

Privacy Policy

(including website privacy, children and young people, service users and professional contacts)

ABA Pathways

This policy is reviewed at least annually and sooner where there are statutory, regulatory, data-protection, commissioning, technology or operational changes.

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1. Purpose and scope

ABA Pathways Limited (“ABA Pathways”) is committed to protecting privacy and handling personal information lawfully, fairly and transparently. This policy explains how we collect, use, store and share personal information when individuals visit our website, contact us, enquire about or receive our services, work with us professionally, or apply to join our team.

ABA Pathways provides specialist education, alternative provision, EOTAS support, respite and short breaks, Applied Behaviour Analysis (ABA), Positive Behaviour Support (PBS), parent support, training and consultancy services. Some of the information we process therefore relates to children and young people and may include sensitive information about health, disability, development and support needs.

We process personal information in accordance with the UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018 and other applicable UK data-protection legislation.

2. Who we are

The data controller is ABA Pathways Limited. Questions about this policy, how we use personal information, or requests to exercise data-protection rights can be sent to admin@abapathways.co.uk.

3. Information we collect

The information we collect depends on the individual’s relationship with ABA Pathways and the purpose for which we are communicating or providing support.

- Website and general enquiries: name, email address, telephone number, organisation or professional role, relationship to a child or young person where relevant, the content of the enquiry and other information voluntarily provided.
- Children and young people: name, date of birth, parent/carer and emergency contacts, education information, EHCPs and other plans, SEND information, health and disability information, diagnoses and developmental information, communication, sensory and behavioural support needs, risk and safety information, medication information, safeguarding information, attendance, assessments, progress records, session notes, behaviour/ABC data, support plans and appropriately authorised photographs or videos.
- Parents and carers: name, contact details, relationship to the child, correspondence, information required to arrange or deliver services, billing/payment information where relevant, and information required for safeguarding, emergency or legal purposes.
- Professionals and commissioners: professional contact details and correspondence relating to referrals, commissioning, safeguarding, attendance, progress and service delivery.
- Applicants, staff and subcontractors: application information, qualifications, work or contracting history, references, identity and right-to-work information, training, professional registrations, safeguarding checks and DBS information where appropriate.

We aim to collect only information that is relevant and necessary for the purpose for which it is processed.

4. Special category information

Because of the nature of our work, we may process special category personal data, including information relating to physical or mental health, disability, racial or ethnic origin, religion or beliefs, and other information afforded additional protection by data-protection law. Health, disability, developmental and support information may be necessary to provide safe and effective services to children and young people with SEND.

Where we process special category information, we identify an appropriate lawful basis under Article 6 UK GDPR and an appropriate condition under Article 9 UK GDPR and, where required, the Data Protection Act 2018. We take additional care to protect sensitive information and process it only where necessary and proportionate.

5. How we obtain personal information

- Directly from the individual, parent or carer, child or young person.
- Schools, education settings and local authorities.
- Social workers, social care teams, NHS and other health professionals.
- Speech and Language Therapists, Occupational Therapists, psychologists and other professionals.
- Commissioners and other organisations involved in supporting a child or young person.
- Our website, applicants, employees or subcontractors, and appropriate publicly available sources.

Where information has not been provided directly by the individual, we will only use it where we have a lawful reason to do so.

6. Why we use personal information

- Respond to enquiries and assess whether our services may be appropriate.
- Arrange and deliver education, alternative provision, EOTAS, respite, short breaks, ABA, PBS and other support.
- Understand needs and preferences, plan and review support, assess progress and develop individualised programmes and support plans.
- Record attendance and service delivery and communicate with families and professionals.
- Work collaboratively with schools, local authorities, health and social care professionals.
- Protect health, safety and welfare; fulfil safeguarding responsibilities; and manage incidents, risks and emergencies.
- Administer contracts, funding, invoicing and payments.
- Maintain and improve service quality and comply with legal, regulatory, commissioning and safeguarding requirements.
- Recruit and manage staff and subcontractors, protect the organisation, establish or defend legal claims, and operate and secure our website.

7. Lawful bases for processing

The lawful basis depends on why the information is being used. We may rely on:

- Contract – where processing is necessary to enter into or perform a contract.
- Legal obligation – where processing is necessary to comply with a legal duty.

- Legitimate interests – where processing is necessary for ABA Pathways or another organisation's legitimate interests and those interests are not overridden by the individual's rights and interests.
- Vital interests – in limited circumstances where processing is necessary to protect someone's life.
- Public task – where applicable to work carried out in connection with education, social care or services commissioned by a public authority.
- Consent – where consent is the appropriate basis, for example certain optional uses of information or marketing. Consent may be withdrawn at any time.

The appropriate basis may differ depending on the service and whether ABA Pathways is acting as a data controller or processing information on behalf of another organisation.

8. Children and young people

Protecting children's personal information is particularly important. We process children's information only where there is an appropriate lawful basis and where it is relevant to providing, planning, monitoring or safeguarding the support they receive.

Children have their own data-protection rights. Where appropriate, privacy information will be explained in an accessible way, taking account of age, communication needs and understanding. We do not rely automatically on parental consent simply because information relates to a child; the appropriate lawful basis depends on the processing activity.

9. Safeguarding

There may be circumstances where personal information must be shared without seeking consent, particularly where there is a safeguarding concern or where sharing is necessary to protect a child, young person or another person from harm. Information will only be shared where there is an appropriate lawful basis and, wherever possible, only the information necessary for the relevant purpose will be disclosed.

10. Who we share information with

- Parents and carers; schools and education settings; local authorities and social care teams.
- Health professionals, Speech and Language Therapists, Occupational Therapists, psychologists and other professionals.
- Commissioners and funding bodies, safeguarding partners and emergency services.
- Regulatory, inspection or professional bodies, insurers and professional advisers.
- IT, software, website and cloud service providers, accountants and other professional service providers.
- Other organisations where disclosure is legally required or necessary to protect an individual.

We do not sell personal information. Where another organisation processes information on our behalf, we take reasonable steps to ensure appropriate data-protection arrangements are in place.

11. Online systems and service providers

ABA Pathways may use secure digital platforms and systems to manage service delivery, records, communication, assessment and progress information. Where third-party systems process information on our behalf, we assess their suitability and put appropriate contractual and security

arrangements in place where required. Where a provider processes information outside the UK, an appropriate lawful transfer mechanism or safeguard will be used where required.

12. Website enquiries

When an enquiry is submitted through our website, we may collect the person's name, email address, telephone number and the contents of the message. We use this information to respond and, where appropriate, discuss our services. Please avoid including unnecessary sensitive information about a child or young person in an initial website enquiry; we can arrange a more appropriate method of sharing detailed information where required.

13. Website analytics

We may use Google Analytics to understand how visitors use our website. Analytics information may include IP address, pages visited, approximate location derived from an IP address, device/browser information and time spent using the website. Where analytics cookies or similar technologies require consent, they will not be used until the appropriate consent has been obtained. Visitors can manage cookie choices through the website cookie controls and browser settings.

14. Website security and hosting

Our website may use Cloudflare and Wordfence to protect against malicious activity, unauthorised access and other security threats. These services may process technical information such as IP addresses and browsing activity for security monitoring and threat detection.

Our website is hosted by Krystal Hosting, which may process technical information such as IP addresses and server logs as part of providing hosting services. Our website management/support provider, Small Tweaks, may have access to information stored on the website where necessary to provide technical support, maintenance or troubleshooting.

15. Cookies

Our website uses cookies and similar technologies. These may include:

- Essential cookies necessary for the website to function.
- Analytics cookies that help us understand how the website is used.
- Security cookies that help protect our website and users.

Non-essential cookies will be managed in accordance with applicable consent requirements. Further information should be provided through our website cookie notice or cookie preference tool.

16. Marketing

We will only send electronic direct marketing where we have an appropriate lawful basis. Where we rely on consent, consent can be withdrawn at any time. Individuals can also ask us to stop marketing communications at any time by contacting admin@abapathways.co.uk or using an unsubscribe option provided in the communication.

17. Information security

We take appropriate technical and organisational measures to protect personal information against accidental or unlawful loss, alteration, disclosure, destruction or unauthorised access.

- Access controls and password-protected systems.
- Secure cloud-based systems and appropriate confidentiality requirements.
- Data-protection and safeguarding procedures.
- Limiting access according to role and need.
- Secure disposal of information and appropriate agreements with organisations processing information on our behalf.

No system can guarantee absolute security, but we regularly consider the measures required to protect the information we hold.

18. Retention

We keep personal information only for as long as reasonably necessary for the purpose for which it was collected and to meet legal, safeguarding, contractual, insurance or regulatory requirements. Different categories of information may therefore have different retention periods.

- Why the information was collected and whether it remains necessary.
- The nature and sensitivity of the information.
- Safeguarding, statutory, regulatory, commissioning, contractual and insurance requirements.
- The potential need to establish, exercise or defend legal claims.

When personal information is no longer required, it will be securely deleted, destroyed or anonymised in accordance with our retention arrangements.

19. International transfers

Some technology and service providers may process or store information outside the UK. Where personal information is transferred internationally, we take steps to ensure compliance with UK data-protection legislation. This may include UK adequacy regulations or approved contractual safeguards such as the UK International Data Transfer Agreement or UK Addendum, as appropriate.

20. Data protection rights

Depending on the circumstances and lawful basis, individuals may have the right to:

- Ask for access to personal information held about them.
- Ask for inaccurate or incomplete information to be corrected.
- Ask for personal information to be erased in certain circumstances.
- Ask for processing to be restricted.
- Object to certain processing.
- Receive certain information in a portable format.
- Withdraw consent where processing relies on consent.
- Raise concerns about how information is being used.

These rights are not absolute and may not apply in every circumstance. Where we rely on legitimate interests, individuals have the right to object in certain circumstances. There is an absolute right to object to personal information being used for direct marketing. Requests can be made to admin@abapathways.co.uk. We may need to verify identity before responding.

21. Automated decision-making

ABA Pathways does not make decisions about children, families, clients or applicants solely by automated means where those decisions would have legal or similarly significant effects. Professional judgement and person-centred decision-making are central to the services we provide.

22. Complaints

If there are concerns about how ABA Pathways has handled personal information, please contact us first so that we can investigate and respond. Individuals also have the right to complain to the Information Commissioner's Office (ICO), the UK's independent regulator for data protection. Information about making a complaint is available at ico.org.uk.

23. Monitoring and review

This policy will be reviewed at least annually and sooner where there are significant changes to legislation, regulatory guidance, our services, systems, website technologies, commissioning requirements or data-processing activities. The date on the cover page indicates when the policy was last reviewed.