



Confidentiality & Information Sharing Policy

1 Scope

We recognise that it is our moral and statutory responsibility to provide clear guidance to all members of the school community around confidentiality and the sharing of information. Our aim is to ensure that all adults working in the school deal appropriately and confidently with sensitive issues. We also want to encourage children to talk to a trusted adult if they are having problems.

Sharing information about individuals is often essential if we are to keep children safe, or ensure that they get the best services they need. This policy provides a framework for sharing information, which ensures that any sharing that takes place, is necessary, proportionate, relevant, accurate, secure and timely.

2 Requirements

This policy is informed by the following legislation:

The Children Act 1989

The Human Rights Act 1998 gives everyone the right to have 'respect for his private and family life, his home and his correspondence,' unless this is overridden: by the pupil interest, for reasons of child protection, for the protection of public safety, pupil order, health or morals or for the rights and freedoms of others.

The Data Protection Act 1998 (DPA 1998) is the legal framework for obtaining, using, storing, disclosing and deleting personal data about living and identifiable people. The Act is built around eight 'common-sense' principles.

1. Personal data shall be processed fairly and lawfully.
2. Personal data shall be processed for limited purposes.
3. Personal data shall be adequate, relevant and not excessive.
4. Personal data shall be accurate and where necessary kept up to date.
5. Personal data shall be kept for no longer than is necessary.
6. Personal data shall be processed in line with the individual's rights.
7. Personal data shall be kept secure.
8. Personal data shall not be transferred to countries without adequate security.

The Freedom of Information Act 2000 amends the Data Protection Act and gives everyone the right to request any records a public body, including schools, holds about them. A school may withhold information it has if it is considered the information may damage the recipient, if disclosed.

Confidentiality

All adults working in our school aim to:

- Implement the school Child Protection policy
- Keep anything seen or heard within school confidential to the school where appropriate
- Never give out a child's personal details over the telephone until the validity of the request has been ascertained.
- Never publicise images of pupils on the school website, in the local press or via newsletters if parents have expressly wished that they do not want their child's image to be in the public domain.
- Avoid unconditional confidentiality
- No adult should enter into detailed discussion about a child's behaviour or academic progress with other children or their parents.

Directors' Meetings

Directors, in particular those sitting on discipline committees, will not divulge details about individuals (be they staff, families or individual children) to any person outside of the meeting.

Directors need to be mindful that from time to time issues are discussed or brought to their attention about staff and children. All such papers should be marked as confidential and should be copied onto different coloured paper. These confidential papers should be destroyed. Directors must observe complete confidentiality when asked to do so by the Board of Directors, especially in relation to matters concerning individual staff, children or parents/carers. Although decisions reached at directors' meetings are normally made public through the minutes or otherwise, the discussions on which decisions are based should be confidential.

In The Classroom

Ground rules will be used where sensitive issues are to be addressed e.g. Drugs Education, Sex and Relationships Education. Adults will remind children that some information they share in the classroom may need to be shared with other adults for their protection.

If a child and his/her parent/ carer wish to highlight an issue to a peer group then this will be carried out sensitively by an appropriate member of staff e.g. in the case of bereavement.

Information Sharing

Best practice

- a) If you are asked, or wish, to share information, you must use your professional judgement to decide whether to share or not and what information it is appropriate to share, unless there is a statutory duty or a court order to share.
- b) Wherever possible, subject to considerations set out above, you should inform the individual concerned that you are sharing the information, why you are doing so, and with whom.

- c) The approach to securing consent should be transparent and respect the individual. Consent must not be secured through coercion or inferred from a lack of response to a request for consent.
- d) A child or young person, who has the capacity to understand and make their own decisions, may give (or refuse) consent to sharing. Children aged 12 or over may generally be expected to have sufficient understanding. Younger children may also have sufficient understanding. This is presumed in law for young people aged 16 and older. When assessing a child's understanding you should explain the issues to the child in a way that is suitable for their age, language and likely understanding. Where applicable, you should use their preferred mode of communication.
- e) If you have concerns that a child is at risk and shared that information with the appropriate agencies, it is imperative that you keep an accurate record of exactly what information you have shared, with whom you shared it and why you shared it. Not only is this good practice for data protection purposes, but it will also serve as an excellent contemporaneous note of your decision making process months down the line.
- f) As long as you share relevant information appropriately and with the right agencies, you will not fall foul of the law. The law is on the side of a practitioner who seeks to share information regarding a child they believe to be at risk. This has always been the case — a fact that Lord Laming was eager to reiterate in his report.

Information about children will be shared with parents/ carers but only about their child. Parents/ carers will not have access to any other child's books, marks and progress grades at any time, especially at parents' evening. However, parents/ carers should be aware that information about their child will be shared with the receiving school, if and when they change school. All personal information about children including social services records are regarded as confidential. The Principal or Senior Designated Person for Child Protection will decide who will have access, and whether those concerned have access to all, or only selected information.

Information regarding health reports e.g. speech therapy, medical reports etc. will be circulated in envelopes and once read should be returned for secure filing.

Information Sharing With Other Professionals

The school applies the Government's seven golden rules when sharing information with other professionals. There are occasions in school where members of staff will need to consider whether information provided by a child or their family needs to be shared with other professionals. The school will always endeavour to gain consent when sharing information, though this may not always be possible.

Seven golden rules for information sharing

- 1. Remember that the Data Protection Act is not a barrier to sharing information** but provides a framework to ensure that personal information about living persons is shared appropriately.

2. **Be open and honest** with the person (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
3. **Seek advice** if you are in any doubt, without disclosing the identity of the person where possible.
4. **Share with consent where appropriate** and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, that lack of consent can be overridden in the public interest. You will need to base your judgement on the facts of the case.
5. **Consider safety and well-being:** Base your information sharing decisions on considerations of the safety and well-being of the person and others who may be affected by their actions.
6. **Necessary, proportionate, relevant, accurate, timely and secure:** Ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those people who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely.
7. **Keep a record** of your decision and the reasons for it – whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.

Extract from HM Government *Information Sharing: Guidance for practitioners and managers*.

3 Key Terms and Definitions

ACRONYM	TERM	DEFINITION
None		

Amendment Record

VERSION #	DATE	AMENDED BY	NATURE OF CHANGE
1.0	18.11.14	G W Warne	New Policy