicions which led to the need to conduct the search
- Who conducted the search and whether the child/young person or others were present
- What was found, and whether items found were retained/confiscated
- If items were retained/confiscated, where they were stored.

9.2 The views of everyone involved in the search should be included and all parties should sign the completed record.

9.3 Searches conducted without the child's co-operation are deemed to be Incidents and should additionally be recorded on an Incident Record.

9.4 If any further action is taken after the room search, this must be recorded on the child's Daily Record. Risk assessments should be updated if appropriate and the child's Behaviour Support Plan reviewed. The detail contained in these documents should be shown, discussed and where possible agreed and signed by the child.

## **10. Confidentiality**

10.1 Staff working with children will sometimes be given information by the child that they want to be kept 'secret'/confidential. Staff must make it clear to the child that they have a legal duty to share some types of information and that confidentiality cannot be maintained if the information needs to be shared to protect the child or to assist in the investigation of criminal offences.

10.2 In all other circumstances personal information held/known about children is subject to a legal duty of confidence and should not be disclosed without the consent of the child.

10.3 Staff should not conduct conversations about confidential issues with other staff or parent/carers in front of children or other adults. People should move to a private area where such conversations may not be overheard.