

## **Confidentiality Policy**

### **Introduction**

The Staff and Governors at Stamshaw Infant School are conscious that a clear, explicit and well-publicised confidentiality policy ensures good practice throughout the school which staff (including those from external agencies) parents/carers and pupils can easily understand. The policy should confirm that all members of the school community are clear about the levels of confidentiality that they can offer to other members of the community and expect themselves.

### **Definition**

Confidentiality can be defined as:

When one person receives personal or sensitive information from another and they do not pass this information on to anyone else without the consent of the person they have received it from.

### **Policy Justification**

We recognise at Stamshaw Infant School that there are occasions when pupils are worried about something and feel that they cannot talk about it to their parents/carers. This can result in enormous stress for the individual which impacts on their education and health. Some pupils may feel that they can turn to teachers and other staff members for support and the school wants to continue to offer a safe and secure environment, whilst following the correct procedures.

Confidentiality may arise as an issue in Stamshaw Infant School if a member of staff receives personal information from a pupil concerning themselves, adults or other young people.

### **Who this policy applies to**

- All teaching and non-teaching members of staff working in the school;
- Governors;
- Visiting staff from external agencies;
- Parents and other volunteers working in school.

## The Policy

Stamshaw Infant believe that confidentiality and privacy is an absolute right of everyone.

- The privacy of stakeholders will be respected at all times by all staff and all information received about or from stakeholders will be regarded as confidential.
- Staff will always seek to ask permission before any information about stakeholders is shared or given to anyone else.
- Staff will not provide information to a third party without the consent of the individual concerned, unless legally we are required to do so.
- If being asked for information over the telephone staff should obtain the caller's details and ring them back before handing over any information – staff should always check the identity of callers.
- Staff should only disclose information:
  - with the permission of the individual
  - in compliance with any statutory or legal obligations
  - for the legitimate interests of a third party who has a legal right to such information where a court has ordered such a disclosure.
- Staff will be expected to comply fully with the requirements of the Data Protection Act 1998; only relevant personal information about stakeholders will be kept, and this will only be kept for as long as is necessary.
- All files or written information of a confidential nature will be stored in a secure manner – paper files will be kept in a locked areas and electronic information will be stored on password protected secure networks.
- Confidential information will only be accessed by staff who have a need and a right to access it – staff should never share passwords.
- Staff should never:
  - discuss personal business in public areas where conversations might be overheard
  - discuss stakeholders' personal business on the phone where their call might be overheard
  - gossip about stakeholders
  - discuss stakeholders with other staff, volunteers or other professionals who are not directly involved with them
  - send unsecured emails, faxes or documents containing personal information pertaining to stakeholders –any personal information must be sent via secure email, mail or fax and should be marked '**confidential**'
  - save confidential information on an unsecured or unencrypted laptop or data storage device
  - save confidential information into unsecured parts of the IT network
  - dispose of documents containing personal information in standard waste streams – any confidential documents that are to be disposed of should be shredded
- In exceptional circumstances a member of staff may be required to breach confidentiality in order to safeguard a service user, or another person, or protect

their best interests – all such cases should be immediately reported to a manager and will be thoroughly investigated.

- Breaches of confidentiality will be regarded as serious matters – disregard of this policy may be regarded as a disciplinary offence and investigated according to the Trust disciplinary policy.
- New stakeholders and prospective stakeholders will be shown a copy of this policy at their induction.

### **Management duties**

Managers have a duty to:

- ensure that appropriate confidentiality policies, procedures and protocols are in place, are effectively implemented, are clearly understood by all members of staff, including temporary and supply staff, and are regularly reviewed and revised in light of the most recent best practice guidelines and reported incidents
- ensure that the school has clear procedures about what to do when staff think there is a confidentiality breach, what to do during and after an incident, and what follow-up there should be
- monitor complaints and comments relating to confidentiality, consent and data protection issues; that an effective incident reporting process is in place and that any data protection incidents or near misses or breaches of confidentiality are accurately reported and investigated
- ensure that adequate and suitable training programs are carried out which includes induction training on data protection and confidentiality for new staff
- regularly audit the use of this policy and the effectiveness of procedures to maintain confidentiality.

### **Staff duties**

Staff have a duty to:

- always respect the privacy of stakeholders and their rights to have their confidentiality protected
- always act in full compliance with the Data Protection Act 1998 as the new regulations from 25th May 2018 and with associated guidelines and best practice
- understand the importance of obtaining consent before they divulge any confidential information and acquaint themselves with the procedures for obtaining consent
- comply fully with policies on confidentiality and data protection
- attend appropriate training.

### **Staff confidentiality**

**All staff can normally expect that their personal situations and health will remain confidential unless;**

- It impinges on their terms of contract;
- endangers pupils or other members of staff;
- there is a legal obligation to disclose such information;
- it is necessary for legal proceedings;

- despite the duty of confidence, the staff member's interest or the wider public interest justifies disclosure.

### **Pupil Confidentiality**

When a pupil makes a disclosure:

- Maintain professional boundaries.
- Deal with the situation sensitively and support the pupil.
- Encourage the pupils to talk to their parents/carers, where it is safe to do so, about the issue that is troubling them and support them in doing this where appropriate.
- Explain to the pupil that unconditional confidentiality cannot be offered every time. There may be need to inform the appropriate people who can help the pupil but only those who need to know in order to help will be told.
- Explain to the pupil that they will be told if there is a break in confidentiality and their best interests will be maintained at all times.
- If there is a child protection/safeguarding issue where the pupil or others are likely to be at risk of significant harm, there is a duty to inform the schools Designated Safety Lead, who may have to involve other agencies.

### **Support and Training**

- All new staff will be required to read and understand the policies on data protection and confidentiality as part of their induction process
- Existing staff will be offered ongoing update training on confidentiality, data protection, information governance and access to records
- All staff who record, store or use personal data will be thoroughly trained in the use of manual and computerised records systems.

### **Governors training through:**

- New Governor Induction Pack provided by the Trust,
- Portsmouth City Council Governor Services Training,

### **Communication to all parents through:**

- the School Learning Platform and,
- the Prospectus.

## **Linked Policies**

This policy needs to be read in conjunction with the policies on

- Data Protection Policy
- Promoting Positive Behaviour Policy;
- Safeguarding Policy;
- PCC Equal Opportunities Policy;
- Equality, Diversity and Community Cohesion Policy
- Health and Safety Policy;
- PCC Racial Awareness Policy;
- Inclusion Policy;

## **Monitoring and Evaluation**

- It is the responsibility of the Governing Body to monitor the effectiveness of the Confidentiality Policy. The policy will be monitored and then evaluated and reviewed.

<b>Reviewed: June 2022</b>	<b>Next review: June 2023</b>
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