

<b>Name of Policy:</b> Confidentiality	<b>Version/Last Review Date:</b> Oct 2021 (V3)
<b>Statutory documents linked to policy:</b> Data protection act 1984	<b>Previous review date:</b> January 2014 (V1) October 2018 (V2)
<b>Other Policies linked to this policy:</b> Confidential reporting / Greivence procedure Data Protection policy / complaints procedure	<b>Next Review Date:</b> Oct 2024 (V4)
<b>Governor Committee Responsible</b>	People & Resource Management

WNA Vision: All children will achieve their full potential, with holistic support, whilst enjoying and driving their own learning, gaining self-respect, selfesteem and self- belief. Our classroom extends to rich, exciting environments within the forest, the beach, the city and the community as a whole.

The schools work with children and families will sometimes bring us into contact with confidential information.

We seek to provide a safe and secure learning environment, implementing the principles of the Every Child Matters Agenda.

The Data Protection Act (DPA) deals with issues related to confidentiality, and therefore this policy should be read in conjunction with WNA's Data Protection policy. The DPA does not only apply to computer data, but to every form of record including hard copies.

### **Introduction**

The issue of confidentiality is a complex one and covers three major areas:-

- 1 *Confidentiality as it affects staff*
- 2 Confidentiality as it affects volunteers, parents and children.
- 3 *Confidentiality in relation to employment/management issues*

This policy is written to safeguard the interests of WNA staff\* parents and children. Maintaining confidentiality is usually in the interests of all parties and should be extend throughout every aspect of WNA's functions.

It relates to an individual's personal affairs, the internal and external affairs of WNA.

If any staff\* member is unclear what constitutes confidential information, they should discuss this with the headteacher.

### **Confidential Material**

This relates to any information of a private nature; examples of this include personal details, and other sensitive information which an individual would not want in the public domain. Examples of this may include details of home address, phone number, details of health issues or personal circumstances. This list is not exhaustive.

WNA has, in keeping with Data Protection, a policy in respect of keeping individuals details and this should also be referred to.  
\* 'staff' includes teachers, volunteers and Directors.

### **Aims**

#### **The policy aims to:**

Demonstrate that confidentiality is treated with importance throughout WNA at all times.

- Detail the basic standards and procedures incorporated into WNA's working practice.
- To ensure good practice throughout the school which is understood by pupils, parents and staff
- Prevent breaches of confidentiality
- Promote confidence and trust in WNA's management.
- Comply with the Data Protection and Data Protection Amendment acts

## Principles

1. All persons contacting WNA have a reasonable right to assume that any disclosure of information they make will be treated in confidence and will not be passed on without their consent.
2. Any disclosure without consent of what could be reasonably construed as private information, e.g. address and telephone number, is a misuse and an abuse of privacy.
3. Where possible, information regarding an individual is not collected without the individual's consent.
4. Information that is given for an explicit purpose has no right to be used for any other purpose.
5. All staff, parents and volunteers have the right to see, under supervision, any information that relates to them. This includes computerised and hard copy materials. Persons should give reasonable notice prior to viewing any documentation.

## Rights and Responsibilities

The principles of confidentiality apply equally to WNA's staff, volunteers and parents. However, specific people have specific rights and responsibilities depending on their role at WNA.

### Parents:

1. Parents have a right to expect that information held by WNA, with regard to their children is treated with respect. Furthermore all staff and volunteers with whom they come into contact with abide by the principles and practices outlined in this policy.
2. If a parent feels that confidentiality has been breached they have the right to complain. In this event they should be directed to WNA's complaints procedure.
3. Any such complaint will be handled with discretion in order not to further any breach of confidentiality.
4. The school prides itself on good communication with parents and carers, staff are always available to talk to both parents/carers and children about issues causing concerns
5. Parents should be aware that information about their child will be shared with the receiving school when they change schools.
6. Parents will have ready access during normal school hours to the files and records regarding their own child/ren 7. On the school website, photographs of children will not include their individual names.

### Staff and Volunteers

#### Rights

1. Staff and volunteers have the right to receive ongoing support and supervision which is undertaken in confidence. Any information which is consequently divulged should be anonymous. This could be in a staff training sessions, school staff meetings or at a supervision session.
2. Staff have the right to meet with and gain support on a regular basis from other members of staff.

#### All Have The Right To:

1. Expect that any personal details held about them are kept safely and securely, and that information will not be disclosed to any other party without their express permission.
2. Be protected by clear policies and guide lines
3. Training regarding confidentiality.

## Responsibilities

### All are responsible for:

1. Reading and abiding by this policy declaring any conflict of interest between their role at WNA and their role in another capacity. The procedure at meetings may therefore exclude individuals who seem to have a conflict of interest.
2. Respecting confidential agenda items at meetings.
3. Keeping minutes, reports and other internal documents secure. All such documents should be treated as confidential. On occasions information can be reproduced or directed to persons outside WNA but only with permission of the head teacher, Items marked confidential should not be kept for general access.

The above rights and responsibilities continue to apply after a person ceases to volunteer or be employed by or have association with WNA.

## Team Confidentiality

1. WNA operates a system of team confidentiality. Parents are made aware at the outset that information may, where appropriate, be shared with other staff or volunteers, on a need to know basis, all of whom are bound by the principles outlined in this document.
2. Records relating to families are available to staff or volunteers who have undergone selection and training and who have signed the undertaking on confidentiality.
3. No individual worker has the right to claim that information was divulged exclusively to them.
4. Individuals should only have access to information on a need to know basis.
5. Only that information which is strictly necessary to share should be divulged.
6. Parents/Children should not be referred to by name at directors meetings as directors may also be members or workers of other projects where the parents may have contact.
7. All WNA personnel have the right to be supported they should feel able to share confidential information relating to their personal or professional situation at regular meetings with colleagues or the head teacher.
8. Confidential information should stay inside the WNA staff team and not be repeated outside the school.

## Contact with parents and Other Persons

1. A person requesting information from or supplying information to WNA makes their approach to the school rather than an individual teacher.
2. Information may appear innocuous or may be of a highly sensitive and personal nature. If a person says a fact is especially confidential, even if personnel think it isn't, it should be treated as such.
3. If a staff member or volunteer is told something in confidence, or told not to record it and has concerns they should seek advice from the head teacher.
4. Unsolicited information from a parent should not be recorded unless pertinent to service provision.
5. Parents/carers and children need to be aware that the school cannot guarantee total confidentiality as the school has a duty to report child protection issues.
6. Where an individual gives information that clearly indicates or alleges that they or others may be at risk, a clear explanation must be given stating that the information may be, or must be shared.
7. If an unknown third party contacts WNA without the knowledge of a parent WNA is not authorised to take action on the parent's behalf. Staff should attempt to gain direct contact, by letter or phone, before proceeding.

8. Personnel should be careful in their response to a direct question about a parent when asked by someone who is not known to them. They should attempt to answer in such a way that does not allow an affirmative interpretation to be assumed by the inquirer.
9. Confidentiality is a whole school issue. Clear ground rules must be set for any classroom work such as circle time and PSHCE sessions.

### Methods of Communication

#### In Person

Facilities are made available for a private and confidential interview in person. All staff and volunteers should be aware that persons may walk into open offices unless a sign states that a private meeting is in progress.

#### In Writing

1. Correspondence should be logged and recorded in the post book. Post that arrives with 'confidential' marked on the envelope should not be opened. It should be date stamped on the envelope, recorded as 'confidential to (name of person)' and pigeonholed to the person it is addressed to, who should record the date of arrival on the correspondence after opening.
2. If correspondence arrives, is opened and then found to be marked 'confidential/personal' it should be date stamped, recorded, resealed marked 'confidential' and pigeonholed to the person it is addressed to.

#### By Telephone

1. It is important to take care when using the telephone.
2. Staff should ensure privacy when they receive or make a call of a confidential nature.
3. When calling someone back staff/volunteers should check that the person they want is the person they are speaking to.
4. Sometimes calls are received from people in distress and it is impossible to put them on hold and transfer the call to a more private environment.

#### By E-mail

1. Confidential information should not normally be sent by e-mail.
2. If it is necessary to do so then initials must be used to indicate clearly that the material is confidential and who should receive it.
3. Arrangements should be made with the organisation receiving the e-mail for them to have an appropriate member of staff ready to receive it when it is sent.
4. They should be asked to telephone to confirm receipt.

### Storage of Information

#### Document Storage

1. Personal information which identifies a person such as name, home address or circumstance should only be kept where it is relevant for day to day work: it should be kept in a secure locked cabinet.
2. All inquiries should be recorded legibly and accurately and should be kept up to date with details of actions taken.
3. Thought should be given to what information is needed and why. Standard forms should be designed with this in mind. Only information that is necessary should be requested.

4. Notes made regarding users should be kept in a safe place before transfer to the record system. Notes should be destroyed once case files and data base records have been compiled.
5. Care should be taken when photocopying confidential documents. All inquiry records should be kept in lockable cabinets or rooms when not in use with access limited to relevant staff.
6. Care must be taken to ensure that all records are secured when premises are not staffed. Correspondence and other records, minutes, memos, files, card systems pertaining to an individual or organisation should be kept in locked cabinets or rooms. This includes information about staff or volunteers.
7. Access to operational information however, should be made available to other staff where appropriate.
8. Personal files for staff and volunteers should be stored in locked cabinets with access limited to relevant staff. Employees' personal and finance files should be kept by either the delegated staff member or Head Teacher.
9. Particularly sensitive information should be marked as such and kept by the headteacher.
10. All staff must take responsibility for clearing or covering up confidential information left in their working area when not in use.
11. Personnel/recruitment records remain the property of WNA. These are needed to demonstrate the methods used by WNA, and as proof in the event of any claim made against the organisation. Old files and record should be regularly monitored and information destroyed when it is no longer necessary to keep it.
12. Personnel records should be kept for 6 months after the employee leaves. If there is a specific reason for keeping information longer than this period it should be noted on the record.
13. Recruitment records (application forms, score sheets, etc.) will be kept for 6 months after the recruitment process has finished and will then be destroyed.
14. Archived records will be kept for one year, and then reviewed. Any records which form part of project delivery funded by Local Authority or other funding streams will be governed by the criteria relating to that funding.

### Computer Storage and Communication

#### The Data Protection Act

WNA is registered under the Data Protection Act 1984. This Act gives protection against dangers arising from the use and storage of recorded information on computer.

The Act covers:

- The use of personal information that is inaccurate, incomplete or irrelevant.
- The possible access to personal information by unauthorised persons.
- The use of personal information in context / or for purposes other than for which it was collected.

If staff have any queries about the Act they should seek advice from the head teacher.

1. Confidential information relating to staff, volunteers or families should where possible, not be kept on hard drive or memory stick. Hard copies should be taken and kept in an individual's file with computer records deleted. When it is necessary, the information should be password protected.
2. Where confidential information is stored on disk, this should be secured in locked cabinets or rooms when not in use.
3. Staff should use a screen saver and or remove confidential information from the screen whilst away from their desks.
4. Access passwords should be used on all computers.
5. Password facilities on screensaver should be used when working on confidential material.

**E- Mail** Confidential files should not be sent in this way unless personnel have been trained on, or have agreed a secured, password protected method.

### **10 Removal of Information from the Premises**

Staff are not permitted to take confidential information home. It may sometimes be necessary to take confidential information to other premises for a short period of time. If this is the case, the same guidelines outlined in this document apply. No such material or information should be left unattended in a vehicle. Excepting where it is a legal requirement (duplicate payroll accounts back up), and these will be kept properly secured.

### **Disclosure of Information**

#### **Introduction**

The ethics of disclosure are often not clear cut. There may often be a conflict of interest and all persons should gain support in making decisions about the issues involved. Deciding when and when not to disclose information and what is and isn't necessary to pass on is vital. In some cases it may be impossible to provide the relevant help without disclosure.

Generally disclosure should not be made without consent; however there are occasions when disclosure may be made without consent e.g. serious breaches of law.

#### **Disclosure to and Liaison with Third Party and Other Agencies**

1. If it is necessary to contact another agency on an individual's behalf, permission should be sought from the individual, preferably in writing. In some instances outside agencies request written authorisation.
2. A person's identity should be established before disclosing confidential information to him or her. This is sometimes difficult. In the event of a phone call the name and role of the caller should be noted, along with their telephone number. If staff have any doubt about the person's identity they should call them back. If doubts arise when talking to a person face-to-face they should be asked for proof of their identity/role.
3. Only factual information or the views of the users should be passed on. Any opinions offered by staff should be stated and recorded as such.
4. Correspondence from WNA on behalf of an individual should make it clear to a third party that any reply received will be shown to the individual.
5. Staff should not take part in case conferences without the permission of the parent.
6. Any agreement about confidentiality should continue after a person's death unless there are overriding legal or ethical considerations. If this information is requested the staff member should seek advice.
7. Staff should respect confidentiality on matters concerned with the running of WNA as well as confidential or sensitive information relating to other local organisations or groups. The words or actions of staff should not adversely affect the goodwill upon which WNA depends. If they have concerns that they wish to raise they should do this in confidence with a colleague, their head teacher, a Director, ACAS, their Trade Union Representative or another suitable person. Persons from whom advice is sought should be asked to maintain confidentiality.

#### **Disclosure without Consent**

Any disclosure of confidential information without consent is a misuse and an abuse of privacy.

There are times when it is necessary to break confidentiality. This should only happen in certain circumstances and where staff feel it's absolutely necessary.

Times when it may be necessary to break confidentiality agreements are:

- To protect those children and young people at risk of significant harm as defined by the Children Act 1989 (Section 47c states that a local authority must investigate where there is reasonable cause to suspect that a child or young person is suffering or likely to suffer significant harm and that enquiries should be made by the said authority to safeguard and promote the welfare of the child or young person)
- To protect the public from an act of terrorism as defined in the Prevention of Terrorism Act 1971
- As a duty to the courts
- To protect workers in a life threatening situation i.e. 999 calls to the police for help with a violent or potentially violent client

Workers may consider a breach of confidentiality:

- Where the client is experiencing serious mental health problems. Section 115 of the Crime and Disorder Act 1998 allows the police, local authority, probation and health authority the power to disclose information, where the disclosure is necessary or expedient for the purpose of any provision of the Crime and Disorder Act 1998.
- To protect the client in a life threatening situation

Where another person is at risk of harm or injury, whether that be to self or property

In extreme circumstances where a member of staff or volunteer has to make an emergency decision to pass on information, they should clearly record the reasons for doing so and should then immediately seek to contact the Head Teacher.

### **Training**

All staff and volunteers will receive training on confidentiality as part of an induction procedure.

### **Implementation**

This policy will be implemented and reviewed every year.

### **Monitoring**

The effectiveness of this policy and of confidentiality at WNA is monitored on a regular basis.

### **This is done by:**

1. Recording all complaints about breaches of confidentiality.  
Addressing issues of breaches/possible breaches of confidentiality at supervision.
2. Findings from any complaints about confidentiality, sharing of experiences at staff meetings or statistics and other information used in the monitoring of any of WNA services should be user anonymous. Findings are used to highlight any inadequacies in this policy or in staff training.
3. Overall responsibility for day to day implementation and monitoring rests with the Head Teacher.



## Governors Meetings

Directors meetings should be treated as confidential, where possible examples relating to individuals should not be given unless absolutely necessary. When personnel issues are discussed, key issues and the final outcome should be summarised in the minutes. Directors are expected to adhere to the confidentiality policy. Issues relating to the internal and external affairs of the organisation should not be discussed outside of the school, unless members are delegated to do so by the committee. Information exchange and updates between directors and staff should be treated as confidential. Information relating to the internal affairs of the school should be treated as confidential. A director should not take it upon themselves to pass on information to external parties, unless delegated to do so by the rest of the committee. The confidentiality policy should be read in conjunction with the 'Terms of reference' and the 'Code of Conduct'. To breach the confidentiality policy is a breach of the Code of Conduct.

I have read, understood and agree to the terms of this policy

Name.....