

# Confidentiality and Data Protection Policy – Kelsey Primary School

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## Introduction

This document outlines the purpose, nature and operational management of the confidential information (Including data protection) in Kelsey Primary School.

## Linked Policies

This policy should be read in conjunction with the following policies:

- Acceptable use agreement
- Child protection
- Complaints
- Freedom of Information
- Social networking

## Aims

The confidentiality and data protection policy is designed to:

- ensure that all families can share their information in the knowledge that it will only be used for the welfare and safety of their children;
- support staff in their work by having clear guidelines for confidentiality;
- ensure that all stakeholders are aware of the school policy for confidentiality.

## Statement of Intent

It is our intention to respect the privacy of children, their families and staff, while ensuring that they are provided with a high standard of education and a safe and secure environment in which to grow and learn.

## Note

The release of information about a child or family to a person who is not authorised to know could (and in many cases will) be a criminal offence.

If you are in any doubt as to whether you should disclose information speak to the headteacher first.

## Legal Framework

The data protection act 1998 is relevant:

[http://www.ico.gov.uk/for\\_organisations/data\\_protection.aspx](http://www.ico.gov.uk/for_organisations/data_protection.aspx)

The school is registered under the act.

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## Formulation of the policy

This policy was drawn together from principles contained within the policy and practice for Child Protection, Equal Opportunities and PSHCE, together with Government and local guidelines. It reflects current practice within school and areas of best practice that were highlighted by discussions with staff and governors.

The issues discussed were as follows:

- Key purpose of a Confidentiality policy
- Areas covered by confidentiality
- Child Protection issues surrounding confidentiality
- Importance of training for all staff
- Importance of relaying the policy to parents and children
- Informing temporary or voluntary staff

## Objectives

To ensure that children, families and staff can feel secure within the school community, we respect confidentiality in the following ways:

- Parents have access to the records of their own children, but do not have access to information about other children.
- Staff will not discuss personal information given by parents with other members of staff, except where it affects the school's ability to meet that child's needs.
- Children are made aware of what will happen to any information they give to staff, namely that some information can remain confidential, while some has to be shared with other adults.
- Staff allow time to talk to children and families at an appropriate time and in an appropriate place.
- Staff, student and governor induction includes an awareness of the importance of confidentiality.
- Staff are supported by the Designated Teacher for Child Protection (headteacher) and if necessary by the Local Authority Education Welfare officers, when dealing with difficult situations.
- Volunteers helping in school will be given a copy of the policy so that they are aware of the importance of confidentiality.
- Regular training is given with regards to dealing with a disclosure from a child. (See flowchart). Parents are informed through the School Child Protection Policy of the duties of the Designated Teacher for Child Protection, should a disclosure occur.
- All members of the school community are made aware that the Headteacher is the Designated Teacher for Child Protection.
- Any concerns relating to a child's safety are kept in a secure, confidential file and are shared with as few people as possible on a 'need to know' basis.
- Personal information about children, families and staff is kept securely, whilst remaining as accessible as is necessary.
- Issues relating to the employment of staff and volunteers remain confidential to the people directly involved with making personnel decisions.

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- Parents' permission with regards to taking photographs of their children is sought on entry to the school and staff are kept informed.

## **Monitoring and Evaluation**

A copy of the policy will be included on the school website and kept in the policy folder at the front of the school. It will be shared with the children during School Council meetings and with the staff and governors at their respective meetings.

The governor with responsibility (**Chair of Governors**) will review any issues that arise over confidentiality with the headteacher, in order to assess the effectiveness of the policy in practice. This will give us an opportunity to monitor our practice before the official review date.

## **DEFINITION OF CONFIDENTIALITY**

*Confidentiality is defined as 'something which is spoken or given in private, entrusted with another's secret affairs'.*

The confider is asking for the content of the conversation to be kept secret. Anyone offering **absolute confidentiality** to someone else would be offering to keep the content of his or her conversation completely secret and discuss it with no-one.

In practise there are few circumstances where absolute confidentiality is offered in our school. We strive to strike a balance between ensuring the safety, well-being and protection of our pupils and staff, ensuring there is an ethos of trust where pupils and staff can ask for help when they need it and ensuring that when it is essential to share personal information, child protection issues and good practice are followed.

**This means that in most cases what is offered is limited confidentiality.**

Disclosure of the content of a conversation could be discussed with professional colleagues, but the confider would not be identified except in certain circumstances. Staff should make it clear that there are limits to confidentiality at the beginning of the conversation. These limits relate to ensuring children's safety and well-being. The pupil will be informed when a confidence has to be broken for this reason and be involved in the information sharing where possible.

**A good rule of thumb: "Speak to the headteacher first" – at the very least this will allow you time to think and seek the advice of another individual.**

**Never disclose information about a pupil or family unless you are certain and consider carefully where you are discussing sensitive information, e.g. in the staffroom – do we have visitors or volunteers present?**

**The same applies to emails and social networking. You should NEVER discuss pupils or families in personal emails or on social networking sites. Different levels of confidentiality are appropriate for different circumstances:**

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In the classroom in the course of a lesson given by a member of teaching staff or an outside visitor including health professionals -

Careful thought needs to be given to the content of the lesson setting the climate and establishing ground rules to ensure confidential disclosures are not made. It should be made clear to pupils that this is not the time or place to disclose confidential personal information.

When a health professional is contributing to a school's health education programme in a classroom setting, they are working with the same boundaries of confidentiality as a teacher. (It is the class teachers' responsibility to ensure they know these guidelines.)

One-to-one disclosures to members of school staff - It is essential all members of staff know the limits of the confidentiality they can offer to both pupils and parents and carers and any required actions and sources of further support or help available both for the pupil or parent/carers, within the school and from other agencies where appropriate. It is standard practice at Kelsey Primary that all staff encourage pupils to discuss different issues with their parents or carers and vice versa. However, the needs of the pupil are paramount and, in exceptional circumstances, the school staff will not **automatically** share information about the pupil with his/her parents if it is not considered to be in the child's best interests.

Disclosures to an outside professional operating a confidential service in the school - Parents are always informed and their permission is sought before children receive support from outside professionals.

## **Supporting documentation**

Please refer to the following documents in support of this policy:

- Working Together to Safeguard Children
- Every Child Matters
- Data Protection Act
- Sex Education Policy
- Child Protection Policy
- Disability and Equal Opportunities Policy

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## **The storage (for example excel spread sheets or word documents), use or transmission of information by electronic means (including email and social networking sites) – Data Protection**

**A good rule of thumb** – “treat electronic data or information, whatever form it may be in, in exactly the same way you would treat confidential paperwork or verbal information.”

### **Introduction**

The Data Protection Act 1998 came into force on 1st March 2000. It sets out what can and what cannot be done with personal data that is information about living individuals. Kelsey Primary School is placed under a legal obligation to comply with the provisions of this Act.

### **Commitment to the Protection of Personal Information**

Kelsey Primary School needs to collect and use certain types of information about people with whom it deals in order to operate effectively. These include pupils, parents, guardians, staff, governors, suppliers and others with whom it communicates. In addition, it is required by law to collect and use certain types of information to comply with the requirements of government departments.

This personal information must be dealt with properly and securely regardless of what method is used for its collection, recording or use – whether this is paper, a computer system or any other material. There are safeguards to ensure that the processing of such information is carried out in a proper fashion and these are contained in the Act.

This policy does not seek to convey the whole legislation to its readers, rather to acquaint them with the main provisions and to demonstrate that Kelsey Primary School has a commitment to those provisions.

Further detailed information relating to data protection legislation can be obtained from:

[http://www.ico.gov.uk/for\\_organisations/data\\_protection.aspx](http://www.ico.gov.uk/for_organisations/data_protection.aspx)

Kelsey Primary School regards the lawful and correct treatment of personal information as very important to the successful and efficient performance of its functions and to maintaining confidence between those with whom we deal and ourselves. We ensure that our school treats personal information lawfully and fairly.

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## Our Data Protection Standards

Kelsey Primary School will, through appropriate management and adherence to agreed procedures:

- Observe fully the conditions relating to the fair collection and lawful use of personal information;
- Meet its legal obligations to specify the purposes for which the information is used;
- Collect and process appropriate information but only that which is necessary to its operational needs or meet its legal requirements;
- Ensure the quality of information used;
  - We will ask people to help us to achieve this by keeping us informed of any changes to the information we hold about them;
- Apply strict checks to determine the length of time information is held and to ensure that it will be disposed of when no longer required with due regard for its sensitivity;
- Ensure that the rights of people about whom information is held can be exercised. These include the right to be informed that processing is being undertaken, the right to access one's personal information, the right to prevent processing in certain circumstances and the right to correct, rectify, block or erase information which is regarded as wrong;
- Take appropriate technical and organisational measures to safeguard personal information.

## Management Arrangements

Kelsey Primary School will ensure that:

- the Headteacher holds specific responsibility for data protection within the school;
- everyone managing and handling personal information understands that they are responsible for following good data protection practice;
- everyone managing and handling personal information is appropriately trained to do so;
- everyone managing and handling personal information is appropriately supervised
- anyone wanting to make enquiries about handling personal information knows what to do;
- queries about handling personal information are dealt with promptly and courteously;
- methods of handling personal information are regularly assessed and evaluated;
- records of personal information will not be kept for longer than is necessary, and will follow the guidance on records retention issued by the local authority.

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## Policy Information:

**Date adopted by the governing body:** October 2012 & December 2015  
**Policy Written by:** Magnus Smedley (Headteacher)  
**Policy Review Date:** December 2020

**Signed:**

**Chair of governors:**

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**Headteacher:**

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