

Morecambe Road School



Staff, Agency and Volunteer Confidentiality Policy November 2022

Approved by the Full Governing Body on 9th November 2022

Signature: (Chair of Governors) S Mainwaring

Signature: (Headteacher) A Dootson

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Statement of intent

This policy guides staff, volunteers and visitors on the policy and procedures surrounding confidentiality.

Staff members take a supportive and accepting attitude towards pupils as part of their general responsibility for pastoral care. It is our hope that both pupils and parents feel free to discuss worries about Morecambe Road School and concerns that may affect the educational progress of a pupil, with members of the school team.

This policy will be abided by at all times by staff, volunteers, visitors, pupils and parents. In order to ensure the utmost level of safety for pupils, staff members at Morecambe Road School have a duty to act in accordance with this policy and not share information with external agencies, other schools or individuals.

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

- Ensures that important information regarding the school is not shared.
- Guarantees that financial information stays confidential and secure.
- Helps to build trust amongst staff, volunteers and external agencies.
- Supports the school's safeguarding measures.

1. Legal framework

This policy has due regard to all relevant legislation and guidance including, but not limited to, the following:

- Crime and Disorder Act 1998
- Equality Act 2010
- The UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018
- Education Act 2002
- Human Rights Act 1998
- The Education (Pupil Information) (England) (Amendment) Regulations 2019
- DfE (2022) 'Keeping children safe in education 2022'
- DfE (2018) 'Information sharing'
- DfE (2018) 'Working Together to Safeguard Children'

This policy is compliant under the following case law:

- The Common Law Duty of Confidentiality

This policy is intended to be used in conjunction with the following school policies:

- General Data Protection Regulation
- Child Protection and Safeguarding
- Anti-bullying and Positive Behaviours Policy
- Freedom of Information
- Whistleblowing (found in the Finance Manual)
- E-security

2. Definitions

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.

Within this policy, a '**disclosure**' is the sharing of any private information; this term does not solely relate to child protection issues.

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

All staff members, volunteers and individuals working in cooperation with Morecambe Road School 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.

Visitors, volunteers and other professionals, such as healthcare professionals, will work within the same boundaries of confidentiality as all staff members.

Staff members and volunteers alike, have the responsibility of keeping information regarding the school, including its pupils and parents, etc., confidential. This information will under no circumstances be shared, unless it is in the best interest of the school or its pupils.

All staff members, volunteers and external agencies will treat any information regarding the management and finance of Morecambe Road School as confidential, and therefore this information will only be shared with necessary and appropriate external individuals.

Members of staff, volunteers, visitors, external parties and other agencies will always seek advice from a practitioner at Morecambe Road School if there is any doubt over sharing the information concerned, without disclosing any identifiable information where possible.

As a precautionary safeguarding measure, with Morecambe Road School will ask all staff members, volunteers, visitors and external agencies who work closely with the school to sign a Nondisclosure Agreement – see Appendix B. This means that information about the school which is shared with the individual is to be treated as confidential and not shared further.

The Headteacher is responsible for ensuring that a Nondisclosure Agreement is signed by all individuals who may be privy to information which is not suitable to be shared.

4. Confidentiality and child protection

Morecambe Road School aims to strike a balance between confidentiality and trust, ensuring the safety, wellbeing and protection of our pupils.

The school will always prioritise the welfare of its pupils and this will remain the primary concern when investigating an allegation which has been made against a member of staff.

A staff member who faces allegations relating to safeguarding concerns may find the investigation process extremely stressful. For this reason, the school will ensure that anyone who holds information relating to the investigation keeps said information confidential and that it will not ordinarily be shared with any other staff, pupils or parents who are not involved in the investigation.

The processes involved in maintaining confidentiality and carrying out an investigation will operate in line with The Education Act 2011, which made the publishing of any material illegal if it leads to the identification of a staff member in a school who has been subject to allegations by, or on behalf of, a pupil in the school.

The school will take steps to ensure that confidentiality is maintained against any unwanted publicity whilst an allegation is being investigated or considered; this will include ensuring that all staff who have access to files and data, or any other relevant form of information, sign a confidentiality agreement.

The school will ensure that the above restrictions on sharing information (including any speech, writing, or other communication which is exposed to any section of the public) are adhered to and will apply until:

- The accused person has been charged with a relevant offence.
- The Secretary of State publishes information about an investigation or decision in a disciplinary case arising from the allegation.

These restrictions will not be applied under the following circumstances:

- The individual who is being investigated waives their right to anonymity by going public on their own accord
- The individual being investigated provides written consent for another individual to publicly disclose the relevant confidential information
- A court lifts the reporting restrictions in response to a request to do so

Any individual, such as a parent or staff member, who discloses information to any section of the public, e.g. on a social networking site, will be in breach of the reporting restrictions if what they have disclosed could lead to the identification of the staff member by members of the public.

All external visitors will be made aware of this policy and act in accordance with it when dealing with information, particularly sensitive information, regarding the school, its pupils and parents.

The headteacher will be informed of all incidents regarding child protection concerns which are highlighted by a volunteer, parent or another external party to the school.

Staff members will be immediately inform the DSL of any concerns regarding a pupil's safety or welfare. 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.

Staff members will not be 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 SLT.

5. Sharing information

Morecambe Road School takes 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.

All staff and volunteers will report safeguarding concerns to the DSL as soon as possible and in an appropriate setting.

Under no circumstances will personal information about pupils, staff members or Morecambe Road School be passed on indiscriminately.

Under no circumstances will information regarding the school's finances be shared with anyone, other than those with a legitimate need to know.

If members of staff, volunteers or cooperating external parties share unsuitable or misrepresented information, Morecambe Road School_ withholds the right to take the appropriate civil, legal or disciplinary action.

The safety and protection of pupils, as well as Morecambe Road School, is the paramount consideration in all confidentiality decisions.

All non-teaching staff and volunteers will report disclosures of a concerning personal nature to the designated safeguarding lead (via CPOMS) as soon as possible and in an appropriate setting.

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 Morecambe Road School, its pupils and parents.

All data will be processed and held in line with the school's GDPR Data Protection Policy. In the event of information and data being shared with external or inappropriate parties, the individual responsible will be liable for disciplinary or legal action in accordance with the GDPR Data Protection Policy.

The school will be open and honest with all individuals about how and why data is shared, unless it is unsafe to do so.

Only information that is necessary for the purpose it is being shared for will be shared.

All decisions and reasons for sharing data will be recorded by the DPO.

6. Breaking confidentiality

When confidentiality must be broken because a child may be at risk of harm, in accordance with the school's Child Protection Policy, Morecambe Road School will ensure the following:

Pupils are told when information has been passed on

Pupils are kept informed about what will be done with information

To alleviate their fears concerning the information becoming common knowledge, pupils are told exactly who their information has been passed on to

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.

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. If in any doubt contact the School's Data Protection Officer, the School Business Manager.

Morecambe Road School recognises that overriding public interest is a justifiable reason to disclose information; however, permission from the Headteacher will be sought prior to disclosing any information regarding the school.

Staff should act in accordance with the school's Whistleblowing Policy.

Individuals who disclose information, after previously signing Morecambe Road School's Nondisclosure Agreement, may face further action, including legal action.

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. Responsible use of ICT and technology

Every member of staff will adhere to the school's ICT Acceptable Use Policy at all times.

All staff, with particular reference to ICT technicians and staff members with access to wider files and data, will understand their obligation to use ICT systems in a responsible way and respect others' privacy and confidentiality.

Staff will understand that their use of ICT systems, email and other digital communications will be monitored and the staff responsible for monitoring such activities will not share any confidential information unless this is for the purposes of keeping children safe or any other legal complication.

Staff will never disclose their password to anyone, nor will they attempt to use another individual's account details.

All staff will immediately report illegal, inappropriate, or harmful material seen on another individual's network to the headteacher.

Anyone found accessing, copying, removing or altering any other user's files without permission will face appropriate disciplinary measures.

Communication with pupils and parents will only take place through official school systems.

The headteacher and DPO will be informed immediately in the event of a data breach on any school device.

The use of any programmes or software that attempts to bypass filtering or security systems in place at the school is strictly prohibited.

As outlined in the school's Data Protection Policy, all staff members will understand that any staff or pupil data, which they have access to, will be kept private and confidential unless the sharing of information is deemed necessary as outlined above.

8. Management and security of school records

In line with the school's Records Management Policy, any staff member who is responsible for or has access to files, documents or data within the school's ICT infrastructure, database or other, is contractually obliged to maintain the security and management of such records which relate to:

- Pupils
- School management
- Finances
- Personal details of pupils or staff
- Information regarding progress and attainment which is not published on the school website

9. Maintaining confidentiality when staff leave

The school expects the departing staff member to respect and maintain any confidential information once they have left the school's employment, as per the privacy and confidentiality terms within their contract of employment.

The school will not share any information that we hold on the departing staff member, unless we have an obligation to do so or we have obtained consent – this will be detailed in a privacy notice, which will be available on the school's website.

All data that the school retains on the departing staff member will be stored in accordance with the Data Protection Policy and Records Management Policy.

Where consent was used to obtain information and the departing employee wishes to withdraw consent, they will express this to the DPO in **writing**.

Where the departing staff member had access to any password protected sensitive data, e.g. school bank accounts, the passwords will be changed upon their departure by **their replacement**.

10. Accessing information

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 must be made in writing to the governing board and will be responded to within 15 school days if the request is regarding an educational record.
- 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.

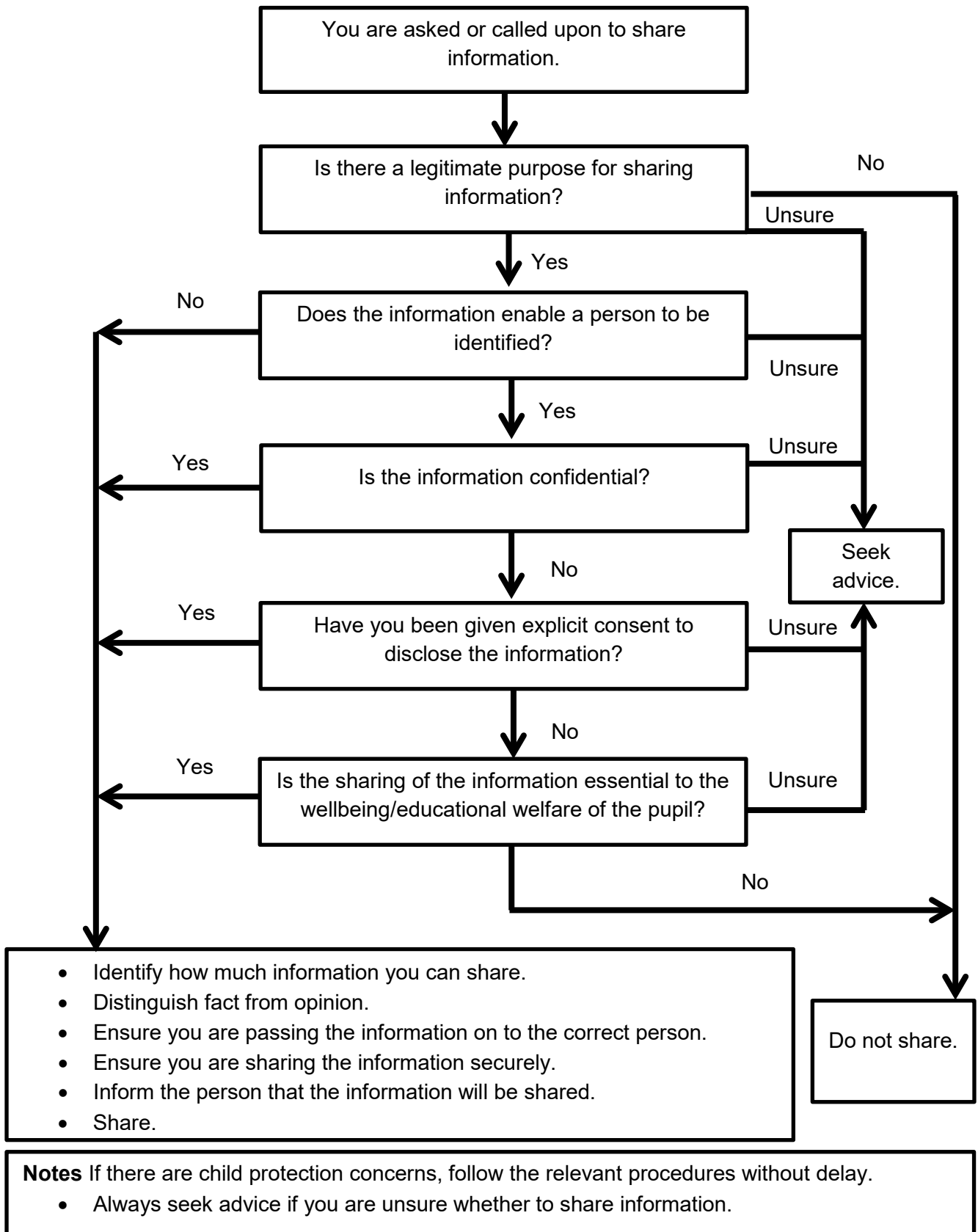
In line with the Freedom of Information Act 2000, private data and public records can potentially be accessed through lodging a Fol request.

- These requests must be made in writing to the school, 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 school's Freedom of Information Policy.
- Morecambe Road School holds 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.

11. Monitoring and review

This policy is monitored for effectiveness by the Headteacher and is reviewed every three years, or where necessary in light of changes to the law or statutory guidance.

Appendix A – Information Sharing Flowchart



Appendix B to the Confidentiality Policy

Morecambe Road School Confidentiality Agreement – Staff, Agency and Volunteers

This confidentiality agreement is entered into by and between Morecambe Road School and name : _____ for the purpose of preventing the unauthorised disclosure of confidential information in line with your duties to protect personal information, under the UK GDPR and the Data Protection Act 2018.

For the purpose of this agreement, “confidential information” will include all information or material that constitutes personal information under the UK GDPR about any pupil, parent, member of staff or stakeholder of the school, or has or could have value, commercial or otherwise, in the business in which the disclosing party is engaged.

I declare that I will only share or disclose information regarding the school with other professionals who have a legitimate need to know about it. I will, therefore:

- Not disclose confidential information to any unauthorised person without the discloser’s consent.
- Act in good faith at all times in relation to the disclosure of confidential information.
- Not post confidential information regarding pupils, staff, parents or other stakeholders on social media; nor will I contribute to discussions on social media regarding the school or anyone associated with it.
- Assure that conversations of a sensitive nature regarding pupils, parents, staff, volunteers or other stakeholders only take place in a private space and with appropriate individuals who have been authorised to know the information.
- Comply with the school’s Records Management when completing tasks pertaining to paperwork or online documents that include personal or sensitive information on it.
- Ensure that all data I handle is handled in line with the Data Protection Policy, and that I am thorough and careful when it comes to securing and erasing data.
- Undergo any relevant data protection training the school deems necessary for my role.
- Not disclose any information, or partake in any discussions with unauthorised individuals, about ongoing investigations into allegations against staff members, volunteers, governors or stakeholders.
- Be fully aware that other staff, volunteers or stakeholders may have connections within the school and may overhear conversations of a sensitive nature.
- Uphold the good name and reputation of the school at all times; inside and outside of school.

I am aware that confidentiality obligations must not prevent me from sharing necessary information for the purposes of keeping children safe and promoting their welfare, and that I am protected under the Public Interest Disclosure Act with regards to sharing confidential information for the purposes of whistleblowing – I am aware that nothing in this agreement precludes the sharing of information to this effect.

I will hold and maintain the confidential information in strictest confidence for the sole and exclusive benefit of the school; therefore, I will not, without prior approval of the school, use for my own benefit, publish, copy, or otherwise disclose to others, or permit the use by others for their benefit or to the detriment of the school, any confidential information.

I have read and understood the school's Staff Confidentiality Policy and will act in accordance with this policy at all times.

Information which may be deemed as 'sensitive' will not be disclosed to people where it is not wholly necessary. This includes information in relation to the following:

- Pupils of the school
- The running or management of the school
- The school's finances
- Personal details of pupils or staff
- Information regarding progress and attainment which is not published on the school website

By signing this agreement, you are agreeing to your duty to hold confidential information in confidence – this will remain in effect until the information no longer qualifies as confidential, or until the school sends written notice releasing you from this agreement, whichever occurs first.

Please retain a copy of this agreement and send a signed copy back to the School Business Manager asap.

Name of individual	
Role	
Signed	
Date	