

**CONFIDENTIALITY AND INFORMATION SHARING POLICY WITH SPECIFIC REFERENCE TO  
SAFEGUARDING, MEDICAL AND BOARDING**

**This Policy, which applies to the whole school is publicly available on the School website and on request a copy may be obtained from the School Office.**

All who work, volunteer or supply services to our school have an equal responsibility to understand and implement this policy and its procedures, both within and outside of normal school hours, including activities away from school. This policy should be read and understood in conjunction with our Safeguarding and Child Protection Policy; Behaviour Management Policy; Whistleblowing Policy; and the Staff Code of Conduct.

**Legal Status:**

- Complies with the Data Protection Act 1998
- The General Data Protection Regulations (2018)
- HM Government – Information Sharing advice for practitioners (2015)
- Keeping Children Safe in Education (DfE: 2018)
- Working together to Safeguard Children (HM Govt: 2015, updated 16<sup>th</sup> February 2017)

**Applies to all:**

- activities undertaken by the school inclusive of those outside of the normal school hours and away from the school site
- who work, volunteer or supply services to our school - that is all staff (teaching and support staff), students on placement, the Proprietor and volunteers working in the school.

**Monitoring and Review:**

- This policy will be subject to continuous monitoring, refinement and audit by the Principal.
- The Principal will undertake a formal review of this policy for the purpose of monitoring and of the efficiency with which the related duties have been discharged, or earlier if significant changes to the systems and arrangements take place, or if legislation, regulatory requirements or best practice guidelines so require.

Date Reviewed: March 2019

Next Review: March 2020

Signed:



Ms Amanda Woods (Principal).

To meet the needs of all the children in our care it is important to share information with parents and with one another in order to support the child's development. Effective sharing of information between professionals and local agencies is essential for effective identification, assessment and service provision (including early help) and we recognise that no single professional can have a full picture of a child's needs and circumstances. If children and families are to receive the right help at the right time, everyone who comes into contact with them has a role to play in identifying concerns, sharing information and taking prompt action. Fears about sharing information will not be allowed to stand in the way of the need to promote the welfare and protect the safety of children.

Information may be shared without parental consent with the relevant child protection agencies should concerns arise about a child's safety or well-being - see our Safeguarding policy. We make it clear that all staff should not assume that someone else will pass on information which they think may be critical to keeping a child safe. Any information and knowledge concerning children, parents, staff or the school will be on a need to know basis and will be kept confidential. Staff, volunteers and students on placement will not discuss individual children other than purposes of curriculum planning/group management, with people other than parents/carers of that child. Information given by parents/carers to the staff will not be passed on to other adults without permission. All members of staff will agree to respect the school's confidentiality policy as detailed in the contract of employment. Students attending the setting will be advised of our confidentiality policy.

**Aims and Objectives:** This policy provides guidance and information on our confidentiality procedures in the school for staff, students, parents/carers and the Advisory Governance Board alongside how we share information.

**Rationale – we believe that:**

- The safety, well-being and protection of our students are the paramount consideration in all decisions members of staff make about confidentiality. The appropriate sharing of information between school staff members is an essential element in ensuring our students' wellbeing and safety.
- It is an essential part of the ethos of our school that trust is established to enable students, staff and parents/carers to seek help, both within and outside the school and minimise the number of situations when personal information is shared to ensure students and staff are supported and safe.
- Students, parents/carers and members of staff need to know the boundaries of confidentiality that can be offered by individuals in order to feel safe and comfortable in discussing personal issues and concerns, including sex and relationships.
- The school's attitude to confidentiality is clearly stated in this policy.
- All staff should be able to trust the boundaries of confidentiality operating within the school, as defined in this policy.
- Everyone in the school community needs to know that no one can offer absolute confidentiality to a student if there are child protection concerns. Issues concerning personal information including sex and relationships and other personal matters can arise at any time.

**Confidentiality Definition:** The dictionary definition of 'confidentiality' is: "something which is spoken or given in confidence; private, entrusted with another's secret affairs". In practice, there are few situations where absolute confidentiality is offered in our school. We have tried to strike a balance between ensuring the safety, wellbeing and protection of our students and staff, ensuring there is an ethos of trust where students and staff can ask for help when they need it and ensuring that when it is essential to share personal information, child protection procedures and good practice are followed. This means that in most cases what is on offer is limited confidentiality. Disclosure of the content of a conversation could be discussed with professional colleagues but the confider would not be identified except in certain circumstances.

**The general rule is that staff should make clear that there are limits to confidentiality, at the beginning of the conversation. These limits relate to ensuring children's safety and well-being. The student will be informed when a confidence has to be broken for this reason and will be encouraged to do this for themselves whenever this is possible.**

Our work with children and their families will bring us into contact with confidential information which will only be used to enhance the welfare of the children. Parents have a right to know and be informed about the circumstances, and reasons, when we are obliged to share information and we will be open and honest and explain to families how, when and why the information will be shared about them and with whom. It is a requirement for the school to hold information about the children, families and the staff working at the school. There are record keeping systems in place that meet legal requirements and means of storing and sharing information in line with the General Data Protection Regulations (GDPR). It is our intention to respect the privacy of children and their families. To ensure that all those using Ashwicke Hall School can do so with confidence, we will respect confidentiality in the following ways:

- Confidential records are stored in a locked filing cabinet.

*Ashwicke Hall School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.*

- Written permission is obtained to hold personal details on children and staff.
- Written consent is sought from parents before information is shared with external agencies unless a child is considered at risk when our safeguarding policy will be followed.
- Human rights concerns, such as respecting the right to a private and family life would not prevent sharing where there are real safeguarding concerns.
- Parents have access to files and records of their own children but not to those of any other child, except where a safeguarding concern prevents this.
- All staff are aware that personal information given by parents is confidential and only for use within the school. Information will be communicated to colleagues within the school on a need to know basis.
- If parents share information about themselves with other parents as well as staff we cannot be held responsible if information is shared by those parents whom the person has 'confided' in.
- Staff, student and volunteer inductions include an awareness of the importance of confidentiality.
- Decisions about staff employment remain confidential to those directly involved in the process.
- If staff breach this policy this may result in disciplinary action including dismissal.

**Sharing of Medical Information:** Ashwicke Hall School implements this policy with reference to South Gloucestershire Safeguarding Children Board. Sensitive information, including medical information will be shared in accordance with this policy. Internally, medical information will be shared through a system of formal reporting and in accordance with named members of school staff. The aim will be to maintain information confidentially on a need to know basis, without restricting information in such a way as to reduce the ability to respond to children's needs in appropriate ways.

#### **Different levels of confidentiality are appropriate for different circumstances**

##### **Level 1 Non-sensitive:**

Information that is shared openly amongst staff to raise awareness and educate the community about current issues. No names will be mentioned at this level e.g., weekly behaviour/safeguarding reports.

##### **Level 2 Confidential:**

May be shared on a restricted and secure basis, via CPOMS and/or in person. Information cannot be shared beyond this group. Unauthorised disclosure would cause a breach of Staff Code of Conduct and/or distress to the individuals involved.

##### **Level 3 Highly Confidential:**

Exceptionally confidential information that would cause significant distress to the student if shared in an unauthorised manner. A very limited number of individuals will have access. Information cannot be shared beyond this group. Unauthorised disclosure would cause a breach of Staff Code of Conduct.

**Personal Disclosures:** Students will be made aware that some information cannot be held confidentially and made to understand that if certain disclosures are made, certain actions will ensue. At the same time, students will be offered sensitive and appropriate support. Procedures outlined in the school's Safeguarding/Child Protection Policy will be adhered to by all adults upon the occasion of disclosure by a child or suspicion of possible abuse.

**Confidentiality in the classroom:** All teaching will be done in a way that reaffirms respect for everyone in the school and associated with it. The following strategies for maintaining confidentiality in a class situation will be used in this school:

**Setting ground rules:** Teaching staff will work with students to develop 'ground rules' for lessons and discussions and show why these need to be agreed and respected by everybody. For example:

- no-one – teachers or students – will have to answer a personal question or disclose any personal details.
- everyone has the right to 'pass' on a question if they want to
- no-one will be forced to take part in a discussion
- everyone has the right to be listened to and have their views respected
- no teasing or bullying of any kind
- if you don't want anyone to know something, talk about it as though it was someone else.

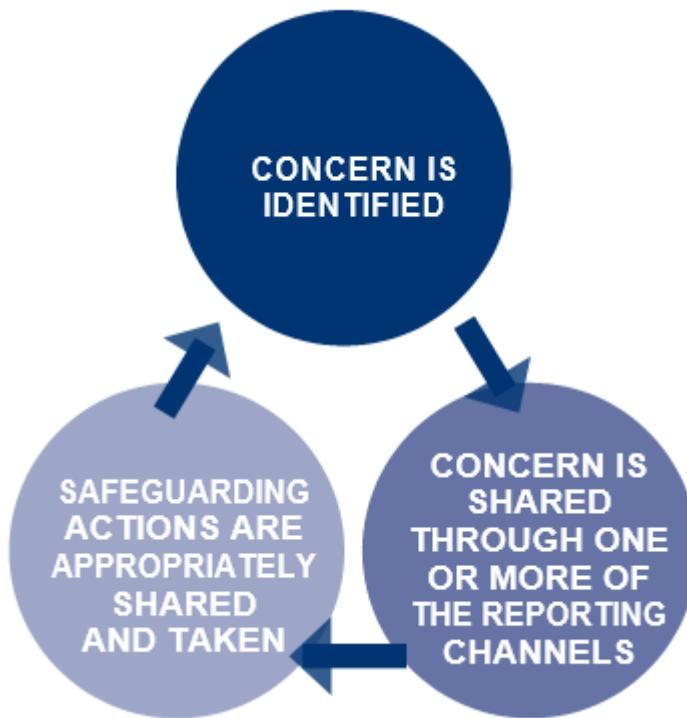
**Depersonalising:** Teaching staff will protect students' privacy in the class by always depersonalising discussions. Students can then explore the issues being raised without having their personal lives or those of their families implicated or invaded and 'used' inappropriately by other students. For example:

- use the third person to allow students to keep a distance ('If you were Jamie/Sara what would you do?' rather than 'What would you do?')
- collect answers anonymously on pieces of paper so that students can express their feelings without risking exposure
- collect group ideas without identifying individuals

Classroom teachers must remain aware of their terms of contract and that they cannot promise children absolute confidentiality.

**Maintaining confidentiality in a classroom:** Other professionals may need some support in working with groups in a way that protects confidentiality. In a one-to-one setting, it is good practice for other professionals to talk to a child personally, to make sure that their concerns are identified, and that they understand the advice they are given. In a classroom setting it is not appropriate to talk directly to individuals about their personal experiences.

**One to one disclosures to members of school staff (including voluntary staff):** It is essential all members of staff know the limits of the confidentiality they can offer to both students and parents/carers (see note below) and any required actions and sources of further support or help available both for the student or parent/carer and for the staff member within the school and from other agencies, where appropriate. All staff at this school encourage students to discuss difficult issues with their parents or carers, and vice versa. However, the needs of the student are paramount and school staff will not automatically share information about the student with his/her parents/carers unless it is considered to be in the child's best interests. Where a concern is identified relating to areas of concern outlined in Working together to Safeguard Children (2017) the concern will be shared in line with our Child protection procedures. The concern will be considered by our Designated Safeguarding Lead and South Gloucestershire Safeguard Children's Board and actions will be taken and shared appropriately. If it is thought that a crime has been committed and/or a child is at immediate risk, the police should be notified without delay. The staff member raising the concern will be kept informed of the next steps taken. Please refer to the school Safeguarding and Child Protection Policy for full details.



(Note: When concerns for a child or young person come to the attention of staff, for example through observation of behaviour or injuries or disclosure, however insignificant this might appear to be, the member of staff should discuss this with the Designated Safeguarding Lead as soon as is practically possible. More serious concerns must be reported immediately to ensure that any intervention necessary to protect the child is accessed as early as possible. Also please refer to the school Safeguarding and Child Protection Policy.)

**The Whole School:** *Personal records* - These include registration and consent forms, an on-going record of any relevant contact with parents, correspondence concerning the child or family from other agencies, observations by staff on any confidential matter such as developmental or safeguarding concerns. These are stored in a lockable cabinet inside the school office, which is locked at night. Parents have access to the files and records of their own children but do not have access to information about any other child. We also keep records relating to the child's educational progress.

*Ashwicke Hall School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.*

**Records:** Parents will have access to the files and records for their own children but will not have access to information about any other child. Records are kept for the purpose of maintaining our business. These include health and safety records, development plans, financial records, contractual documentation, and employment records of staff, students and volunteers.

**Access to records:** Parents may request access to any confidential records held on their child and family following the procedure below:

- Request to see the child's personal file by a parent must be made to the Principal.
- If third parties request information about a child, permission will be sought from the child's parents before any information is given.

### **Key Principles to Information Sharing**

The principles set out below are intended to help practitioners working with children, young people, parents and carers share information between organisations. Staff should use their judgement when making decisions on what information to share and should consult a Designated Safeguarding Lead (DSL). **The most important consideration is whether sharing information is likely to safeguard and protect a child.**

**Necessary and proportionate:** When taking decisions about what information to share, you should consider how much information you need to release. The General Data Protection Regulations 2018 requires staff to consider the impact of disclosing information on the information subject and any third parties. 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. This allows others to do their job effectively and make sound decisions.

**Adequate:** Information should be adequate for its purpose. Information should be of the right 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. If the information is historical then this should be explained.

**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. Practitioners should ensure that sufficient information is shared, as well as consider the urgency with which to share it.

**Secure:** Wherever possible, information should be shared in an appropriate, secure way. Practitioners must always follow their 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 and discuss them with the requester. In line with each organisation's own retention policy, the information should not be kept any longer than is necessary. In some circumstances this may be indefinitely, but if this is the case there should be a review process.

**Information sharing procedures:** Any anxieties/evidence relating to a child's personal safety will be kept in a confidential file and will be shared with appropriate staff. It will only be shared with others when it is felt necessary (safeguarding the child). Only those staff that 'need to know' will be informed. The staff concerned share the responsibility of keeping this information confidential.

The DfE Information Sharing Guidance provides a framework to ensure that personal information is shared appropriately. The circumstances in which information can be shared are explained to parents at registration and parents sign a consent form. We are obliged to share confidential information without authorisation from the

*Ashwicke Hall School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.*

person who provided it or whom it relates to if it is in the public interest. This is to prevent a crime from being committed or intervene where one may have happened or to prevent harm to a child or adult, or not sharing it could be worse than the outcome of having shared it.

The decision is made by the Principal, who is the designated safeguarding lead for the whole school, in consultation with the safeguarding officers. The criteria are as follows:

- where there is evidence that the child is suffering, or is at risk of suffering significant harm;
- where there is reasonable cause to believe that a child may be suffering, or at risk of suffering significant harm;
- to prevent significant harm arising to children and young people or serious harm to adults, including the prevention, detection and prosecution of serious crime;

**Working in partnership with other agencies:** We work in partnership with local and national agencies to promote the well-being of children.

- When working in partnership with staff from other agencies, we make those individuals welcome in the setting and their professional roles are respected.
- We follow protocols for working with agencies, for example with regard to safeguarding
- Information shared by other agencies with us is regarded as third party information. This is also kept in confidence and not shared without consent from that agency.
- Staff from other agencies do not have unsupervised access to the child they are visiting in the school and do not have any access to any other children during their visit.
- We may consult with local and national agencies for advice and information to help us develop understanding of issues and signpost us for support.

**Risk of self-harm:** If it appears that a student is at risk of self-harm, concerns should be reported to a Designated Safeguarding Lead (DSL). It is often sensible to discuss these concerns directly with the student. The welfare support staff should be consulted. Even when the welfare support is unable to comment about a particular case for reasons of confidentiality, it can be useful to discuss general issues. Since self-harming activity can vary in its level of immediate danger, discussion with a professional is important to assess what action is needed. Where there are clear indications that the student is in imminent and serious danger a DSL should be consulted as quickly as possible and if necessary their doctor or emergency services contacted.

**Professional Codes of Conduct:** Whereas teachers are bound by their terms of contract and cannot promise students absolute confidentiality, other professionals – when working with individual students – are bound by their professional codes of conduct which tend to give students the right to confidentiality and it would be unreasonable to expect a professional to act outside his/her professional code within a school setting. Confidentiality, in these situations, should only be breached in exceptional cases and not without first informing the child. In a classroom situation, including small group work, the school's policies and procedures apply to teachers and other professionals alike.

**When and how to share information:** When asked to share information, you should consider the following questions to help you decide if and when to share. If the decision is taken to share, you should consider how best to effectively share the information. (See flowchart below)

### **When**

- Is there a clear and legitimate purpose for sharing information?
- Does the information enable an individual to be identified?
- Is the information confidential?
- Do you have consent to share the information?
- Is there another reason to share information such as to fulfil a public function or to protect the vital interests of the information subject?

### **How to share Information:**

- Identify how much information to share

- Distinguish fact from opinion
- Ensure that you are giving the right information to the right individual
- Ensure where possible that you are sharing the information securely
- Inform the individual that the information has been shared if they were not aware of this, as long as this would not create or increase risk of harm

**When sharing information without consent:** Ashwicke Hall School staff must always consider the safety and welfare of a child/young person when making decisions on whether to share information about them. Where there is concern that the child/young person may be suffering, or is at risk of suffering, significant harm, the child/young person's safety and welfare must be the overriding consideration. Staff should, where possible, respect the wishes of children, young people or families who do not consent to share confidential information. However, information may still be shared if, in their judgement on the facts of the case, there is sufficient need to override that lack of consent. As children and young people mature they are able to take more responsibility for their own decisions about confidentiality. The exception to this is where a learning disability impairs an individual's capacity to consent. If a young person is Gillick competent, or Fraser competent in the case of access to contraception and other health care, their decision overrides their parents/carers.

**Recording information:** Practitioners must explain to the child/young person and, if appropriate, any adult with parental responsibility:

- the purpose for which the information is being recorded
- where and for how long the record will be kept
- the circumstances in which it may be shared with other people
- any other people and agencies who may have or may be given access to the information.

**Dissemination and implementation:** This policy has been distributed to all teaching and non-teaching staff, including volunteers, at the school as part of whole-school training. All new staff, including volunteers, receive a copy of the policy, together with basic training on the school's Safeguarding and Child Protection Policy and procedures from the DSL.

#### **CONFIDENTIALITY CHARTER**

We want to be a school where students can disclose confidential information in a safe and secure environment. We want all students to know and understand what 'confidentiality' means in the school and how that will affect students who do have concerns either about themselves or other students.

***We believe students have a right to know that the school is a safe and secure environment where they can discuss their concerns and are informed who this information may need to be shared with.***

Ashwicke Hall School wants to promote a safe and secure environment where students can talk about their personal concerns, or concerns they have about their friends, in the knowledge that these will not be shared with all staff, but may have to be shared with key staff members. This is to ensure that students are supported and feel safe whilst at Ashwicke Hall School.

- Ensure students are aware that the school may have to share any information where a young person is at risk of harm.
- Ensure students are aware of what will happen to the information they have shared.
- Encourage students to discuss their concerns with their parents- as long as this does not place the students at risk of Harm.
- Ensure all students have access to agencies outside of the school – giving the students the opportunity to gain support without the school having knowledge.
- Ensure that all data held on students is in line with Acts of Law such as the Data Protection Act and Children Act.
- Ensure students know who the Designated Safeguarding Lead is at the school.
- Ensure all Advising/PSHEE lessons have ground rules for confidentiality.

**Students who have disclosed a confidential issue will be supported by:**

- being offered someone to talk with and/or access to an outside counsellor;
- being reassured and helped to regain their self-confidence.

*Ashwicke Hall School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.*

**As students, we will help by:**

- Knowing who the Designated Safeguarding Lead is.
- Supporting other students and if necessary report any concerns about students' welfare directly to staff.
- Not passing on unfair or unhelpful gossip.
- Encouraging others to get help and support if they are having difficulties or struggling while at school.
- Taking a friend to peer listeners or staff to talk about it if they need help to do this.

## Flowchart of key questions for information sharing

