

WARK CofE FIRST SCHOOL

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Policy Documentation

**Confidentiality and Information Sharing Policy**

\_\_\_\_\_ Chair of Governors

\_\_\_\_\_ Date

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| <b>Staff Consultation</b>                 |  |
| <b>Governor Consultation</b>              |  |
| <b>Arrangements for monitoring</b>        |  |
| <b>Review date</b>                        |  |
| <b>Signature of nominated Governor.</b>   |  |
| <b>Other relevant policies</b>            |  |
| <b>Points to consider at next review.</b> |  |

Wark C of E First School exists to serve its community and to provide a respectful caring environment, incorporating Christian values, where all children are helped to develop and learn to the best of their abilities.

This policy should be read in conjunction with the school's:

- Publication Scheme on information available under the Freedom of Information Act.
- Fair processing Notice,
- Child Protection Policy
- Special Educational Needs Policy
- Sex and Relationships Policy
- Assessment Policy
- Target setting policy
- Work Experience and Volunteer Helper guidelines
- Governor Code of Conduct and Governing Body Monitoring and Evaluation Policy

It should also be read in conjunction with the following guidelines which have been adopted by the school:

- Northumberland Guidelines for Safeguarding Children
- Northumberland Information Sharing Protocol .
- Northumberland LA Whistleblowing policy

This policy is written with reference to the following Acts:

- The Human Rights Act 1998
- Data Protection 1998
- Freedom of Information 2000
- Anti Bullying Policy

This policy aims to ensure :

- The safety, well being and protection of pupils and all members of the school community
- An ethos of trust within the school
- That when information is shared, good practice is followed.

This policy applies to all members of the school community: - pupils, staff, parents and carers, governors, volunteer helpers, students, visitors.

It aims to give guidelines which will ensure all members of the school community feel safe and secure and can make informed decisions, knowing the boundaries of confidentiality.

This policy starts from the premise that information pertaining to an individual should be confidential. However, in order to ensure safety, well-being and learning it may be necessary to share this information. Decisions about sharing information and processes used should follow clear protocols.

## **Responsibilities**

### **School staff** (Teachers, Teaching Assistants and Administrative staff)

Information about:

- the attainment and progress of individual children
- the health and welfare of pupils
- personal matters disclosed by pupils

is shared on a need to know basis.

Guidance is given in the school's Assessment and Target setting policies, Child Protection policy, SEN policy and Sex and Relationships Policy.

Staff discuss individual pupils between themselves in order to inform provision for that child and where a child is transferring schools, this information is passed to receiving teachers in order to ensure continuity and progress.

### **Volunteer helpers/ Visiting teachers**

Information is shared with volunteer helpers if it is necessary in order to ensure the child's learning or ensure his or her welfare. Volunteer helpers are asked to keep this information confidential. (See guidelines for Volunteer Helpers)

### **Governors**

Discussions with and reports to Governors are in general terms, eg percentages of children, unnamed pupils. Visiting governors do not comment on individual children by name in their reports. Governors, are required to act with discretion, keeping any sensitive issues confidential. (See Governors Code of Conduct and Governors Monitoring and Evaluation Policy)

### **Teaching and Work Experience Students**

It is a vital part of learning process that students are enabled to talk about and report on individual pupils. They are briefed on keeping this information on a professional basis, sharing information with supervising school staff or on an unnamed basis with their tutor. Students undertaking individual child studies are asked to seek parental permission. (See Work experience file)

### **Other Professionals**

The school follows the Northumberland Information Sharing protocol in discussions about individual children and guidelines in Child Protection and SEN Policies are followed. Teachers may seek general advice from other professionals about an unnamed child, but unless there are child protection issues, it is usual to seek permission from those with parental responsibility before sharing information about an individual child. (See Appendix A)

Where there is doubt about the sharing of information or a breach of confidentiality reference should be made to:

- 1) The Headteacher
- 2) The Northumberland Information Sharing Protocol Toolkit (Governor Agenda Papers Autumn 2004)
- 3) The LA Fact Advisory Service (See notice in office)

Appendix A

**Northumberland Information Sharing Protocol**

- 1.1 Children are failed if personal information is not shared when it should be. This happens because workers and agencies
- are unaware of each other
  - are reluctant to trust each other with personal information
  - think too narrowly about their own jobs and roles
  - are unsure about the law
  - lack common procedures.

- 1.2 This Protocol is designed to overcome these shortcomings and to enable and encourage the sharing of personal information in order to help children. It sets out Partner agreement about aims, standards and procedures.

Law

- 2.1 The law on personal information is most often a matter of common sense and good practice. It should not prevent sharing to help a child, especially if the child may be at risk.

*Statutory Roles*

- 2.2 Partners with statutory roles can only share information if sharing is a proper part of carrying out their role. This is a wide rule that will prevent sharing to help children only in exceptional cases.

*Data Protection Act*

- 2.3 The DPA is designed to ensure that personal information is used fairly. In most cases compliance will be straightforward. However the DPA exempts Partners from compliance if compliance may result in harm to a child or anyone else, including a worker, or may prejudice the reduction of crime.

*Human Rights and Confidentiality*

- 2.4.1 Partners will try their best to obtain informed consent to sharing. This is good practice. Moreover informed consent ensures compliance with human rights and confidentiality. However consent need not be sought if seeking it may result in harm to someone, including a worker, or may prejudice the reduction of crime. (The same principle applies to giving fair processing notice under the DPA (see 2.3).)
- 2.4.2 Personal information can be shared between agencies without consent when the law demands it or the courts order it, or if
- sharing is in the public interest, and
  - the benefits of sharing outweigh the harm sharing may cause, and
  - there is a pressing need to share.
- 2.4.3 Partners will work in private with other agencies in the interests of a child. This privacy is a very significant safeguard against breaches of

human rights and confidentiality. Partners understand the vital importance of maintaining privacy.

#### Procedure

##### *DPA Notification*

- 3.1 Partners will give the Information Commissioner their 'registerable particulars' and a general description of their security measures.

##### *Consent*

- 3.2.1 Partners will use the Consent Form in the Toolkit (or its equivalent) to obtain and record consent.

- 3.2.2 If sharing is not covered by the original consent or there has been a break in involvement, consent should be sought again.

##### *Requests/Referrals and Responses*

- 3.3.1 A request or referral will state

- what the information is
- the reason(s) for sharing the information
- if there is informed consent, whether it (including consent to further sharing) is limited
- if there is no informed consent, the basis for sharing without consent
- how the information will be transferred.

- 3.3.2 Partners will always try to respond promptly and in full to requests and referrals.

##### *Updating*

- 3.4 Partners will inform each other of any inaccuracies in or additions to information they have shared.

##### *Designated Workers*

- 3.5 Partners will appoint one or more Designated Workers who will have authority to decide when

- consent should not be sought
- to share information without consent.

Partners will make available an up to date list of their Designated Workers.

##### *Database*

- 3.6 A database may be set up that will contain the basic details of children and flag Partner concerns. For the time being there must be informed consent to inclusion.

##### *Publication*

- 3.7 Children's Services will keep a list of Partners, Designated Workers, and contact details. They will make this list available to Partners.

*Security*

- 3.8 Partners understand the importance of security (see in particular 2.4.3) and will comply with the attached Security Guidance.

*Subject Access*

- 3.9 People have a right of access under the Data Protection Act to personal information about them held by Partners. The right is subject the rights of third parties and other exemptions under the Act.

*Complaints*

- 3.10 Complaints should be viewed as a means of improving services. Partners will comply with the Complaints Guidance in the Toolkit and ensure that workers are trained to respond appropriately to complaints. Complaints will be analysed as part of the review procedure.

*Records*

- 3.11 Partners will keep full and accurate records of informed consent, requests/referrals/responses, subject access compliance, complaints, security investigations, and DPA notification.

*Training*

- 3.12 All workers who use personal information should be adequately trained in its use. In particular Designated Workers should be given sufficient training to enable them to discharge their function properly.

*Review*

- 3.13 The Steering Group or its successor will review this Protocol 6 months and 12 months after implementation and thereafter every year. Partners will inform the Steering Group of any operational problems and suggested improvements.

