



Silsden Primary School

Staff, Volunteer and Visitors Confidentiality Policy

Approved by Governing Board – April 2022
Reiew Date – April 2024

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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/carers feel free to discuss worries about Silsden Primary 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/carers. In order to ensure the utmost level of safety for pupils, staff members at Silsden Primary 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.

Signed by:

_____	Headteacher	Date: _____
_____	Chair of governors	Date: _____

1. Legislative framework

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

Crime and Disorder Act 1998

Equality Act 2010

The General Data Protection Regulation

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

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

- Data Protection
- Child Protection and safeguarding
- Anti-bullying
- Freedom of Information
- Whistleblowing
- Online Safety

2. Definitions

2.1. 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 agreement of the person disclosing it.

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

2.3. 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 the school will:

- Uphold their responsibility and duty in relation to confidentiality.
- Ensure that information and personal details are not shared or discussed with others, except for the appropriate necessary bodies.
- Keep information regarding the school, including its pupils and parents, confidential.
- Understand and sign a confidentiality agreement — as exemplified in [appendix B](#)
Remain informed of any confidentiality, safeguarding or data protection concerns within the school.
- Decide on the appropriate disciplinary procedures that will be placed upon any staff member who is in breach of their confidentiality agreement or otherwise withholds, discloses, or shares confidential information without reason.
- Ensure that this policy is kept up-to-date with all other documents, policies and statutory frameworks which operate in conjunction with this policy

The headteacher will:

- Ensure staff understand why they must agree to the regulations set out in this policy and the documents outlined in the legal framework.
- Ensure that staff members sign confidentiality agreements.
- Remain informed of any confidentiality, safeguarding or data protection concerns within the school.
- Decide on the appropriate disciplinary procedures that will be placed upon any staff member who is in breach of their confidentiality agreement or otherwise withholds, discloses, or shares confidential information without reason.
- Ensure that this policy is kept up-to-date with all other documents, policies and statutory frameworks which operate in conjunction with this policy.
- Keep detailed, accurate, secure written records of concerns and referrals and understand the purpose of record-keeping.

The DPO will:

- Address all concerns relating to data protection.
- Provide advice in the event of a data breach.
- Understand all relevant legislation including the Data Protection Act 2018 and the UK GDPR.
- Understand how to correctly withhold, store, move and share data.
- Ensure that the school's data is protected at all times and react quickly to any vulnerabilities.

All staff members, volunteers and individuals working in cooperation with the school will:

- Uphold their responsibility and duty in relation to confidentiality.
- Ensure that information and personal details are not shared or discussed with others, except for the appropriate necessary bodies.
- Keep information regarding the school, including its pupils and parents, confidential.

- Understand and sign a confidentiality agreement and, where necessary, a responsible use of ICT agreement.

4. Confidentiality and child protection

The contents of this section operate in conjunction with the Allegations of Abuse Against Staff Policy.

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.

The school recognises that unfounded allegations do happen, and any 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 will not ordinarily be shared with any other staff, pupils or parents who are not involved in the investigation.

As an employer, the school has a duty of care for its employees; meaning that anyone who possesses relevant information and is involved in an investigation will not disclose any information beyond the individuals involved.

Anyone involved in the initial assessment of an allegation will attend an allegations management meeting and share all the relevant information they have about the person who is the subject of an allegation, and about the alleged victim.

Relevant information may include files or data stored on the alleged individual's school hard drive. The school will not carry out investigations on the alleged person's personal devices; this will be carried out by the police if necessary.

Where the police are involved, the school will ask the police to obtain consent from the individuals involved to share their statements and evidence for use in the school's disciplinary process. This will be done as the investigation proceeds to enable the police to share relevant information whilst avoiding any delay to the conclusion of the investigation or court case.

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 (see [appendix B](#)).

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.

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.

At Silsden Primary School the headteacher is to be informed of all incidents regarding child protection concerns which are highlighted by a volunteer, parent/carer or other external party to the school.

Staff members are contractually obliged to immediately inform the headteacher 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 are not 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 Senior Leadership Team.

5. Sharing information

Silsden Primary 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.

Under no circumstances will personal information about pupils, staff members or Silsden Primary 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, Silsden Primary School withholds the right to take the appropriate civil, legal or disciplinary action.

All non-teaching staff and volunteers will report disclosures of a concerning personal nature to the designated Child Protection Co-ordinator as soon as possible and in an appropriate setting.

The DSL will:

- Understand the importance of information sharing with other schools, safeguarding partners, practitioners and any other relevant agencies or organisations.
- Understand relevant data protection legislation and regulations with particular reference to the Data Protection Act 2018 and the UK GDPR.
- Keep detailed, accurate, secure written records of concerns and referrals and understand the purpose of record-keeping.

All data will be processed and held in line with the school's 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 Data Protection Policy.

The DSL recognises and assures staff members with concerns about a safeguarding issue that the Data Protection Act 2018 and the UK GDPR do not prevent the sharing of information for the purposes of keeping children safe and promoting their welfare.

Staff members who manage or have access to the school's data will always uphold the school's obligation to process personal information fairly and lawfully, and keep the information they hold safe and secure.

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

The school will ensure that all applicable staff have due regard to the relevant data protection principles, which allow them to share and withhold personal information. This includes:

- Being confident of the processing conditions which enable the storing and sharing of information for the purposes of safeguarding – such sensitive and personal information will be treated as 'special category personal data'.
- Understanding that the 'safeguarding of children and individuals at risk' is a condition allowing staff to share special category personal data – this includes sharing information without consent where the sharing of this information will enhance safeguarding, or solve a safeguarding issue in a timely manner.
- Withholding the provision of data in compliance with the school's obligations under the Data Protection Act 2018 and the UK GDPR – where in doubt, the school will seek independent legal advice.

Where necessary, advice will be sought from the DPO and other practitioners to ensure all data is shared correctly.

Where possible, information is shared with consent from the data subject, unless the school is able to proceed without consent under the GDPR and Data Protection Act 2018, e.g. if the data subject's safety is at risk.

Individuals' safety and wellbeing will form the base of all information sharing decisions, and information will not be shared if anyone's safety or wellbeing could be compromised.

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, Silsden Primary 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 consent (implied or explicit) 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 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.

Silsden Primary 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 at all times.

Individuals who disclose information, after previously signing name of 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. [New] 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.

Where necessary, for example in the case of highly sensitive information, a settlement agreement will be established to ensure confidentiality – the departing staff member and headteacher will agree and sign this agreement.

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 or SBL

Monitoring and review

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

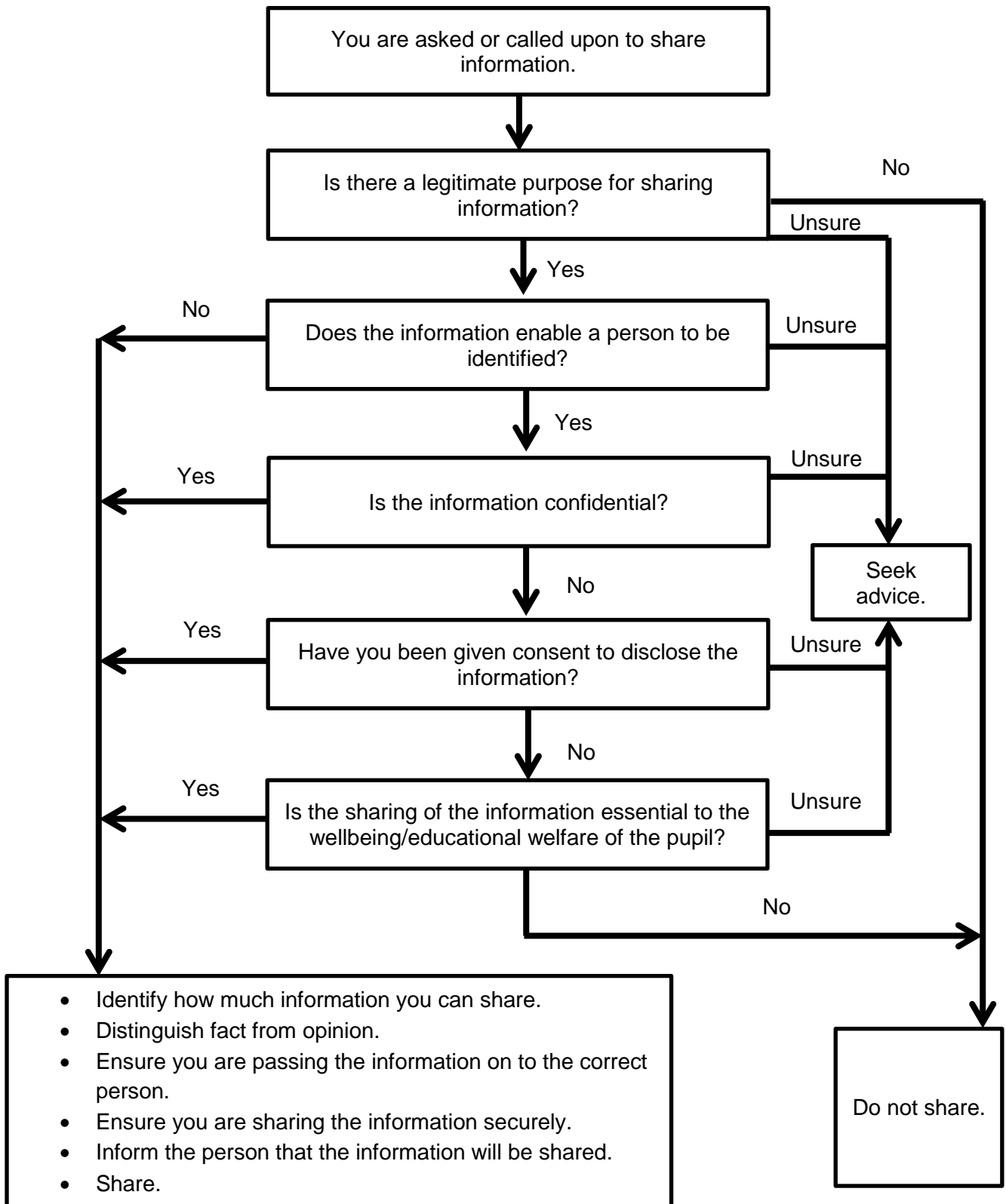
A record of information which has been shared will be continuously kept up-to-date.

This record will state the premise of the information, whom it was shared with and the purpose for sharing it.

The record will be kept in the school office and can be accessed by all appropriate staff members.

On an annual basis, the headteacher will review the record to ensure that all reasonable measures to safeguard pupils and protect the reputation of the school are being taken.

Appendix A – Information Sharing Flowchart



Notes

- If there are child protection concerns, follow the relevant procedures without delay.
- Always seek advice if you are unsure whether to share information.

Silsden Primary School Non-disclosure Agreement

This confidentiality agreement is entered into by and between Silsden Primary School andfor the purpose of preventing the unauthorised disclosure of confidential information in line with your duties to protect personal information under the Data Protection Act 2018 and UK GDPR.

For the purpose of this agreement, “confidential information” will include all information or material that has or could have value, commercial or otherwise, in the business in which the disclosing party is engaged.

I, declare that as an **employee/volunteer/visitor** (please delete as appropriate) of Silsden Primary School, I will only share or disclose information regarding Silsden Primary School with other professionals who have a legitimate need to know. Therefore, I will:

- 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.
- Ensure that anything I hear that questions the professionalism of a member staff or volunteer of the school is reported to the **headteacher** immediately.
- Ensure that if I notice anything of concern regarding the protection or safeguarding of a child, I will report it immediately to the **headteacher**.
- Assure that conversations of a sensitive nature regarding pupils, parents, staff, volunteers or other stakeholders take place in a private space.
- Comply with the school’s Records Management Policy when completing tasks pertaining to paperwork or online documents that include personal or sensitive information.
- 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 will hold and maintain the confidential information in strictest confidence for the sole and exclusive benefit of Silsden Primary School. Therefore, I shall not, without prior approval of Silsden Primary 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 and Volunteer Confidentiality Policy and will act in accordance to 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 Business Manager. If you have any questions or concerns, please contact the headteacher at Karl.Russell@siltsden.bradford.sch.uk or 01535 210666.

Name of individual	
Role	
Signed	
Date	
<u>Head Teacher</u>	
Signed	
Date	

