

Endon Hall Primary School

'Learning together and having fun'



Confidentiality Policy

Policy in place: January 2017

Review date: January 2020

Legislative framework

This policy has due regard to statutory legislation including, but not limited to, the following:

- The Education Act 2002
- The Crime and Disorder Act 1998
- Data Protection Act 1998
- The Human Rights Act 1998
- The Freedom of Information Act 2000
- The Equality Act 2010

This policy is compliant under the following case law:

- The Common Law Duty of Confidentiality

This policy also has due regard to guidance documents including, but not limited to, the following:

- DfE 'Information sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers 2015'
- DfE 'Working together to Safeguard children 2015'

This policy is intended to be used in conjunction with the following school policies:

- Data Protection
- Record Management
- Safeguarding / Child Protection (inc Female Genital Mutilation)
- Anti-bullying
- Freedom of Information
- Whistleblowing
- Online Safety

Aims

To protect the pupils, parents/carers, volunteers and staff at all times and to give all staff involved clear, unambiguous guidance as to their legal and professional roles and to ensure good practice throughout the school which is understood by all concerned.

Endon Hall Primary School seeks to put the child at the heart of the learning process and to provide a safe and secure learning environment. It is committed to developing creative and positive ways for the child's voice to be heard whilst recognising the responsibility to use, hold and safeguard information received. Sharing information unnecessarily is an erosion of trust. The school is mindful that it is placed in a position of trust by all stakeholders and there is an expectation that a professional approach will be used in all matters of confidentiality.

Objectives

- To provide consistent messages in school about handling information once it has been received
- To foster an ethos of trust within the school
- To ensure that staff, parents/carers, volunteers and pupils are aware of the school's Confidentiality Policy
- To reassure pupils that their best interests will be maintained
- To ensure personnel issues remain confidential to the people involved
- To encourage children to talk to their parents/carers
- To ensure that pupils and parents/carers know that school staff cannot offer unconditional confidentiality
- To ensure that there is equality of provision and access for all including rigorous monitoring of cultural, gender and special educational needs and disabilities (SEND)
- To ensure that, if there are child protection issues/concerns, that the correct procedure is followed
- To ensure confidentiality is a whole school issue and that ground rules are set for the protection of all
- To understand that health professionals are bound by a different code of conduct
- To ensure that parents have a right of access to any records the school may hold on their child but not to any other child that they do not have parental responsibility for
- To comply with all requirements of the Data Protection Act

Definitions

For the purpose of this policy, '**confidentiality**' is an understanding that any information shared with someone in trust will only be passed on to a third party with the prior agreement of the person disclosing it.

Within this policy, a '**disclosure**' is the sharing of any private information; this term does not solely relate to child protection issues.

The term '**limited confidentiality**' refers to the disclosure of information with professional colleagues; however, the confider would not be identified except in pre-determined circumstances.

Roles and responsibilities

All staff members, volunteers and individuals working in cooperation with Endon Hall Primary School will uphold their responsibility and duty of confidentiality, ensuring that information and personal details are not shared or discussed with others, except for the appropriate necessary bodies.

Visitors, volunteers and other professionals, such as healthcare professionals, will work within the same boundaries of confidentiality as all staff members.

Staff members and volunteers alike, have the responsibility of keeping information regarding the school, including its pupils and parents/carers etc. confidential. This information will under no circumstances be shared, unless it is in the best interest of the school and/or its pupils.

All staff members, volunteers and external agencies will treat any information regarding the management and finance of Endon Hall Primary School as confidential, and therefore this information will only be shared with necessary and appropriate external individuals.

Members of staff, volunteers, visitors, external parties and other agencies will always seek advice from a senior member of staff at Endon Hall Primary School if there is any doubt over sharing the information concerned, without disclosing any identifiable information where possible.

As a precautionary safeguarding measure, Endon Hall Primary School will ask all staff members, volunteers, visitors and external agencies who work closely with the school to sign a Non-disclosure Agreement.

The Headteacher is responsible for ensuring that a Non-disclosure Agreement is signed by all individuals who may be privy to information which is not suitable to be shared.

Confidentiality and Safeguarding/Child Protection

Endon Hall Primary School aims to strike a balance between confidentiality and trust, ensuring the safety, wellbeing and protection of our pupils.

Staff members and volunteers alike will pass on information if they believe a child is at risk of harm, otherwise, staff are not obliged to break confidentiality. In almost all cases of disclosure, limited confidentiality is always on offer.

Staff members and volunteers will use their own professional judgement when considering whether to inform a child that a disclosure may be made in confidence and whether such confidence could remain having heard the information, bearing in mind that staff can **never guarantee** confidentiality to pupils.

At Endon Hall Primary School, the Headteacher is to be informed of all incidents regarding child protection concerns which are highlighted by a volunteer, parent/carer or other external party to the school. Staff members are contractually obliged to immediately inform the Headteacher of any concerns regarding a pupil's safety or welfare.

Any concerns raised over a child's welfare and safety will be reported immediately to ensure that any intervention necessary to protect the child is accessed as early as possible.

Staff members are not obliged to inform the police on most matters relating to illegal activity, such as illegal drugs or assaults. These will be assessed on a case-by-case basis with the support of the Senior Leadership Team, in line with our Drugs Policy.

Sharing information

Endon Hall Primary School believes that all information about individual pupils is private and should only be shared with other professionals who have a legitimate need to know.

Under no circumstances will personal information about pupils, staff members or Endon Hall Primary School be passed on indiscriminately.

Under no circumstances will information regarding the school's finances be shared with anyone, other than those with a legitimate need to know.

If members of staff, volunteers or cooperating external parties share unsuitable or misrepresented information, Endon Hall Primary School withholds the right to take the appropriate civil, legal or disciplinary action.

The safety and protection of pupils, as well as Endon Hall Primary School, is the paramount consideration in all confidentiality decisions.

All non-teaching staff and volunteers will report disclosures of a concerning personal nature to the Designated Safeguarding Lead as soon as possible and in an appropriate setting.

All external visitors will be made aware of the Confidentiality Policy and act in accordance with it when dealing with information, particularly sensitive information, regarding Endon Hall Primary School, its pupils and parents/carers, whether this be in an informal (e.g. the staff room) or formal setting.

All data will be processed and held in line with the school's Data Protection Policy. In the event of information and data being shared with external or inappropriate parties, the individual responsible will be liable for disciplinary or legal action in accordance with the Data Protection Policy.

Breaking confidentiality

When confidentiality must be broken because a child may be at risk of harm, in accordance with the school's Safeguarding Policy, Endon Hall Primary School will ensure the following:

- Pupils are told when information has been passed on
- Pupils are kept informed about what will be done with information
- To alleviate their fears concerning the information becoming common knowledge, pupils are told exactly who their information has been passed on to

If confidential information is shared with the consent (implied or explicit) of the individuals involved, and they are informed of the purpose of sharing the information in question, there will be no breach of confidentiality or of the Human Rights Act 1998.

In the event that consent for sharing confidential information is not gained, an individual will satisfy themselves that there are reasonable grounds to override the duty of confidentiality in these circumstances before sharing the data.

Endon Hall Primary School recognises that overriding public interest is a justifiable reason to disclose information; however, permission from the Headteacher will be sought prior to disclosing any information regarding the school.

Staff should act in accordance with the school's Whistleblowing Policy.

Individuals who disclose information, after previously signing Endon Hall Primary School's Non-disclosure Agreement may face further action, including legal action.

Staff in breach of this policy may face disciplinary action, if it is deemed that confidential information was passed on to a third party without reasonable cause.

Accessing information

In accordance with section 7 of the Data Protection Act 1998, personal information, such as educational records, can be shared via a subject access request (SAR).

- These requests must be made in writing to the Governing Board and will be responded to within 15 school days if the request is regarding an educational record.
- If the data being requested is not in relation to an educational record, the response must be within 40 calendar days.
- Pupils, or the parent/carer of a pupil, at a maintained school, such as Endon Hall Primary School, have the right to access the information that the school holds about the child in question.
- Some types of personal data are exempt from the right of a SAR and so cannot be obtained by making a SAR. Information may be exempt because of its nature or because of the effect its disclosure is likely to have.
- Information regarding another individual must not be disclosed in a SAR.
- Individual requests for non-personal information cannot be treated as a SAR, but will be dealt with either as a request under the Data Protection Act 1998 or a Freedom of Information request.

In line with the Freedom of Information Act 2000, private data and public records can potentially be accessed through lodging a Freedom of Information (Fol) request. These requests must be made in writing to the school, stating the name and address of the requester as well as a description of the information requested.

Successful Fol requests will be responded to within 20 working days from receipt of the request, unless the request does not comply with the procedure for Fol requests.

Endon Hall Primary School holds the right to charge the requester a fee.

Certain information will not be shared, such as that explained in Part 2 of the Freedom of Information Act 2000.

Monitoring and review

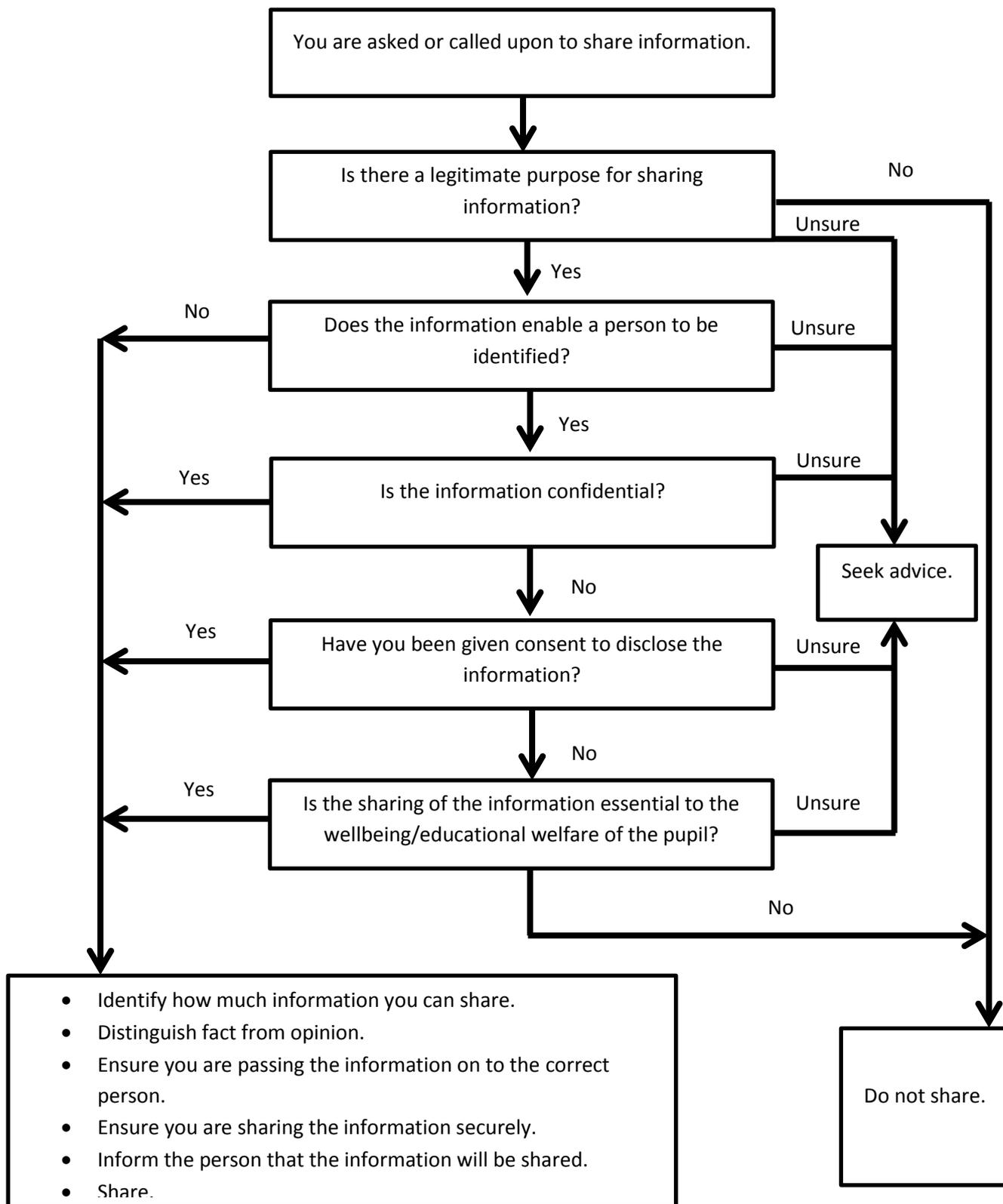
This policy is monitored for effectiveness by the Headteacher and is reviewed every three years, or where necessary in light of changes to the law or statutory guidance. A record of information which has been shared will be continuously kept up-to-date. This record will state the premise of the information, whom it was shared with and the purpose for sharing it. The record will be kept in the Headteacher's office and can be accessed by all appropriate staff members.

On an annual basis, the Headteacher and Designated Safeguarding Lead will review the record to ensure that all reasonable measures to safeguard pupils and protect the reputation of the school are being taken.

Conclusion

Endon Hall Primary School has a duty of care and responsibility towards pupils, parents/carers, volunteers and staff. It also needs to work with a range of outside agencies and share information on a professional basis. The care and safety of the individual is the key issue behind this policy.

Information Sharing Flowchart



- *If there are child protection concerns, follow the relevant procedures without delay.*
- *Always seek advice if you are unsure whether to share information.*

ENDON HALL PRIMARY SCHOOL

NON-DISCLOSURE AGREEMENT

This Non-disclosure Agreement is entered into by and between Endon Hall Primary School and, for the purpose of preventing the unauthorised disclosure of confidential information as outlined below.

I,, declare that as an employee/volunteer/visitor of Endon Hall Primary School, I will only share or disclose information regarding Endon Hall Primary School with other professionals who have a legitimate need to know.

Therefore, I will:

- Not disclose confidential information to any unauthorised person without the discloser's consent.
- Act in good faith at all times in relation to the disclosure of confidential information.

For the purpose of this agreement, "confidential information" shall include all information or material that has or could have commercial value or other utility in the business in which the disclosing party is engaged.

I,, shall hold and maintain the confidential information in strictest confidence for the sole and exclusive benefit of Endon Hall Primary School. Therefore, I shall not, without prior approval of Endon Hall Primary School, use for my own benefit, publish, copy, or otherwise disclose to others, or permit the use by others for their benefit or to the detriment of the school, any confidential information.

I have read and understood the Endon Hall Primary School's Confidentiality Policy and will act in accordance to this policy at all times.

Therefore, information which may be deemed as 'sensitive' will not be disclosed to people where it is not wholly necessary. This includes information in relation to the following:

- Pupils of the school
- The running or management of the school
- The school's finances
- Personal details of pupils or staff
- Information regarding progress and attainment which is not published on the school website

The non-disclosure provisions of this agreement shall survive the termination of this agreement and the duty to hold confidential information in confidence shall remain in effect until the information no longer qualifies as confidential, or until Endon Hall Primary School sends me written notice releasing them from this agreement, whichever occurs first.

Name: _____

Role: _____

Signature: _____

Date: _____