



Policy for **Confidentiality (Staff and Volunteer)**

Prepared by:	Adopted by Board of Trustees	Signed	Renewal Date (2 year cycle)
DPO June 2020		Resources Committee	21-22 Academic Year

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Statement of intent

This document guides staff, volunteers and visitors on the policy and procedures surrounding confidentiality. This policy will be abided by at all times by staff, volunteers, visitors, pupils and parents.

The Staff and Volunteer Confidentiality Policy has the following benefits, it:

- Helps to build trust amongst staff, pupils, parents, volunteers and external agencies.
- Ensures that important information regarding the trust and its schools is not shared.
- Guarantees that financial information stays confidential and secure.
- Supports each school's safeguarding measures.
- Respects the rights and freedoms of individuals.

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 This policy is compliant under the following case law:
 - The Common Law Duty of Confidentiality
- 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 trust and school policies:
 - Data Protection Policy
 - Records Management Policy
 - Child Protection and Safeguarding Policy
 - Anti-bullying Policy
 - Freedom of Information 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 employees, volunteers and individuals working in cooperation with the trust and its schools 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. Employees and volunteers alike, have the responsibility of keeping information regarding the trust and its schools, including its pupils and parents, etc., confidential. This information will under no circumstances be shared, unless it is in the best interest of the trust, the schools or pupils.
- 3.4. All employees, volunteers and external agencies will treat any information regarding the management and finance of the trust and its schools as confidential, and, therefore, this information will only be shared with necessary and appropriate external individuals.
- 3.5. Employees, volunteers, visitors, external parties and other agencies will always seek advice 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 trust may ask all staff members, volunteers, visitors and external agencies who work closely with the school to sign a Non-disclosure Agreement should circumstances require it.
- 3.7. Trust senior leaders or principals, in consultation with trust the HR Manager, are responsible for ensuring, where appropriate, 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 Aspire Educational Trust and its schools aims to strike a balance between confidentiality and trust, ensuring the safety, wellbeing and protection of our pupils.
- 4.2. Employees and volunteers alike will pass on information immediately 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, limited confidentiality is able to be maintained.
- 4.4. Staff and volunteers will consult the DSL and 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 principal and designated safeguarding lead (DSL) are to be informed of all incidents regarding child protection concerns which are highlighted by a volunteer, parent or another external party to the school.
- 4.6. Staff members are contractually obliged to immediately inform the principal and DSL of any concerns regarding a pupil's safety or welfare.
- 4.7. 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.
- 4.8. Staff members 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 principal and DSL and following KCSiE statutory guidance.

5. Sharing information

- 5.1. The trust and its schools take 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, the trust or its schools be passed on indiscriminately.
- 5.3. Under no circumstances will information regarding the trust or its schools' 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 trust withholds the right to take the appropriate civil, legal or disciplinary action.
- 5.5. The safety and protection of pupils, as well as the trust and its schools, is the paramount consideration in all confidentiality decisions.
- 5.6. All staff and volunteers will report disclosures of a concerning personal nature to the DSL as soon as possible and in an appropriate setting.
- 5.7. All external visitors will be made aware of the Staff and Volunteer Confidentiality Policy and act in accordance with it when dealing with information, particularly sensitive information, regarding the trust, its schools, staff, pupils and parents.
- 5.8. All data will be processed and held in line with the trust's Data Protection Policy. In the event of information and data being shared with external or inappropriate parties, the individual responsible may be liable for disciplinary or legal action in accordance with the Data Protection Policy.
- 5.9. The trust and its schools 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 data controller or DPO 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 or there is another legal basis for sharing.
- 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 controller and monitored by the DPO.

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 local 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 or 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 trust and its schools recognise that overriding public interest is a justifiable reason to disclose information; however, permission from the principal or trust senior manager will be sought prior to disclosing any information regarding the trust or its schools.
- 6.5. Staff should act in accordance with the trust's Whistleblowing Policy at all times.
- 6.6. Individuals who disclose information, after previously signing the trust's confidentiality agreement, may face further action, including legal action.

- 6.7. Staff in breach of this policy may face disciplinary 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, such as educational records, can be shared via a subject access request (SAR).

- These requests should be made in writing to the principal or trust DPO and will be responded to within 15 school days if the request is regarding an educational record.
- The trust recognises that a subject access request can be made verbally, but we recommend you put it in writing if possible because this gives you a record of your request.
- If the data being requested is not in relation to an educational record, the response must be within one calendar month.
- Pupils, or the parent of a pupil, have the right to access the information that the school holds about the child in question.
- 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.

- 7.2. In line with the Freedom of Information Act 2000, private data and public records can potentially be accessed through lodging an Fol request.

- These requests must be made in writing to the individual school or the trust centrally, stating the name and address of the requester as well as a description of the information requested.
- Successful Fol requests will be responded to within 20 working days from receipt of the request, unless the request does not comply with the procedure set out in the trust's Freedom of Information Policy.
- The trust and its schools hold the right to charge the requester a fee.
- Certain information will not be shared, such as that explained in Part 2 of the Freedom of Information Act 2000.

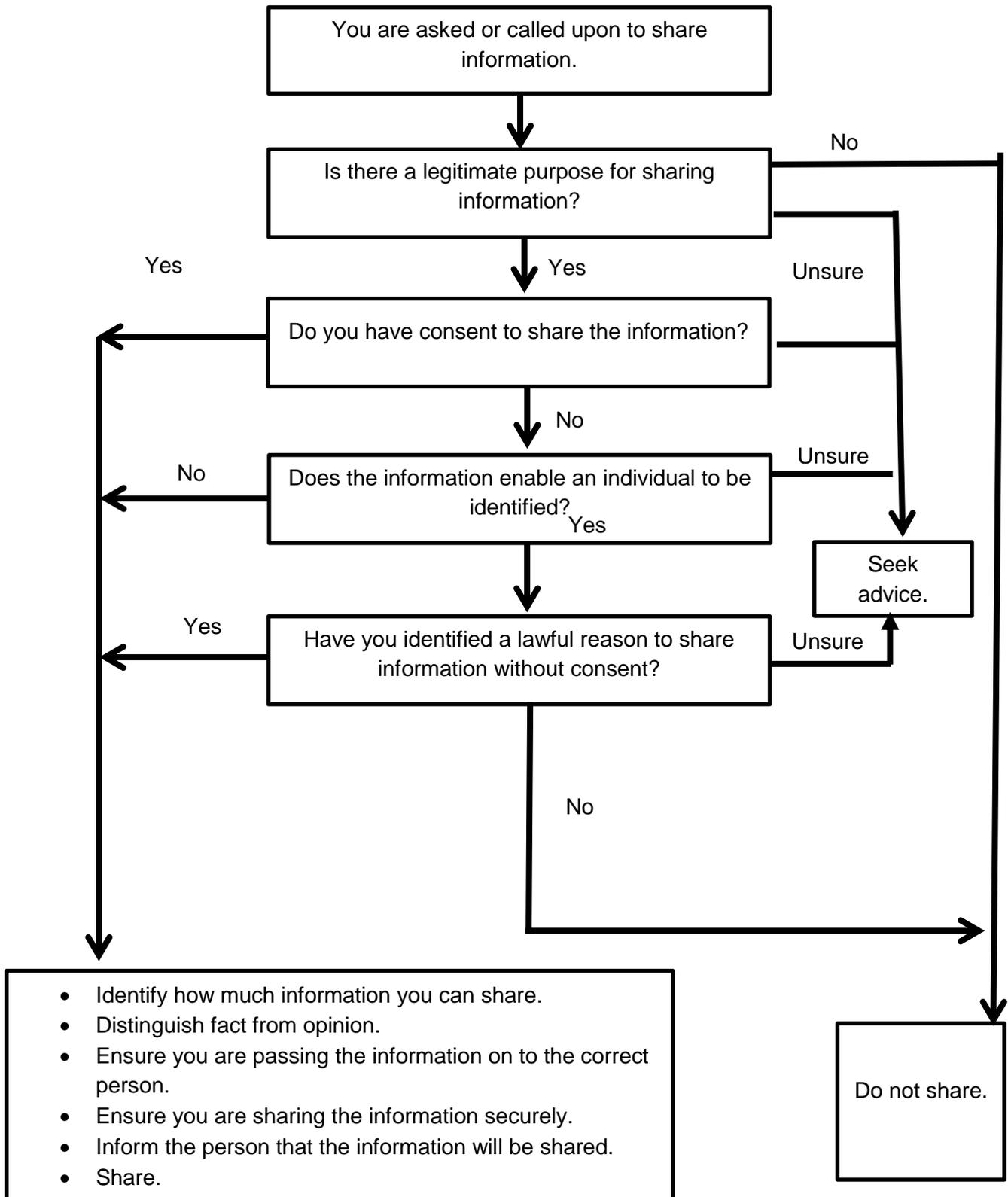
8. Monitoring and review

- 8.1. This policy is monitored for effectiveness by principals, the trust's senior leaders and DPO and is reviewed annually, or where necessary in light of changes to the law or statutory guidance – the next review date is Summer 2021.

8.2. A record of information which has been shared will be continuously kept up-to-date.

- This record will state the premise of the information, whom it was shared with and the purpose for sharing it.
- The record will be kept locally and can be accessed by all appropriate staff members.
- On an annual basis, the principal and DSL will review the record to ensure that all reasonable measures to safeguard pupils and protect the reputation of the trust and its schools are being taken.

Appendix A – Information Sharing Flowchart



- Identify how much information you can share.
- Distinguish fact from opinion.
- Ensure you are passing the information on to the correct person.
- Ensure you are sharing the information securely.
- Inform the person that the information will be shared.
- Share.

Notes

- If there are child protection concerns, follow the relevant procedures without delay.
- Always seek advice if you are unsure whether to share information.