



# Yaxham Church of England Primary School

## Confidentiality Policy 2020

**“Recognising its historic foundation, the school will preserve and develop its religious character in accordance with the principles of the Church of England and in partnership with the Church and Parish at diocesan level.**

**The school aims to serve its community by providing an education of the highest quality within the context of Christian belief and practice. It encourages an understanding of the meaning and significance of faith and promotes Christian values through the experience it offers to all its pupils.”**

This policy is based on a model policy from The School Bus. This policy will be reviewed in full by the Governing Board on an annual basis. This policy was last reviewed and agreed by the Governing Board in February 2020. It is due for review in January 2021.

Signature Jennie Müller Headteacher Date: 17<sup>th</sup> February 2020

Signature Michelle Parnell Chair of Governors Date: 17<sup>th</sup> February 2020

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## **Statement of intent**

This document 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 at Yaxham CE VA Primary School, and concerns that may affect the educational progress of a child, with members of the school team.

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

The 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

- 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 This policy is compliant under the following case law:
    - The Common Law Duty of Confidentiality
- 1.2. This policy also has due regard to guidance documents including, but not limited to, the following:
  - DfE (2018) 'Information sharing'
  - DfE (2018) 'Working Together to Safeguard Children'
- 1.3. This policy operates in conjunction with the following school policies:
  - Data Protection Policy
  - Records Management Policy
  - Child Protection and Safeguarding Policy
  - Anti-bullying Policy
  - Freedom of Information Policy
  - Whistleblowing Policy
  - E-safety Policy

## 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 and explicit 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**

- 3.1. All staff members, volunteers and individuals working in cooperation with the 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.
- 3.2. Visitors, volunteers and other professionals, such as healthcare professionals, will work within the same boundaries of confidentiality as all staff members.
- 3.3. 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 children.
- 3.4. All staff members, volunteers and external agencies will treat any information regarding the management and finance of the school as confidential, and, therefore, this information will only be shared with necessary and appropriate external individuals.
- 3.5. Members of staff, volunteers, visitors, external parties and other agencies will always seek advice from a practitioner at the school if there is any doubt over sharing the information concerned, without disclosing any identifiable information where possible.
- 3.6. As a precautionary safeguarding measure, the school will ask all staff members and volunteers to sign a code of conduct. See Appendix B
- 3.7. The headteacher is responsible for ensuring that a confidentiality agreement is signed by all individuals who may be privy to information which is not suitable to be shared.

### **4. Confidentiality and child protection**

- 4.1. The school aims to strike a balance between confidentiality and trust, ensuring the safety, wellbeing and protection of our pupils.
- 4.2. Staff members and volunteers alike will pass on information if they believe a child is at risk of harm, otherwise, staff are not obliged to break confidentiality.

- 4.3. In almost all cases of disclosure, limited confidentiality is able to be maintained.
- 4.4. Staff members and volunteers will use their professional judgement when considering whether to inform a child that a disclosure may be made in confidence and whether such confidence could remain having heard the information, bearing in mind that staff can never guarantee absolute confidentiality to children.
- 4.5. The headteacher is to be informed of all incidents regarding child protection concerns which are highlighted by a volunteer, parent or another external party to the school.
- 4.6. Staff members are contractually obliged to immediately inform the headteacher of any concerns regarding a child's safety or welfare.
- 4.7. 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.
- 4.8. 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 Headteacher and DSL.

## **5. Sharing information**

- 5.1. The school takes the stance that all information about individual children is private and should only be shared with other professionals who have a legitimate need to know.
- 5.2. Under no circumstances will personal information about children, staff members or the school be passed on indiscriminately.
- 5.3. Under no circumstances will information regarding the school's finances be shared with anyone, other than those with a legitimate need to know.
- 5.4. If members of staff, volunteers or cooperating external parties share unsuitable or misrepresented information, the school withholds the right to take the appropriate civil, legal or disciplinary action.
- 5.5. The safety and protection of children, as well as the school, is the paramount consideration in all confidentiality decisions.
- 5.6. All non-teaching staff and volunteers will report disclosures of a concerning personal nature to the DSL as soon as possible and in an appropriate setting.

- 5.7. All external visitors will be made aware of the Confidentiality Policy and act in accordance with it when dealing with information, particularly sensitive information, regarding the school, its children and parents.
- 5.8. 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.
- 5.9. The school will be open and honest with all individuals about how and why data is shared, unless it is unsafe to do so.
- 5.10. Where necessary, advice will be sought from the Headteacher as DPO and other practitioners to ensure all data is shared correctly.
- 5.11. 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.
- 5.12. 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.
- 5.13. Only information that is necessary for the purpose it is being shared for will be shared.
- 5.14. All decisions and reasons for sharing data will be recorded by the Headteacher as DPO.

## **6. Breaking confidentiality**

- 6.1. When confidentiality must be broken because a child may be at risk of harm, in accordance with the school's Child Protection and Safeguarding Policy, the school will ensure the following:
  - Children are told when information has been passed on
  - Children are kept informed about what will be done with their information
  - To alleviate their fears concerning the information becoming common knowledge, children are told exactly who their information has been passed on to
- 6.2. 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.

- 6.3. 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.
- 6.4. The 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.
- 6.5. Staff should act in accordance with the school's Whistleblowing Policy at all times.
- 6.6. Individuals who disclose information, after previously signing the school's confidentiality agreement, may face further action, including legal action.
- 6.7. 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. Accessing information**

- 7.1. 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.
  - Children, or the parent of a child, 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 (FoI) request.

Where clarification is required the school will seek GDPR/legal advice as appropriate, before formally responding to the request.

7.2. In line with the Freedom of Information Act 2000, private data and public records can potentially be accessed through lodging an FoI 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 FoI 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.
- The 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.

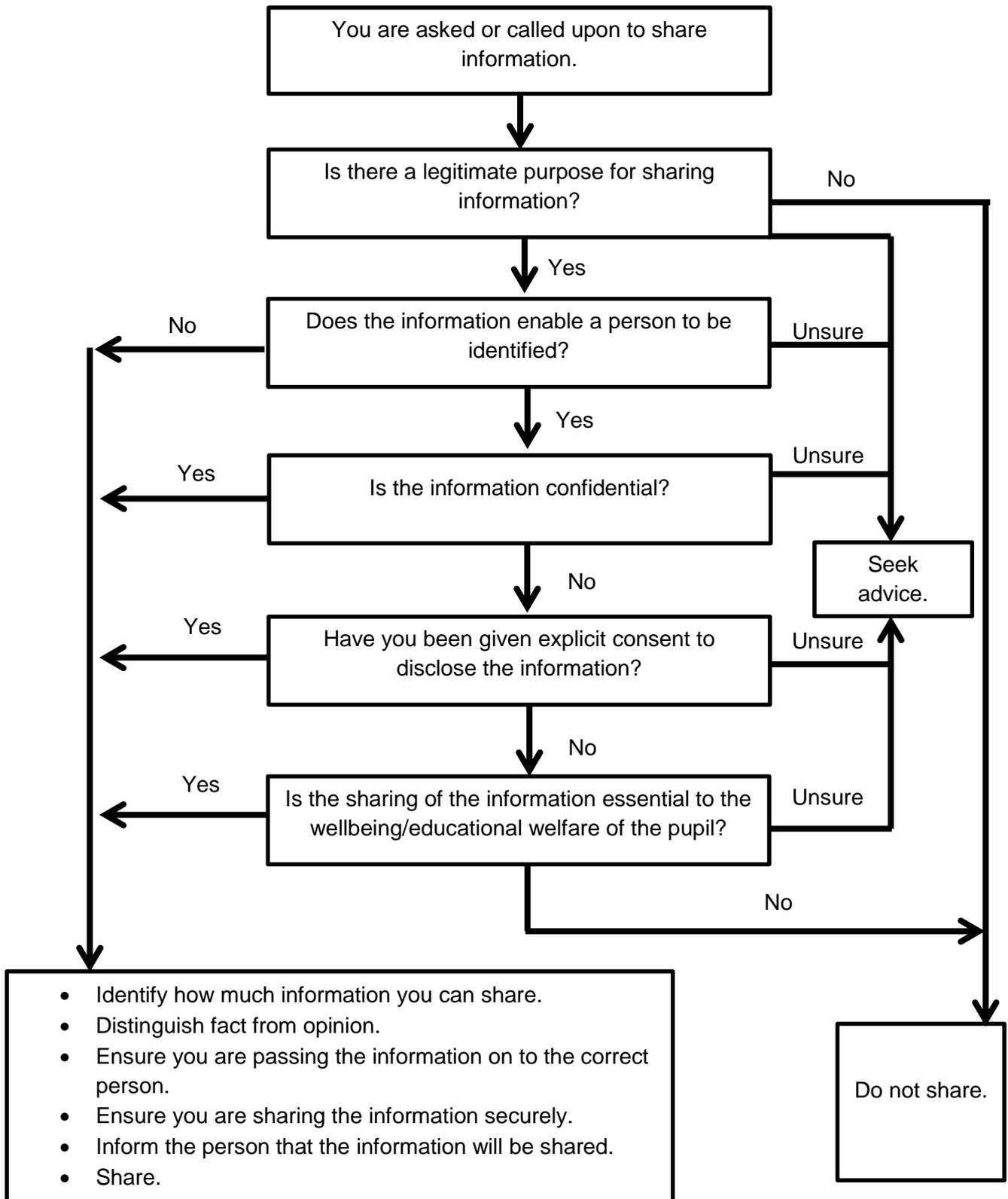
## **8. Monitoring and review**

8.1. This policy is monitored for effectiveness by the headteacher and is reviewed annually, or where necessary in light of changes to the law or statutory guidance – the next review date is January 2021.

8.2. 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 and DSL 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.

## Appendix B –

# Code of Conduct for Staff and Volunteers

Senior Designated Professional Mrs Jennie Müller

Alternate Designated Professional Miss Zoe Watson

Safeguarding Governor Mr Leroy Burrell

Our code of conduct has been written by the school, building on best practice and government statutory guidance. Read in conjunction with Yaxham Church of England Primary school safeguarding policy 2019, Keeping Children Safe in Education 2019, DfE and Guidance for safer working practice for adults who work with children and young people in education settings, May 2019. It has been agreed by senior management and approved by governors.

The Code of Conduct and its implementation will be reviewed annually alongside the annual Safeguarding review.

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## Safeguarding Code of Conduct for Staff and Volunteers

Read in conjunction with Yaxham CofE Primary School ***Safeguarding Policy incorporating Child Protection 2019, Keeping Children Safe in Education 2019 DfE and Guidance for safer working practice for adults who work with children and young people in education settings May 2019.*** If you have not been given a copy of the above policies, please contact the school office straight away.

All adults who come into contact with pupils in their work have a duty of care to safeguard and promote their welfare. The duty of care rests upon an **individual** to ensure that all reasonable steps are taken to ensure the safety of a child or young person involved in any activity or interaction for which that individual is responsible. Any person in charge of, or working with pupils in any capacity is considered, both legally and morally, to owe them a duty of care.

This code of conduct is used as an attempt to identify behaviours expected of adults who work with children. Adults whose practice deviates from this code of conduct and statutory guidance may bring into question, their suitability to work with pupils, or children and young people in any capacity. All staff and volunteers are expected to read, and sign to say that they have understood this code of conduct.

**Sharing concerns and Recording Incidents** – Individuals should be aware of their schools child protection procedures including procedures for dealing with allegations against staff. It is essential comprehensive records are maintained wherever concerns are raised about the

conduct or actions of adults working with or on behalf of pupils. **If you need to report an allegation of abuse against a person who works with children, you need to contact the Local Area Designated Officer (LADO) at Norfolk County Council: 01603 307797.**

**Confidentiality** – Members of staff may have access to highly sensitive information regarding pupils or parents. This information should never be used in casual conversation either in school or out, and should only be shared on a need to know basis. Never discuss school on social media. Never discuss anything that could identify a child or bring the school into disrepute.

**Professional Judgment** – Individuals are expected to make decisions and judgements that are in the best interest of the child. These decisions must be recorded and shared with a member of the senior management team.

**Position of Trust** – Individuals should always maintain appropriate professional boundaries and avoid any behaviour which might be misinterpreted by others. They should record and report any incident with this potential.

**Propriety and Behaviour** – All staff and volunteers shall adopt high standards of personal conduct in order to maintain the confidence and respect of their colleagues, pupils and public in general and all those whom they work.

**Personal Living Space** – No child should be invited into the home of an adult who works with them unless the reason has been firmly established and agreed with parents/careers and the Headteacher.

**Gifts, Rewards and Favouritism** – All adults should be aware of the policy on giving and receiving gifts and only give gifts to pupils as part of an agreed reward system. Ensure that all selection processes which concern pupils are fair. Care should be taken that adults do not accept any gift that may lead to preferential treatment.

**Infatuations** – Report and record any incidents or indications (verbal, written or physical) that suggest a young person may have developed an infatuation with a member of staff. Always discuss with a senior manager or Headteacher.

**Communications with Pupils** – Communication between pupils and adults by whatever method, should take place within clear and explicit professional boundaries. Ensure that social media networking sites are set as private. Never access social networking sites of pupils. Do not give personal information to pupils including mobile telephone numbers. Only make contact with pupils for professional reasons. Do not text pupils or use web-based communication channels to send personal messages to a pupil.

**Social Contact** – Adults should not seek to establish social contact with pupils for the purpose of securing a friendship. Always consider the appropriateness of the social contact according to the nature and role of your work. Seek advice from the Headteacher regarding any social contact with a child, which may give rise to concern. Report and record any situation which may place a child at risk or which may compromise the school/service or your own professional standing.

**Sexual Contact** – Any sexual activity between an adult and a child will be regarded as a criminal offence including access to inappropriate images. This can include any form of

communication with pupils which could be interpreted as sexually suggestive or provocative (verbal comments, letters, notes, email, phone calls, texts, physical contact). Be aware that of using any language or behaviour cannot be misinterpreted as inappropriate. Ensure you are never alone with a pupil un-observed. Never cover internal windows with material or posters.

**Physical Contact** – A 'no touch' policy is impractical for most staff. When physical contact is made this should be in response to their needs at the time, of limited duration and appropriate for their age, stage of development, gender, ethnicity and background. Physical contact should never be secretive. Always explain the reason for any physical contact.

**Behaviour Management** – All pupils have the right to be treated with dignity and respect even in circumstance where they display difficult or challenging behaviour. Any sanctions and rewards should be used as part of the behaviour management policy.

**Use of Physical Intervention** – The use of physical intervention should wherever possible be avoided. It should only be used to manage a pupil, if it is necessary to prevent personal injury or prevent damage to property. All use of physical intervention must be recorded and justified and you must adhere to the schools physical intervention policy.

**Intimate Care and Managing Medicines** – Some job responsibilities necessitate intimate physical contact for example assisting with toileting and administering medical care. If you may be in this situation please read the school intimate care policy and managing medicines policy.

**Personal Care** – All pupils are entitled to respect and privacy at all times, especially when changing clothes for PE. Any supervision must be appropriate to the situation. Adults should not change in the same area as pupils and avoid any physical contact with children in a state of undress.

**One to One Situations** – Ensure that any risk assessments have been conducted of one to one situations. Always inform other colleagues and parents/carers about the contact beforehand. Always report a situation where a child has become angry or distressed to the Headteacher.

**Educational Visits** – Adults should take care when on outings as they remain in a position of trust and need to ensure their behaviour remains professional all times and stays within clearly defined professional boundaries. School mobile phones should be used on Education Visits.

**Whistle blowing** – This is a mechanism by which adults can voice their concerns in good faith and without fear of repercussions and can report any behaviour by colleagues that raises concern regardless of the source. Refer to the Whistleblowing policy on the website or call the whistleblowing hotline 01603 224433.

**Photographs and Videos** – When taking photographs of children in appropriate settings (school plays/special occasions), permission must be sought from the parents/carers. The photographs must not be taken on a personal device, if inadvertently done so they must be downloaded and deleted immediately. Any device capable of recording images must not be used or accessed in the classroom or other situation where pupils congregate. Only the

school mobile phones must be used in these situations. On residential trips a risk assessment including the use of mobile phones must be carried out.

**Bullying** – All children deserve to feel safe in school. If you witness any bullying or worrying behaviour towards a child, record it in the anti-bullying book or speak to the class teacher or the Head teacher. Always refer to the school's anti-bullying policy and safeguarding policy before carrying out an investigation.

**Compliance** - All staff need to recognise that failure to meet these standards of behaviour and conduct may result in disciplinary action, including dismissal.

Please sign and return the attached form to confirm that you have read and understood the Code of Conduct. A copy will be kept in the staff/volunteer records. If you have any concerns or questions about the Code of Conduct, please do not hesitate to ask.

**Confirmation of compliance**

I hereby confirm that I have read, understood and agree to comply with the Yaxham CofE Primary School Staff and Volunteer Code of Conduct.

Name .....

Position/Post Held.....

Signed .....

Date .....

**Once completed, signed and dated, please return this form to the Headteacher**

# Staff, Governor and Visitor ICT Code of Conduct

ICT and the related technologies such as email, the Internet and mobile devices are an expected part of our daily working life in school. This code of conduct is provided to ensure that all users are aware of their responsibilities when using any form of ICT provided by or directed by Norfolk County Council. All such users will be issued with this code of conduct. Any concerns or clarification should be discussed with the Headteacher.

- All staff, Governors and visitors understand that ICT includes a wide range of systems, including mobile phones, PDAs, digital cameras, laptops and tablets
- All staff understand that it is a disciplinary offence to use the school ICT system and equipment for any purpose not permitted by its owner.  
(Teaching Staff <http://www.schoolspeoplenet.norfolk.gov.uk/Teaching-Staff/Working-in-a-Norfolk-School/Resolving-Issues/Disciplinary/index.htm>  
Support Staff <http://www.schoolspeoplenet.norfolk.gov.uk/Support-Staff/Working-in-a-Norfolk-school/Resolving-Issues/Disciplinary/index.htm> )
- All staff, Governors and visitors will not disclose any passwords provided to them by the school or other related authorities.
- All staff, Governors and visitors understand that they are responsible for all activity carried out under their username
- Staff, Governors and visitors will not install any hardware or software on any school owned device without the permission of the headteacher.
- All staff, Governors and visitors understand that their permitted use of the Internet and other related technologies is monitored and logged and will be made available, on request, to the Head teacher in line with any disciplinary procedures. This relates to all school owned devices, including laptops provided by the school.
- All staff, Governors and visitors will only use the school's email / Internet / Intranet / Learning Platform and any related technologies for uses permitted by the Head or Governing Body.
- All staff, Governors and visitors will ensure that all their school generated electronic communications are appropriate and compatible with their role.
- All staff, Governors and visitors will ensure that all data is kept secure and is used appropriately as authorized by the Head teacher or Governing Body. If in doubt they will seek clarification. This includes taking data off site.
- Personal devices must only be used in the context of school business with explicit permission of the Headteacher.

- All staff, Governors and visitors using school equipment will not browse, download, upload or distribute any material that could be considered offensive, illegal or discriminatory.
- All staff, Governors and visitors will only use the approved email system(s) for any school business
- Images will only be taken, stored and used for purposes in line with school policy. Images will not be distributed outside the school network/learning platform without the consent of the subject or of the parent/carer, and the permission of the Head teacher.
- All staff, Governors and visitors will comply with copyright and intellectual property rights.
- All staff, Governors and visitors will report any incidents of concern regarding staff use of technology and/or children's safety to the Senior Designated Professional or Head teacher in line with the school's Safeguarding Policy.

**I acknowledge that I have received a copy of the ICT Code of Conduct.**

**Full name:**.....(printed)

**Job title:**.....

**Signature:**.....**Date:**.....