



**KINGSWAY COMMUNITY TRUST**

# **KINGSWAY COMMUNITY TRUST**

## **CONFIDENTIALITY POLICY**

**November 2018**

# Confidentiality Policy

**Date: November 2018**

**Review date: Spring 2023**

## 1. Introduction

Kingsway Community Trust operates within the statutory, legislative and local policy framework in relation to confidentiality. The policy applies to all staff, pupils, parents /carers, governors and partner agencies on school premises or on school business e.g. work related learning, trips or pupils partly educated within further education.

When this policy refers to confidentiality it refers to disclosures by staff, including any external agencies or individuals on school premises, pupils and/or parents/carers with regard to a variety of issues including under age sexual activity, drugs use, abuse or other dangerous or illegal activities.

There is at least one named person in each school with responsibility for dealing with the implementation of the Confidentiality Policy.

## 2. Definition

Confidentiality is an understanding that any information shared with someone in trust can only be passed on to a third party with the agreement and consent of the person disclosing it.

The EXCEPTION is information that relates to CHILD PROTECTION, please refer to the Child Protection Policy,

Please note, in this policy, a 'disclosure' is the sharing of any private/personal information. It is used in the general sense of the term and does not specifically relate to Child Protection issues.

The word 'school' covers Green End Primary, Ladybarn Primary and Cringle Brook Primary schools.

## 3. Legal/ National Requirements

- a) Data Protection Act 1998.  
The Trust is bound by the Data Protection Act 1998 when dealing with personal data and from 25th May 2018 by the GDPR (General Data Protection Regulation). All Staff, Trust Board Members, Governors and Contractors, where appropriate should be familiar with the Trust's Data Protection Policy.
- b) Every Child Matters  
**Each school recognises that a clear Confidentiality Policy will support the school in meeting the Every Child Matters outcomes of "be healthy" and "stay safe".**
- c) **National Healthy School Status:**  
As part of the Emotional Health and Wellbeing criteria (4.9) in a Healthy School there will be 'a clear confidentiality policy.' In the Personal, Social and Health Education criteria (1.5) a Healthy

School will have 'up-to-date policies in place developed through wide consultation, implemented, and monitored and evaluated for impact – covering sex and relationship education, drug education and incidents, child protection, and confidentiality'.

d) **Statement on confidentiality**

All staff and external agencies/visitors, as well as pupils and parents should be made aware of this policy. It is of particular importance to pastoral staff and staff involved with the personal, social and health education programme (PSHE), including sex and relationships education (SRE) and drug education. It sets out guidance for all staff about pupil information and disclosures that they can regard as confidential and that which they cannot. Any external agencies/visitors to the school who are teaching or working with groups of pupils must also abide by this policy.

#### **4. Ethos and Values**

Each school seeks to put the pupil at the heart of the learning process and to provide a safe and secure learning environment. We seek to implement the underlying principles of the Every Child Matters agenda and to address the issues, which may arise about confidentiality. We are committed to recognising the responsibility to use, hold and safeguard information received.

Sharing information unnecessarily is an erosion of trust. The Trust is mindful that all stakeholders are in a position of trust, and there is an expectation that a professional approach will be used in all matters of confidentiality.

#### **5. Aims and Objectives**

5.1 **Aims:**

- To give clear guidance to all members of the school around confidentiality.
- To encourage pupils to talk to a trusted adult if they are having problems.
- To give staff confidence to deal with sensitive issues.

5.2 **Objectives:**

- Pupils should be reassured that their best interests will be maintained.
- Pupils should know that staff cannot offer unconditional confidentiality.
- Pupils should be reassured that, if confidentiality has to be broken, they will be informed first and then supported appropriately.
- Pupils should be informed of sources of confidential help, for example, the school nurse, counsellor, GP or local young person's advice service.
- If a member of staff receives information that leads them to believe that there is a child protection issue, they should refer the case to the designated Child Protection Officer following a discussion with the pupil involved.
- Pupils should be encouraged to talk to their parents or carers and be given support to do so wherever possible.
- Government guidance requires professionals to consult as much as possible with parents about their children when referring to another agency. In general, parents should be asked if they wish their child to be referred, UNLESS THERE IS REASON TO THINK THAT OBTAINING SUCH CONSENT MAY PUT THE YOUNG PERSON AT RISK. Refer to the Child Protection Officer, who may consult Children, Families and Social Care for advice before discussing the issue with parents.
- Any personal information should be regarded as private and not passed on indiscriminately (for example in the staff room, reception and corridor or outside of school).

- Other general matters relating to confidentiality concerning pupils or staff such as:
  - o Behaviour
  - o Individual pupil's data
  - o Requests for information
  - o Personnel Information

The examples will only be shared as needed on a professional basis via the appropriate channels of communication.

## **6. Policy, Leadership and Management**

### **6.1 Staff roles and responsibilities**

All staff (teaching and non-teaching staff) will be made aware of the Confidentiality Policy and their entitlement to training and support in its implementation, e.g. through staff briefings and training.

All members of staff will be asked to read and sign the Confidentiality and Disclose Agreement (Appendix A).

- a) Staff can seek advice and support for themselves when dealing with a disclosure whilst keeping the individual's identity anonymous. Each school will maintain an up-to-date list of appropriate contacts for staff so that they can seek support. This will include the following members of staff:
- Named Child Protection Officer
  - Executive Headteacher
  - Head of School

**and also include the following external agencies and Local Authority support:**

- School Nursing Service
- Healthy Schools
- Manchester Education Partnership
- Child Protection, Children and Families Social Care
- Drugs and alcohol services
- Sexual health services
- Other local statutory and voluntary agencies in relation to issues such as: bullying, racism, homophobia

- b) Class teachers may be given important information. It is important that a 'line manager' e.g. Pastoral Leader/Head of Key Stage is fully informed about pupils and therefore staff should pass on such information. Issues should remain confidential between these members of staff. Other members of staff do not need intimate details and should only be alerted in general terms to areas of sensitivity/problems about pupils and their family or home circumstances.

### **6.2 Responsibilities to parents/carers**

- 6.2.1 Members of staff are not legally obliged to inform parents/carers in many instances when personal information has been disclosed. Where it is believed that the pupil may be at emotional or physical risk or in breach of the law, staff will ensure that the pupil is aware of the risks they face.
- 6.2.2 Staff will encourage the pupil to inform and seek support from their parents/carers.

- 6.2.3 In most cases information provided by a pupil will only be passed to their parents/carers with the pupil's consent.
- 6.2.4 When the school chooses to inform parents/carers it will only be done if it is in the best interests of the child. The Executive Headteacher/Head of School/Deputy Headteacher should always be informed before parents are contacted. However, it is only in the most exceptional circumstances that a school would be in the position of having to handle information without parental knowledge. The reason for not informing the parents should be recorded in writing.

## **6.3 Trustees Roles and Responsibilities**

- 6.3.1 Trustees need to be mindful that from time to time issues are discussed or brought to their attention about staff and pupils. They must observe confidentiality in accordance with this policy and their Terms of Reference for the Trust Board.
- 6.3.2 Where a school has a nominated Health Governor they will be consulted in reviewing this policy.

## **7. Implementation**

### **7.1 In lessons:**

- Ground rules and distancing techniques should be used where sensitive issues are to be addressed.
- Staff should not put pressure on pupils to disclose personal information and should discourage fellow pupils from applying any such pressure.

### **7.2 Working with External Agencies**

- 7.2.1 Anyone working with pupils from the school particularly on sensitive areas of the curriculum needs to be made aware of the school's Confidentiality Policy and Data Protection Policy.
- 7.2.2 At the beginning of lessons where potentially sensitive topics will be dealt with, school staff and staff from external agencies will establish that it is inappropriate to disclose personal information during the lesson. Ground rules need to be agreed which ensure individuals do not pressure one another to answer questions about their own experiences.
- 7.2.3 Staff will outline the sources of support available to any pupil who may wish to discuss the topics and/or their feelings further on a one-to-one basis; e.g. School Nurse, Police Liaison Officer
- 7.2.4 Each school acknowledges and supports the differences between the role of any non-school staff as educators, and as providers of information and support to pupils (such as a school nurse who may have a dual role of teaching support in the classroom and in a confidential one-to-one drop-in session). The boundaries between these roles will be clarified and agreed prior to involvement.
- 7.2.5 Any distinctions in terms of confidentiality need to be made clear to pupils.

### **7.3 Recording Information**

- 7.3.1 The Trust acknowledges that:
  - a. Pupils and their parents/carers have a right to gain access to processed information upon written request.
  - b. Agencies such as the Police and Children and Young People's Services may be able to get a court order to gain access to processed information, which the school deems confidential. This can also include the Local Authority's legal department and insurers, as well as other solicitors, e.g. in custody cases.

- 7.3.2 Any information recorded about a pupil will be written in a way that assumes it will be read by either the subject or their parents/carers.
- 7.3.3 In order to comply with the Lord Chancellor’s Code of Practice on the Management of Records (issued under section 46 of the Freedom of Information Act 2000), any processed information will be stored in accordance with the Schools Record Management Systems.

**7.4 Communicating the Policy**

- 7.4.1 The policy will be communicated to all school staff, trustees, governors, parents/ carers, partner agencies and relevant visitors e.g. joint training sessions involving different agencies, newsletters, and in staff briefings and the policy will be included in the Staff Induction Folder.
- 7.4.2 The policy will be listed on the school’s publication scheme (Freedom of Information Act 2000).
- 7.4.3 The flow chart for how to deal with confidential disclosures will be displayed on appropriate staff notice board(s). (Appendix 2)
- 7.4.5 All pupils will be made aware of the policy, its content and how it might affect them, e.g. during PSHE lessons, Assemblies, and School Council meetings.

**8. Monitoring, Assessing and Reviewing**

- 8.1 This policy will be reviewed every 5 years unless there are legislative changes.
- 8.2 If the need arises; such as a breach in Confidentiality, the policy will be reviewed earlier.
- 8.3 Staff, trustees, governors, parents and pupils will be consulted during the review process.

**9. Breaches of the Policy**

- 9.1 All staff are under a contractual obligation to uphold the policy as with all other school policies. Failure to comply with this policy may result in formal disciplinary procedures being undertaken which could result in your summary dismissal on the grounds of gross misconduct.

**10. Relationship with other Policies**

- 10.1 This policy sits in conjunction with the Trust’s policies on Child Protection, Personal, Social and Health Education (PSHE), Sex and Relationships Education, Drugs, Behaviour and Discipline, Equal Opportunities and E-Learning & Safety and Data Protection. It has been developed and implemented in consultation with the whole school community including pupils, parents/carers, staff, trustees, governors and partner agencies.

Date	Issue	Date approved by Trustees	Review date
10 <sup>th</sup> May 2017	June 2017	Approved by E Antrobus 8.6.17 Ratified by Trust Board 18.7.17	Summer 2022
November 2018	November 2018	17.12.18	Spring 2023

## APPENDIX A



# Confidentiality and Non-Disclosure Statement

## The Data Protection Act 1998/General Data Protection Regulations (GDPR)

As data controllers, Kingsway Community Trust Schools have a responsibility to protect school personal data in line with the Data Protection Act 1998 and the General Data Protection Regulations (GDPR) (which came into force on 25<sup>th</sup> May 2018). Therefore, the appropriate confidentiality and security requirements must be agreed.

The word 'school' can be defined as Green End Primary, Cringle Brook Primary, and Ladybarn Primary.

Kingsway Community Trust provide a tailor made education for children and young people attending Cringle Brook, Green End and Ladybarn Primary schools on a regular basis. These services will involve the use of personal data. Therefore, each member of staff or volunteer must comply with the following:

Use the data the school discloses to you for the specific service it was provided and not for any other purpose or purposes unless agreed by the school.

- Only ask for school personal data that is adequate and relevant to the task at hand so you can carry out services as agreed by the school
- Only hold school personal data disclosed to you for as long as agreed by the school or when no longer needed. You must ensure you always securely destroy data in line with The Data Protection Act 1998 and the General Data Protection Regulations (GDPR).
- You must take all appropriate technical and physical measures to protect the personal data you are holding on behalf of the school. For example: electronic personal data must not be held on an un-encrypted device and ensuring that all electronic systems are protected. If you are accessing paper records this must be transported from one location to another securely.
- You must not share school personal data we disclose to you with any other third parties without the consent of the Executive Headteacher unless you are permitted to by law.
- In addition, for support functions that the school do not directly enter into contract with but may become party to it, it is your responsibility to ensure those support functions keep schools personal data confidential and secured at all times.
- Under no circumstances will the school personal data you are collecting be transferred outside of the European Economic Area (EEA).

To ensure best practice, it is advisable to extend this advice to any third parties you work with or may work with when handling school personal data. This is to ensure that the confidentiality of personal data is upheld.

**Unlawful disclosure or selling of personal information**

Under The Data Protection Act 1998 and General Data Protection Regulation (GDPR) is it a criminal offence to sell or disclose personal data 'knowingly or recklessly' to anyone you are not supposed to, therefore, any inappropriate or unauthorised disclosure of the school personal information could be subject to both an internal and criminal investigation which could result in serious disciplinary action being undertaken which could result in your summary dismissal on the grounds of gross misconduct.

I (print name) ..... have read, understood fully and will adhere to, the Kingsway Community Trust Confidentiality Agreement dated November 2018.

Signed: .....

Date: .....

School: .....