

## Church Lawton School

### Adults in School Confidentiality Policy

Date of adoption:	April 2015
Agreed by Governors:	April 2015
Reviewed:	March 2018
Reviewed:	March 2021
Reviewed:	March 2024
<b>Next review date:</b>	<b>March 2027</b>

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## Statement of intent

This document guides all volunteers and individuals working in cooperation with the school on the policy and procedures surrounding confidentiality.

It is an expectation that all volunteers and individuals working in cooperation with the school take a supportive and accepting attitude towards pupils as part of their general responsibility for pastoral care. It is our hope that both pupils and parents feel free to discuss worries about Church Lawton School, and concerns that may affect the educational progress of a pupil, with members of the school team.

This policy will be abided by at all times by all adults who visit or work in the school who are not directly employed by the Liberty Trust. In order to ensure the utmost level of safety for pupils, all adults in school have a duty to act in accordance with this policy and not share information with external agencies, other schools or individuals.

The **Adults in School Confidentiality Policy** has the following benefits, it:

- Ensures that important information regarding the school is not shared.
- Guarantees that financial information stays confidential and secure.
- Helps to build trust amongst staff, volunteers and external agencies.
- Supports the school's safeguarding measures.

## 1. Legal framework

1.1. This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- Crime and Disorder Act 1998
- Equality Act 2010
- The General Data Protection Regulation Data Protection Act 2018
- Education Act 2002 Human Rights Act 1998
- The Education (Pupil Information) (England) (Amendment) Regulations 2019

- 1.2. This policy also has due regard to guidance documents including, but not limited to, the following:
  - DfE (2018) 'Information sharing'
  - DfE (2018) 'Working Together to Safeguard Children'
- 1.3. This policy operates in conjunction with the following school policies which can be downloaded from the school's website:
  - Data Protection Policy
  - Child Protection and Safeguarding Policy
  - Anti-bullying Policy
  - Whistleblowing Policy
  - E-safety Policy

## 2. Definitions

- 2.1. 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 and explicit agreement of the person disclosing it.
- 2.2. Within this policy, a '**disclosure**' is the sharing of any private information; this term does not solely relate to child protection issues.
- 2.3. 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.

## 3. Roles and responsibilities

- 3.1. All volunteers and individuals working in cooperation with the 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.

- 3.2. Visitors, volunteers and other professionals, such as healthcare professionals, will work within the same boundaries of confidentiality as all staff members.
- 3.3. All volunteers and individuals working in cooperation with the school, have the responsibility of keeping information regarding the school, including its pupils and parents, etc., confidential. This information will under no circumstances be shared, unless it is in the best interest of the school or its pupils.
- 3.4. All volunteers and individuals working in cooperation with the school will treat any information regarding the management and finance of the school as confidential, and, therefore, this information will only be shared with necessary and appropriate external individuals.
- 3.5. Volunteers, visitors, external parties and other agencies will always seek advice from a practitioner at the school if there is any doubt over sharing the information concerned, without disclosing any identifiable information where possible.
- 3.6. As a precautionary safeguarding measure, the school will ask all volunteers, visitors and external agencies who work closely with the school to sign a Non- disclosure Agreement, included as an Appendix to this policy. This means that information about the school which is shared with the individual is to be treated confidentially and not shared further.

- 3.7. The Principal is responsible for ensuring that a confidentiality agreement is signed by all individuals who may be privy to information which is not suitable to be shared.

#### **4. Confidentiality and child protection**

- 4.1. The school aims to strike a balance between confidentiality and trust, ensuring the safety, wellbeing and protection of our pupils.
- 4.2. Volunteers and individuals working in cooperation with the school will pass on information if they believe a child is at risk of harm, otherwise, staff are not obliged to break confidentiality.
- 4.3. In almost all cases of disclosure, it is possible to maintain limited confidentiality.
- 4.4. Volunteers and individuals working in cooperation with the school will use their 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 absolute confidentiality to pupils.
- 4.5. The Designated Safeguarding Lead is to be informed about all incidents regarding child protection concerns which are highlighted by a volunteer, parent or another external party to the school.
- 4.6. 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.
- 4.7. Staff, volunteers and individuals working in cooperation with the school 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 Designated Safeguarding Lead.

## 5. Sharing information

- 5.1. The school takes the stance that all information about individual pupils is private and should only be shared with other professionals who have a legitimate need to know.
- 5.2. Under no circumstances will personal information about pupils, staff members or the school be passed on indiscriminately.
- 5.3. Under no circumstances will information regarding the school's finances be shared with anyone, other than those with a legitimate need to know.
- 5.4. If members of staff, volunteers or cooperating external parties share unsuitable or misrepresented information, the school withholds the right to take the appropriate civil, legal or disciplinary action.
- 5.5. The safety and protection of pupils, as well as the school, is the paramount consideration in all confidentiality decisions.
- 5.6. All volunteers and individuals working in cooperation with the school must report disclosures of a concerning personal nature to the Designated Safeguarding Lead as soon as possible and in an appropriate setting.
- 5.7. All external visitors will be made aware of the adults in School Confidentiality Policy and act in accordance with it when dealing with information, particularly sensitive information, regarding the school, its pupils and parents.
- 5.8. All data will be processed and held in line with the school's General 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 General Data Protection Policy.

- 5.9. The school will be open and honest with all individuals about how and why data is shared, unless it is unsafe to do so.
- 5.10. Where necessary, advice will be sought from the Liberty Trust Data Protection Officer and other practitioners to ensure all data is shared correctly.
- 5.11. Where possible, information is shared with consent from the data subject, unless the school is able to proceed without consent under the GDPR and Data Protection Act 2018, e.g. if the data subject's safety is at risk.
- 5.12. Individuals' safety and wellbeing will form the base of all information sharing decisions, and information will not be shared if anyone's safety or wellbeing could be compromised.
- 5.13. Only information that is necessary for the purpose it is being shared for will be shared.
- 5.14. All decisions and reasons for sharing data will be recorded by the Data Protection Officer.

## **6. Breaking confidentiality**

- 6.1 When confidentiality must be broken because a child may be at risk of harm, in accordance with the school's Child Protection and Safeguarding Policy, the school will ensure the following:
  - Pupils are told when information has been passed on
  - Pupils are kept informed about what will be done with their information



- To alleviate their fears concerning the information becoming common knowledge, pupils are told exactly who their information has been passed on to
- 6.2. If confidential information is shared with the explicit consent of the individuals involved, and they are informed of the purpose of sharing the information in question, there will be no breach of confidentiality of the Human Rights Act 1998.
  - 6.3. In the event that explicit 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.
  - 6.4. The school recognises that overriding public interest is a justifiable reason to disclose information; however, permission from the Principal will be sought prior to disclosing any information regarding the school.
  - 6.5. Individuals who disclose information, after previously signing the school's confidentiality agreement, may face further action, including legal action if it is deemed that confidential information was passed on to a third party without reasonable cause.

## 7. Accessing information

- 7.1. In accordance with article 15 of the GDPR, personal information, can be shared via a subject access request (SAR).
  - These requests must be made in writing to the Principal and will be responded to within one calendar month.
  - 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

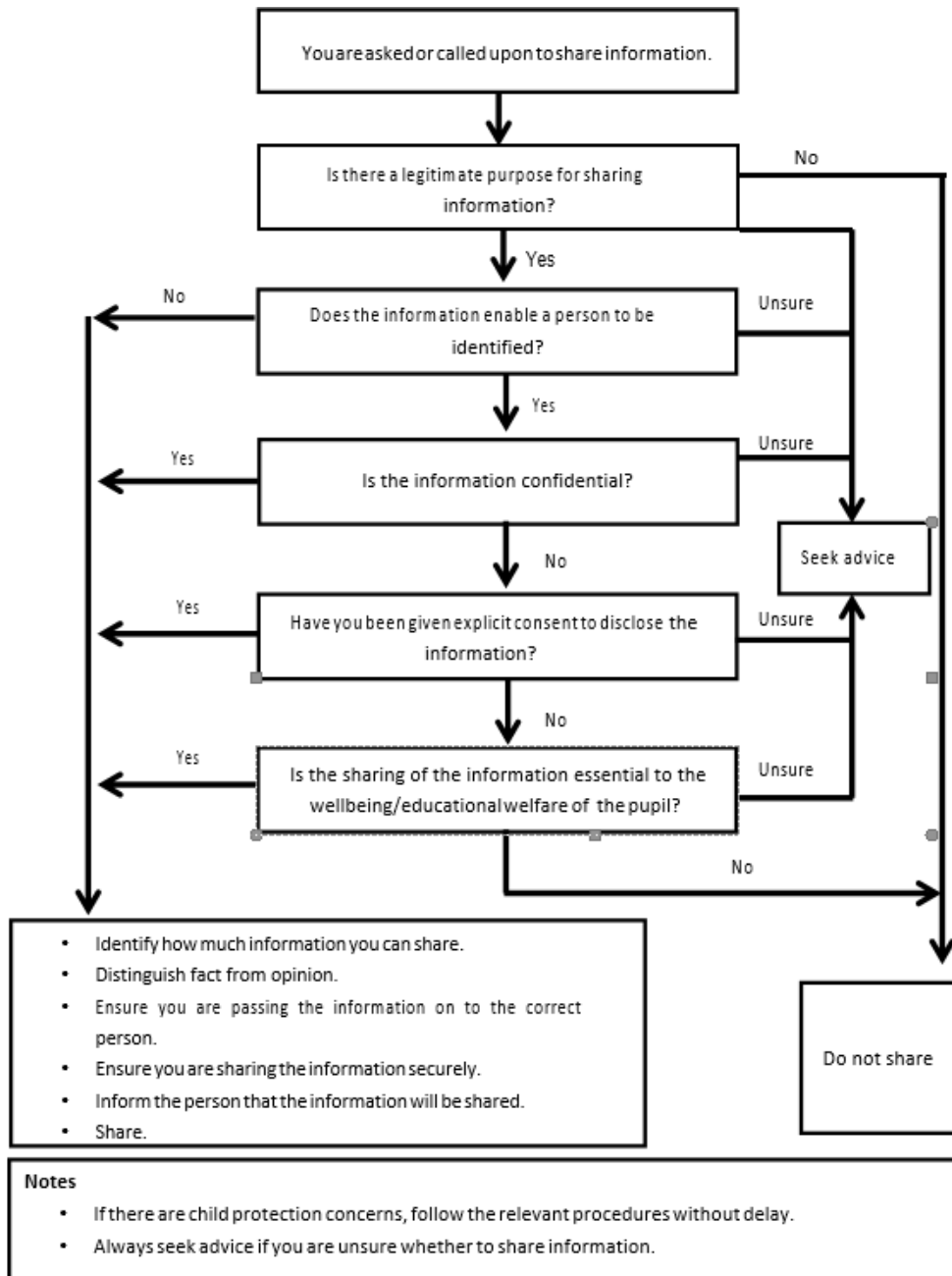
to have.

- 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 as a freedom of information (Fol) request.

## **8. Monitoring and review**

This policy is monitored for effectiveness by the Principal and is reviewed every three years, or where necessary in light of changes to the law or statutory guidance

**Appendix A – Information Sharing Flowchart**



## Appendix B – Confidentiality Agreement

This confidentiality agreement is entered into by and between the Church Lawton School and the named individual below for the purpose of preventing the unauthorised disclosure of confidential information in line with your duties to protect personal information under the Data Protection Act 2018.

For the purpose of this agreement, “confidential information” will include all information or material that has or could have value, commercial or otherwise, in the business in which the disclosing party is engaged.

I declare that, I will only share or disclose information regarding the school with other professionals who have a legitimate need to know about it. I will, therefore:

- 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.
- Not post confidential information regarding pupils, staff, parents or other stakeholders on social media. Nor will I contribute to discussions on social media regarding the school or anyone associated with it.
- Ensure that anything I hear that questions the professionalism of a member staff or volunteer of the school is reported to the Principal immediately.
- Ensure that if I notice anything of concern regarding the protection or safeguarding of a child, I will report it immediately to the Designated Safeguarding Lead.
- Assure that conversations of a sensitive nature regarding pupils, parents, staff, volunteers or other stakeholders take place in a private space.
- Be fully aware that other staff, volunteers or stakeholders may have connections within the school and may overhear conversations of a sensitive nature.

- Uphold the good name and reputation of the school at all times; inside and outside of school.
- I will hold and maintain the confidential information in strictest confidence for the sole and exclusive benefit of the school; therefore, I will not, without prior approval of the 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 will ensure that all records, documents and other papers considered to be confidential, together with any copies or extracts, made or acquired by me in the course of performance of my duties remain the property of Church Lawton School and will remain within the school.
- I will only use school devices for the storage of any electronic documentation.
- In the case of Governors, all paper documentation must be kept securely and returned to the school for appropriate destruction.

I have read and understood the school's Adults in School Confidentiality Policy and will act in accordance with this policy at all times.

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



By signing this agreement, you are agreeing to your duty to hold confidential information in confidence – this will remain in effect until the information no longer qualifies as confidential.

Please return a signed copy of this agreement to the School Office and retain a copy for your reference. If you have any questions or concerns, please contact the Principal via the school on 01270 877601 or [office@churchlawtonschool.org.uk](mailto:office@churchlawtonschool.org.uk)

Name \_\_\_\_\_

Role in School \_\_\_\_\_

Signed \_\_\_\_\_

Date \_\_\_\_\_