

Portway Data Protection and Confidentiality Policy

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Reviewed by:	Leadership team
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Policy ratified by Executive Head teacher (as per Scheme of Delegation):	October 2016



**Leading
Learning Trust**



Introduction and relevant legislation

In March 2015 the Government published guidance on information sharing for practitioners providing services to children, young people, parents and carers. The following section is taken from the introduction and summarises why it is important for all of us to know when, why and how to share information:

"Sharing information is an intrinsic part of any frontline practitioners' job when working with children and young people. The decisions about how much information to share, with whom and when, can have a profound impact on

individuals' lives. It could ensure that an individual receives the right services at the right time and prevent a need from becoming more acute and difficult to meet. At the other end of the spectrum it could be the difference between life and death. Poor or non-existent information sharing is a factor repeatedly flagged up as an issue in Serious Case Reviews carried out following the death of, or serious injury to, a child.

Fears about sharing information cannot be allowed to stand in the way of the need to safeguard and promote the welfare of children at risk of abuse or neglect. No practitioner should assume that someone else will pass on information which may be critical to keeping a child safe."

DfE Sex and Relationship Education Guidance (July 2000) states 'Schools should have a clear and explicit confidentiality policy that is advertised to pupils, staff, parents and visitors'. The trustees of the Leading Learning Trust, as well as the school's local governing body, have agreed that Portway Primary School will work within Newham's confidentiality policy at all times.

In order to do this, the Data Protection, Freedom of Information and Human Rights Acts all need to be taken into consideration. Salient details of all three are provided.

Human Rights Act 1998

Gives everyone the right to 'respect for his private and family life, his home and his correspondence', unless this is overridden by the 'public interest', e.g. for reasons of child protection, for the protection of public safety, public order, health or morals, or for the rights and freedoms of others.

Data Protection Act 1998

Applies to personal data of living, identifiable individuals, not anonymised data; it also applies to both manual and electronic records. Schools need to be clear, when collecting personal data, what purposes it will be used for and schools should have policies to clarify this to staff, pupils and parents.

An Agreement outlining the correct procedures is kept in each individual staff member's file.

The school has two confidential waste shredders that are compliant with regulations. All confidential waste must be placed here immediately and once a month it is shredded onsite by the company and a certificate of this action is given.

Freedom of Information Act 2000

Amends the Data Protection Act. 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. Schools data or record keeping policy should also cover the requirements of this Act.

Aim

To protect the child at all times and to give all staff involved clear, unambiguous guidance as to their legal and professional roles and to ensure good practice throughout the school, which is understood by pupils, parents/carers and staff.

Rationale

Portway Primary School seeks to put the child at the heart of the learning process and to provide a safe and secure learning environment. It seeks to implement the underlying principles of the 'Every Child Matters' agenda and to address issues which may arise about confidentiality. It is committed to developing creative and positive ways for the child's voice to be heard whilst recognising the responsibility to use, hold and safeguard information received. Sharing information unnecessarily is an erosion of trust.

The school is mindful that all stakeholders are in a position of trust and there is a general expectation that a professional approach will be used in all matters of confidentiality.

Objectives

- To provide consistent messages in school about handling information about children once it has been received.
- To foster an ethos of trust within the school.
- To ensure that staff, parents and pupils are aware of the school's confidentiality policy and procedures.
- To reassure pupils that their best interests will be maintained.
- To encourage children to talk to their parents and carers.
- To ensure that pupils and parents/carers know that school staff cannot offer unconditional confidentiality.
- To ensure that there is equality of provision and access for all including rigorous monitoring of cultural, gender and special educational needs.
- To ensure that if there is a child protection issue then the correct procedure is followed.

- To ensure that confidentiality is a whole school issue and that in lessons ground rules are set for the protection of all.
- To understand that health professionals are bound by different code of conduct.
- To ensure that parents have a right of access to any records the school may hold on their child but not to any other child that they do not have parental responsibility for.
- To follow and work within Newham's confidentiality policy.

The key principles of information sharing

Necessary and proportionate

When taking decisions about what information to share, you should consider how much information you need to release. 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.

Adequate

Information should be adequate for its purpose. Information should be of the right amount and 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.

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.

Secure

Information should be shared in an appropriate, secure way. Be aware of your organisation's policy on security for 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.

The most important consideration is whether sharing information is likely to safeguard and protect a child.

Common myths about information sharing

Fears about sharing information cannot be allowed to stand in the way of the need to safeguard and promote the welfare of children and young people at risk of abuse or neglect. Here are three common myths that can act as a barrier to sharing information effectively:

- **The Data Protection Act 1998 is a barrier to sharing information**

Not true – No. Never assume sharing is prohibited. The Data Protection Act 1998 does not prohibit the collection and sharing of personal information. It does, however, provide a framework to ensure that personal information about an individual is shared appropriately. The Act is intended to balance the rights of the individual whom the information is about and the need to share information about them.

- **Consent is always needed to share personal information**

You do not necessarily need the consent of the individual whom the information is about to share their personal information. Wherever possible, you should seek consent or be open and honest with the individual (and/or their family, where appropriate) from the outset as to why, what, how and with whom, their information will be shared. You should seek consent where an individual may not expect their information to be passed on and they have a genuine choice about this. Consent in relation to personal information does not need to be explicit – it can be implied where to do so would be reasonable, i.e. a referral to a provider or another service. But even without consent, or explicit consent, it is still possible to share personal information if it is necessary in order to carry

out your role, or to protect the vital interests of the individual where, for example, consent cannot be given.

- **Personal information collected by one organisation cannot be disclosed to another organisation**

No, this is not the case, unless the information is to be used for a purpose incompatible with the original purpose. In the case of a child at risk of significant harm, it is difficult to foresee circumstances where sharing personal information with other practitioners would be incompatible with the purpose for which it was originally collected.

A copy of the full DfE guidance on information sharing can be found [here](#) or on the DfE website (published in March 2015).

To assist all stakeholders, the following page contains a flow-chart to assist individuals in their decision making process, when considering whether or not to share information.

School guidelines

All information about individual children is private and should only be shared with those staff who have a need to know.

All social services, medical and personal information about a child should be held in a safe and secure place, which cannot be accessed by individuals other than school staff.

The school continues to actively promote a positive ethos and respect for the individual. The following actions support this approach:

- The school has appointed a senior lead teacher for child protection who receives regular training.
- There is clear guidance for the handling of child protection incidents and all staff have regular training on child protection issues.
- There is clear guidance for procedures if a member of staff is accused of abuse.
- Staff are aware that effective sex and relationship education which brings an understanding of what is and is not acceptable in a relationship, can lead to disclosure of a child protection issue.
- Staff are aware of the need to handle all issues about different types of families in a sensitive manner.
- Any intolerance about gender, faith, race, culture or sexuality is unacceptable and should follow the school's disciplinary policy.
- Information collected for one purpose should not be used for another.
- The school has a scanner by the front reception office and all staff digitally sign and out of the building. This enables an accurate record of staff movement to and from the building.
- In addition, there are numerical passcodes to access all internal and external doors.
- The building is protected with regards to fire alarm and intruders. The alarm goes straight through to the control centre based in Folkestone Rd.

Parents/carers and children need to be aware that the school cannot guarantee total confidentiality and the school has a duty to report child protection issues.

The school prides itself on good communication with parents and carers and staff are always available to talk to both children and parents/carers about issues that are causing concern. The school encourages children to talk to parents/carers about issues causing them concern and may in some cases support the children to talk to their parents. The designated safeguarding leads would decide whether it was in the child's best interests (safety and wellbeing) to share with parents any child protection disclosure before going on to inform the correct authorities.

Parents/carers and children should feel reassured that in exceptional circumstances confidentiality will be broken.

All children have a right to the same level of confidentiality irrespective of gender, race, religion, medical concerns and special educational needs. A lot of data is generated in schools by these categories but individual children should not be able to be identified.

The school has appointed senior members of staff as Child Protection Officers. Child protection procedures are understood by staff.

Confidentiality is a whole school issue. Clear ground rules must be set for any classroom work such as circle time and other PSCE sessions dealing with sensitive issues such as sex and relationship and drugs. Strategies are in place and all children are aware of them for dealing with sensitive information which may fall outside the boundaries of child protection procedures. School needs to be proactive so children feel supported but information is not unnecessarily revealed in a public arena. Even when sensitive information appears to be widely known it should not be assumed by those immediately involved that it is appropriate to discuss or share this information further.

Health professionals have their own code of practice dealing with confidentiality. Staff should be aware of children with medical needs and information should be accessible to staff who need that information but not on general view to other parents/carers and children.

Photographs of children should not be used without parent's/carers' permission especially in the press and on the internet. This is often a cultural issue that the school needs to be aware of. At no time should the child's name be used with a photograph so that they can be identified. Children's' photographs are used in the medical room, staffroom and child's classroom identifying their medical need. The school gives clear guidance to parents about the use of cameras and videos during public school events.

Information about children will be shared with parents and designated carers but only about their child.

Parents should not have access to any other child's books, marks and progress grades at any time especially at parents' evenings. However, parents should be aware that information about their child will be shared with the receiving school when they change school.

All personal information about children including social services records should be regarded as confidential. It should be clearly understood by those who have access to them and whether those concerned have access to all, or only some of the information. Information regarding health reports such as speech therapy, medical reports, SEN reports, SEN minutes of meetings and social services minutes of meetings and reports will be circulated in envelopes and once read should be returned for secure filing (see our Special Educational Needs Policy).

Logs of administration of medication to children should be kept secure and each child should have their own individual log (see our policy on Supporting Children with Medical Conditions).

In all other notes, briefing sheets etc. a child should not be able to be identified. Addresses and telephone numbers of parents and children will not be passed on except in exceptional circumstances or to a receiving school.

Clear desk working and maintaining of confidential information

All sensitive or confidential information will only be available to the relative members of staff, as is access to information, which is stored on the school computerised database.

A clear desk policy must be adhered to at the end of each day. If a desk/workstation is left for any length of time during the day, the computer must be locked with own confidential password.

All confidential material must be locked away overnight.

Local governors 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. Local governors must observe complete confidentiality when asked to do so by the governing body, especially in relation to matters concerning individual staff, pupils or parents. Although decisions reached at governors' meetings are normally made public through the minutes or otherwise, the discussions on which decisions are based should be regarded as confidential. The school's Model Publication Scheme acknowledges in certain instances, information discussed at governors' meetings will not be made public (our Model Publication Scheme and School Information Guide are available on the [Learning Learning Trust](#) website). Local governors are aware that they should exercise the highest degree of prudence when discussion of potentially contentious issues arises outside of local governing body meetings.

All staff sign and adhere to the ICT policy at all times; a signed copy of the agreement is kept in their personnel file.

Monitoring and evaluation

The policy will be reviewed annually as part of the school's monitoring cycle.

Related curriculum and safeguarding policies will enable school staff to deliver aspects of this policy to staff members and relevant year groups.

Policies at the level of the Leading Learning Trust also have a bearing on this policy, and as such, will be taken into account as part of any review process.

Conclusion

Portway Primary School has a duty of care and responsibility towards pupils, parents/carers and staff. It also needs to work with a range of outside agencies and share information on a professional basis. The care and safety of the individual is the key issue behind this document.