



Staplehurst School

Confidentiality Policy

Policy reviewed, proposed and ratified by **the Headteacher**

Policy ratification notified to Governing Body

Policy to be next reviewed

Date

12 January 2024

19 March 2024

January 2027

Contents

Confidentiality Policy	3
Introduction	3
Guidance on Information Sharing	3
The legal position for school staff	4
The principles	5
Procedures for sharing information	6
Statement of ground rules to be used in lessons	6
Links to other school policies and procedures	7
Monitoring and Review	7

Confidentiality Policy

Introduction

At Staplehurst School we believe that:

- The safety, well being and protection of our pupils are the paramount consideration in all decisions staff at this school make about confidentiality. The appropriate sharing of information between school staff is an essential element in ensuring our pupils' well-being and safety.
- It is an essential part of the ethos of our school that trust is established to enable pupils, staff, and parents/carers to seek help both within and outside the school and minimise the number of situations when personal information is shared to ensure pupils, staff and parent/carers are supported and safe.
- Pupils, parents/carers and staff need to know the boundaries of confidentiality in order to feel safe and comfortable in discussing personal issues and concerns, including sex and relationships.
- The school's attitude to confidentiality is transparent and easily understood and everyone should be able to trust the boundaries of confidentiality operating within the school.
- Issues concerning personal information including sex and relationships and other personal matters can arise at any time.
- Everyone in the school community needs to know that no one can offer absolute confidentiality.
- Everyone in the school community needs to know the limits of confidentiality that can be offered by individuals within the school community so they can make informed decisions about the most appropriate person to talk to about any health, sex and relationship or other personal issue they want to discuss.

Guidance on Information Sharing

The School follows the DfE's Guidance on Information Sharing (July 2018) which includes the seven golden rules to sharing information and The General Data Protection Regulation (GDPR) and Data Protection Act 2018

1. Remember that the Data Protection Act 1998 and human rights law are not barriers to justified information sharing, but provide a framework to ensure that personal information about living individuals is shared appropriately.
2. Be open and honest with the individual (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 from other practitioners if you are in any doubt about sharing the information concerned, without disclosing the identity of the individual where possible.
4. Share with informed 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, there is good reason to do so, such as where safety may

be at risk. You will need to base your judgement on the facts of the case. When you are sharing or requesting personal information from someone, be certain of the basis upon which you are doing so. Where you have consent, be mindful that an individual might not expect information to be shared.

5. Consider safety and well-being: Base your information sharing decisions on considerations of the safety and well-being of the individual and others who may be affected by their actions.
6. Necessary, proportionate, relevant, adequate, 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 individuals who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely (see principles).
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.

The General Data Protection Regulation (GDPR) and the Data Protection Act 2018 introduce new elements to the data protection regime, superseding the Data Protection Act 1998.

To effectively share information:

- all practitioners should be confident of the processing conditions, which allow them to store, and share, the information that they need to carry out their safeguarding role. Information which is relevant to safeguarding will often be data which is considered 'special category personal data' meaning it is sensitive and personal
- where practitioners need to share special category personal data, they should be aware that the Data Protection Act 2018 includes 'safeguarding of children and individuals at risk' as a condition that allows practitioners to share information without consent
- information can be shared legally without consent, if a practitioner is unable to, cannot be reasonably expected to gain consent from the individual, or if to gain consent could place a child at risk.
- relevant personal information can be shared lawfully if it is to keep a child or individual at risk safe from neglect or physical, emotional or mental harm, or if it is protecting their physical, mental, or emotional well-being.

The legal position for school staff

School staff (including non-teaching and voluntary staff) should not promise confidentiality. Pupils do not have the right to expect that incidents will not be reported to his/her parents/carers and may not, in the absence of an explicit promise, assume that information conveyed outside that context is private. No member of this school's staff can or should give such a promise.

The safety, wellbeing and protection of the child is the paramount consideration in all decisions staff at this school make about confidentiality.

School staff are NOT obliged to break confidentiality except where child protection is or may be an issue, however, at Staplehurst School we believe it is important staff are able to share their concerns about pupils or another member of staff with colleagues in a professional and supportive way, on a need to know basis, to ensure staff receive the guidance and support they need and the pupils' safety

and wellbeing is maintained. Guidance on Record Keeping, Confidentiality and Information Sharing are detailed in the School's Safeguarding policy. School Staff should discuss such concerns with the Designated Safeguarding Lead (DSL) or Headteacher.

All School staff and volunteers should feel able to raise concerns and such concerns will always be taken seriously by the senior leadership team. All staff need to be aware of the School's Whistleblowing procedure and that it is a disciplinary offence not to report concerns about the conduct of a colleague that could place a child at risk.

The principles

The principles set out below are intended to help practitioners working with children, young people, parents and carers share information between organisations. Practitioners should use their judgement when making decisions on what information to share and when and should follow organisation procedures or consult with their manager if in doubt. The most important consideration is whether sharing information is likely to safeguard and protect a child. If the Headteacher issues instructions that s/he should be kept informed, all staff must comply. There is always a good reason for this, which you may not know about.

Necessary and proportionate

When taking decisions about what information to share, you should consider how much information you need to release. The Data Protection Act 1998 requires you to consider the impact of disclosing information on the information subject and any third parties. Any information shared must be proportionate to the need and level of risk.

Relevant

Only information that is relevant to the purposes should be shared with those who need it. This allows others to do their job effectively and make sound decisions.

Adequate

Information should be adequate for its purpose. Information should be of the right quality to ensure that it can be understood and relied upon.

Accurate

Information should be accurate and up to date and should clearly distinguish between fact and opinion. If the information is historical then this should be explained.

Timely

Information should be shared in a timely fashion to reduce the risk of harm. Timeliness is key in emergency situations and it may not be appropriate to seek consent for information sharing if it could cause delays and therefore harm to a child. Practitioners should ensure that sufficient information is shared, as well as consider the urgency with which to share it.

Secure

Wherever possible, information should be shared in an appropriate, secure way. Practitioners must always follow their organisation's policy on security for handling personal information. School Staff should refer to the School's Safeguarding and Data Protection policies for guidance on handling personal information.

Record

Information sharing decisions should be recorded whether or not the decision is taken to share. If the decision is to share, reasons should be cited including what information has been shared and with whom, in line with organisational procedures. If the decision is not to share, it is good practice to record the reasons for this decision and discuss them with the requester. In line with each organisation's own retention policy, the information should not be kept any longer than is necessary. In some circumstances this may be indefinitely, but if this is the case there should be a review process.

Procedures for sharing information

See the Safeguarding Policy. The DSL is responsible for referring pupils to outside agencies from the school.

Statement of ground rules to be used in lessons

We adopt ground rules to ensure a safe environment for teaching in particular in Spiritual, Moral, Social & Cultural (which includes Personal Social Health & Economic Education, Drug Education, Relationships and Sex Education, Religious Education & Collective Worship) activities/lessons. This reduces anxiety to pupils and staff and minimises unconsidered, unintended personal disclosures.

At the beginning of each such lesson, pupils are reminded of the ground rules by the teacher or outside visitor.

This is an example of the ground rules:

- We won't ask each other or the teacher any personal questions.
- We will respect each other and not laugh, tease or hurt others.
- We won't say things we want to keep confidential.
- We can pass or opt out of something if it makes us feel uncomfortable.

- If we do find out things about other pupils, which are personal and private, we won't talk about it outside the lesson.
- If we do find out things about other pupils, which are personal and private, we won't talk about it outside the lesson, but;
- If we are worried about someone else's safety we tell a teacher or an adult in school that we trust

Links to other school policies and procedures

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

- Safeguarding
- Data Protection
- Spiritual Moral Social & Cultural (including PSHE, Drug Education, Sex and Relationship Education, RE & Collective Worship)
- Behaviour and Discipline (including Anti-Bullying)
- e-Safety Policy
- Allegations of Abuse Against Staff
- Whistleblowing Policy
- Health and Safety Policy
- School Visitors Policy
- Equality Policy

Monitoring and Review

The procedures in this policy will be formally reviewed triennially and amended in the light of any new information and guidance which becomes available.