



KINGSWAY COMMUNITY TRUST

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CONFIDENTIALITY POLICY

January 2021

Confidentiality Policy

Date: January 2021

Review date: Spring 2023

1. Introduction

Kingsway Community Trust operates within the statutory and legislative framework in relation to confidentiality. The policy applies to all staff, pupils, parents /carers, governors trustees 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, 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. This also includes any external agencies or individuals on school premises,

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 Safeguarding 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 2018
The Trust is bound by the Data Protection Act 2018 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) **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 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.
- To ensure all information held at school on pupils, staff or parents is confidential, whether held electronically or in hard copy or by disclosure (exceptions to disclosures are noted further in the policy)
- Some staff will, by necessity, have access to such confidential information from time to time

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 DSL 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 DSL who may consult Children, Families and Social Care for advice before discussing the issue with parents.
- Any personal information on pupils, parents or staff 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).

- Staff must not under any circumstances disclose school information to anyone outside the Trust, except to other professionals (examples detailed above) on a need to know basis, or where there is provided written consent
- All information about staff and pupils is confidential. This includes information about pupils' families or others associated with them
- Staff must not under any circumstances disclose any confidential information about the schools to anyone outside the Trust unless with the express consent of the Executive Headteacher
- Staff should limit any discussion about confidential information only to those who need to know within the Trust
- All staff can expect that their personal information will not be disclosed without their permission (except in the most exceptional circumstances when disclosure is required when a person is at grave risk of serious harm)
- All Staff are individually accountable for their own actions. They should, however, also work together as a team to ensure that standards of confidentiality are upheld, and that improper disclosures are avoided.

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 Designation Safeguarding Lead
- 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.

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. Staff/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).
- 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, E-Learning & Safety, Data Protection and the Trust’s Staff IT Acceptable Use Policy. 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 th 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
January 2021	January 2021	29.3.21	Spring 2023
Updated to note change in data protection act and additional guidelines around staff confidentiality			

APPENDIX A



Confidentiality and Non-Disclosure Statement

The Data Protection Act 2018

As data controllers, Kingsway Community Trust Schools have a responsibility to protect school personal data in line with the Data Protection Act 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.

The word 'data' can be defined as school data or personal/sensitive personal data.

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 and use school data that is adequate and relevant to the task at hand so you can carry out services as agreed by the school
- Always keep confidential documents secure and out of sight when not in use
- Only hold school 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 2018
- You must take all appropriate technical and physical measures to protect the data you are holding on behalf of the school. For example: electronic data must be held on a password protected device ensuring that all electronic systems are protected. If you are accessing paper records you need to be mindful of the need for safety of paper documents by not leaving them unattended.
- You must not share school data we disclose to you with any other third parties without the consent of the Executive Headteacher unless you are permitted to by law.
- Staff should be aware that careless talk can lead to a breach of confidentiality – discuss your work only with authorised personnel, preferably in private
- Verbal reporting should be carried out in private. If this is not possible, it should be delivered in a volume such that it can only be heard by those for whom it is intended.
- When asking for confidential information in circumstances where the conversation can be overheard by others, conduct the interview in as quiet and discreet a manner as possible and preferably find

somewhere private for the discussion.

- Precautions should be taken to prevent telephone conversations being overheard
- 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 data confidential and secured at all times.
- Under no circumstances will the school 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 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 2018 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.

Signed:

Date:

School: