**School’s Information Sharing and Confidentiality Policy**

**Aims of this Policy**

To provide clear guidance to all members of the school community about information sharing and confidentiality

To ensure all adults working in school deal confidently with sensitive issues

To encourage children to talk to a trusted adult if they are having problems

To provide reassurance to parents/carers that the school protocols comply with legal requirements

To provide guidance on making information requests

**Government Guidance and Legislation**

The school refers to the following guidance and legislation in adopting its information sharing principles:

European convention on Human Rights

Human Rights Act 1988

Common Law Duty of Confidentiality

Data Protection Act 1988

Freedom of Information Act 2000

Children Act 2004

Children and Families Act 2014

Working together to Safeguard Children 2015

Keeping Children Safe in Education 2015

Information Sharing Guidance 2015

Disclosure and Barring Service Guidance

**Rights of Our Young People and their Families**

The Human Rights Act 1998 gives everyone the right to have ‘respect for his private and family life, his home and his correspondence,’ unless this is overridden: by the pupil interest, for reasons of child protection, for the protection of public safety, pupil order, health or morals or for the rights and freedoms of others. <http://www.legislation.gov.uk/ukpga/1998/42/contents>

The Data Protection Act 1988 controls how personal data is processed, used and shared by organisations. The school adheres to the data protection principles in order to ensure that all personal information is used fairly and legally. Privacy notices pertaining to pupil data and staff data can be found in appendices 1 and 2. <https://ico.org.uk/for-organisations/guide-to-data-protection/data-protection-principles/>

Individuals have the right to request information held about themselves under the Data Protection Act and this is called making a ‘Subject Access Request’. In the case of children this should be made by the person with parental responsibility. Requests should be in writing to the headteacher and will be responded to within 40 days.

The Freedom of Information Act 2000 gives everyone the right to request any records of a public body, including schools, in order to facilitate transparency in the public sector. The school is proactive in providing a wide range of school information and data on the school website. Any Freedom of Information Requests should be made in writing to the headteacher. The school will evaluate whether the request is feasible in line with the ICO guidance and will respond within the appropriate timescales. <https://ico.org.uk/for-organisations/guide-to-freedom-of-information/what-is-the-foi-act/>

**Protocols for Staff**

All Adults Working in Our School must:

• Implement the school Safeguarding policy

• Keep anything seen or heard within school confidential to the school where appropriate

• Never give out a child’s personal details over the telephone until the validity of the request has been ascertained.

 Never publicise images of pupils on the school website, in the local press or via newsletters if parents have expressly wished that they do not want their child’s image to be in the public domain.

• Avoid unconditional confidentiality, see safeguarding policy

• No adult should discuss an individual child’s behaviour in the presence of another child

• No adult should enter into detailed discussion about a child’s behaviour or academic progress with other children or their parents

* Staff should ensure that telephone and face to face discussions regarding a child are made in an appropriate area and not overheard
* Pupil paper records, reports and documents are kept safe at all times and are locked away when not being used. They must not be removed from site without explicit confirmation by the headteacher
* Staff computers and laptops must be password locked when not in use to prevent unauthorised access
* Documents containing pupil personal information must not be stored on the hard-drive of any staff laptop
* Electronic reports or records containing personal information of individuals can be shared with the appropriate person by email if the recipient is on the schools internal email system. These types of documents cannot be shared with any other email recipients unless a secure transfer system such as EGRESS is used. This should be facilitated through the school administration team
* Information regarding health report such as speech therapy, medical reports, Social Care and Health Services will be circulated in envelopes and once read should be returned for secure filing.

**Information for Parents**

Information about children will be shared with parents/ carers but only about their child. This is done on a regular basis through termly learning conversations and annual reviews.

Parents/ Carers will not have access to any other child’s books, marks and progress grades at any time.

Parents/ carers should be aware that information about their child will be shared with the receiving school, if and when they change school.

All personal information about children including social services records are regarded as confidential. The Headteacher or Senior Designated Person for Child Protection will decide who will have access, and whether those concerned have access to all, or only selected information. See School safeguarding policy.

**Information sharing with other professionals**

The school follows the guidance given by the government in its Information Sharing advice, 2015. <https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419628/Information_sharing_advice_safeguarding_practitioners.pdf>

There are occasions in school where members of staff will need to consider whether information provided by a child or their family needs to be shared with other professionals. The school will always endeavour to gain consent when sharing information, though this may not always be possible. The school applies the seven golden rules and principles of information sharing; both extracted from the government guidance below:

**Seven golden rules for information sharing**

**1. Remember that the Data Protection Act is not a barrier to sharing information** but provides

a framework to ensure that personal information about living persons is shared appropriately.

**2. Be open and honest** with the person (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.

**3. Seek advice** if you are in any doubt, without disclosing the identity of the person where possible.

**4. Share with consent where appropriate** and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, that lack of consent can be overridden in the public interest. You will need to base your judgement on the facts of the case.

**5. Consider safety and well-being:** Base your information sharing decisions on considerations of the safety and well-being of the person and others who may be affected by their actions.

**6. Necessary, proportionate, relevant, accurate, timely and secure:** Ensure that the information you

share is necessary for the purpose for which you are sharing it, is shared only with those people who

need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely.

**7. Keep a record** of your decision and the reasons for it – whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.

**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. The Data Protection Act 1998 requires you 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

The school safeguarding procedures are underpinned by the above Rules and Principles. See the School safeguarding policy for how these are implemented into our daily safeguarding practices.

**Type of information that will be shared –**

* Information relating to safeguarding/welfare/child protection concerns which meet the threshold for referral to external agencies will be shared in all cases (Children’s social care Services or Police)
* Information arising from DBS disclosures. The threshold that will apply is that the school believes that an individual is unsuitable to work with children
* Information indicating safeguarding/child protection concerns, but which is not acted on by statutory agencies e.g. where prosecution is not possible or has been unsuccessful; where a referral has been bounced back by Police or CSCS, but the school remains concerned
* Information relating to poor practice cases, such as breach of conduct or ethics, which involves a perceived risk to children, but that does not reach the threshold for referring to external agencies
* The school has suspected or excluded an individual, or has put in place special arrangement or monitoring to ensure children’s welfare as a result of its disciplinary process

**Process for Information sharing and receiving information:**

* The school will decide which information needs to be shared, based on the level of concern and a ‘need to know’ basis
* The school will identify who is the appropriate person within the organisation to whom a referral should be made (determined by the individual’s roles and responsibilities in relation to child protection/safeguarding concerns
* Where concerns are about possible or actual abuse of a child by someone within the school, the School will refer this to the statutory agencies
* Where it is known that the person against whom the allegation is made works with children elsewhere, the school will seek advice of the statutory agencies regarding whether information should be shared, and if so by whom
* If the school has deemed someone unsuitable to work with children as an outcome of its disciplinary process it will refer that person’s name to the Protection of Children Act list. Information about the outcomes of a disciplinary process will only be shared on a ‘need to know’ basis and with external agencies
* The school has in place policies and procedures that ensure the appropriate recruitment and selection processes are applied that reflect the need to protect children
* The school uses an umbrella organisation to access DBS information
* It is unlawful to share the contents of a DBS disclosure with other organisations
* When information need to be shared quickly in order to enable statutory agencies to act, information may initially be shared verbally but will be followed up in writing
* The reason to share, or not to share, information will also be recorded by the school

**Recording, storage and Disposal of Information**

* Information about different individuals will be recorded separately
* Written information, in whatever form, will be stored securely in accordance with data protection legislation
* All reasonable steps will be taken to ensure safe receipt of information
* Consent to share information will be sought from the individual (or parent) unless this:

Puts children at risk

Refusal is unreasonable or not in the public interest

Consent cannot be obtained

The organisation is advised not to do so by a statutory agency

* Information is safely stored and only available to authorised individuals
* Additional copies of information for a specific purpose, such as a disciplinary hearing, will be shredded after use

Date reviewed: Sept 2020

Date to be reviewed: Sept 2021