

# The Cornwall Independent School

## CONFIDENTIALITY AND INFORMATION SHARING

*This policy, which applies to the whole school, including the Early Years Foundation Stage, (EYFS) is publicly available on the school website and upon request a copy (which can be made available in large print or other accessible format if required) may be obtained from the School Office.*

### Document Details

The safety, well-being, and protection of our students are the paramount considerations in all decisions that members of staff make about confidentiality. The appropriate sharing of information between school staff members is an essential element in ensuring our students' well-being and safety. This policy describes The Cornwall Independent approach to information sharing and the protocols we implement around student confidentiality.

**Scope:** All who work, volunteer or supply services to our school have an equal responsibility to understand and implement this policy and its procedures both within and outside of normal school hours, including activities away from school. All new employees and volunteers are required to state that they have read, understood and will abide by this policy.

**Legal Context:** Complies with The Education (Independent School Standards) (England) Regulations currently in force and:

- Keeping Children Safe in Education – KCSIE (September 2021)
- Working together to Safeguard Children (2018)
- HM Government – Information Sharing advice for practitioners (2015)
- Data Protection legislation, including the Data Protection Act 2018 and General Data Protection Regulation (GDPR)
- Human Rights Act 1998 – Article 8 European Convention on Human Rights

**Monitoring and Review:** These arrangements are subject to continuous monitoring, refinement, and audit by the Headteacher. The Advisory Board will undertake a full annual review of this document, inclusive of its implementation and the efficiency with which the related duties have been implemented. This review will be formally documented in writing. Any deficiencies or weaknesses recognised in arrangements or procedures will be remedied immediately and without delay. All staff will be informed of the updated/reviewed arrangements and it will be made available to them in writing or electronically.

Reviewed: November 2024

Next Review: September 2025

Signed:



Miss Louise Adams  
Headteacher

Mr Stephen Beck  
Chair of the Advisory Board

Mrs Carol de Labat  
Advisory Board Agent for Safeguarding

### Related Documents:

- Safeguarding Children (Child Protection) Policy
- E-Safety Policy including Cyber-Bullying and Acceptable Use Policy
- Data Protection Policy
- Preventing Extremism and Radicalisation Policy
- Relationship and Sex Education Policy
- Race Equality Policy

*The Cornwall Independent School is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment. It is our aim that all pupils fulfil their potential.*

- Single qualities Policy
- Records retention Policy

**Aims and Objectives:** This policy provides guidance and information on our confidentiality procedures in the school for staff, pupils, parents/carers and the advisory board alongside how we share information.

**Rationale – we believe that:**

- The safety, well-being and protection of our pupils are the paramount consideration in all decisions members of staff make about confidentiality. The appropriate sharing of information between school staff members is an essential element in ensuring our pupils' wellbeing and safety.
- It is an essential part of the school ethos of our school that trust is established to enable pupils, staff and parents/carers to seek help, both within and outside the school and minimise the number of situations when personal information is shared to ensure pupils and staff are supported and safe.
- Pupils, parents/carers and members of staff need to know the boundaries of confidentiality that can be offered by individuals in order to feel safe and comfortable in discussing personal issues and concerns, including sex and relationships.
- The school's attitude to confidentiality is clearly stated in this policy.
- All staff should be able to trust the boundaries of confidentiality operating within the school, as defined in this policy.
- Everyone in the school community needs to know that no one can offer absolute confidentiality to a pupil if there are child protection concerns. Issues concerning personal information including sex and relationships and other personal matters can arise at any time.
- Everyone in the school community needs to know the limits of confidentiality that can be offered by individuals within the school community, so they can make informed decisions about the most appropriate person to talk to about any health, sex and relationship, or other personal issue they want to discuss.

**Confidentiality Definition:** The dictionary definition of 'confidentiality' is: *"something which is spoken or given in confidence; private, entrusted with another's secret affairs"*.

- In practice, there are few situations where absolute confidentiality is offered in our school. We have tried to strike a balance between ensuring the safety, wellbeing 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 procedures and good practice are followed.
- This means that in most cases what is on offer 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.

**The general rule is that staff should make 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 will be encouraged to do this for themselves whenever this is possible.**

**Moral and Values Framework:** The Confidentiality Policy at The Cornwall Independent School reflects the school ethos and demonstrates and encourages the following values:

- Respect for self;
- Respect for others;
- Responsibility for their own actions;
- Responsibility for their family, friends, school and the wider community.

**Policy Statement:** This school operates in a way that respects every individual and family's right to privacy. All our staff and visitors are therefore expected to work within the guidelines of this policy which conform to recent legislation and government guidelines and which protect confidentiality. In practice this means:

- making it clear that gossip is discouraged;
- keeping personal records of behaviour confidential;
- not discussing pupil or family personal matters in a general way;
- using teaching methods which protect confidentiality;
- always encouraging pupils to talk to their parents or carers about any anxieties they may have, while at the same time

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offering support for individuals and families.

**Personal Disclosures:** Pupils will be made aware that some information cannot be held confidentially and made to understand that if certain disclosures are made, certain actions will ensure. At the same time, pupils will be offered sensitive and appropriate support. Procedures outlined in the school's Safeguarding Child Protection Policy will be adhered to by all adults upon the occasion of disclosure by a child or suspicion of possible abuse.

**Confidentiality in the Classroom:** All teaching will be done in a way that reaffirms respect for everyone in, school and associated with, the school. The following strategies for maintaining confidentiality will be used in this school:

**Setting ground rules:** Teaching staff will work with pupils to develop 'ground rules' for lessons and discussions and show why these need to be agreed and respected by everybody. For example:

- no-one will have to answer a personal question or disclose any personal detail;
- everyone has the right to 'pass' on a question if they want to;
- no-one will be forced to take part in a discussion;
- everyone has the right to be listened to and have their views respected;
- no teasing or bullying of any kind;
- if you don't want anyone to know something, talk about it as though it was someone else.

**Depersonalising:** Teaching staff will protect pupils' privacy in the class by always depersonalising discussions. Pupils can then explore the issues being raised without having their personal lives or those of their families implicated or invaded and 'used' inappropriately by other pupils. For example:

- Use the third person to allow pupils to keep a distance ('If you were Jamie/Sara what would you do?' rather than 'What would you do?')
- Collect answers anonymously on pieces of paper so that pupils can express their feelings without risking exposure.
- collect group ideas without identifying individuals.

Staff must remain aware of their terms of contract and that they cannot promise children absolute confidentiality and must remain aware of their terms of contract and that they cannot promise children absolute confidentiality.

**Maintaining confidentiality:** Other professionals may need some support in working with groups in a way that protects confidentiality. In a one-to-one setting it is good practice for other professionals to talk to a child personally, to make sure that their concerns are identified, and that they understand the advice they are given. In a classroom setting it is not appropriate to talk directly to individuals about their personal experiences.

**One to one disclosures to members of school staff (including voluntary staff):** It is essential all members of staff know the limits of the confidentiality they can offer to both pupils and parents/carers (see note below) and any required actions and sources of further support or help available both for the pupil or parent/carer and for the staff member within the school and from other agencies, where appropriate.

All staff at this school encourage pupils to discuss difficult issues with their parents or carers, and vice versa. However, the needs of the pupil are paramount and school staff will not automatically share information about the pupil with their parents/carers unless it is considered to be in the child's best interests.

(Note: When concerns for a child comes to the attention of staff, for example through observation of behaviour or injuries or disclosure, however insignificant this might appear to be, the member of staff should discuss this with the Designated Safeguarding Lead as soon as is practically possible. More serious concerns must be reported immediately to ensure that any intervention necessary to protect the pupil is accessed as early as possible. Also please refer to the school Safeguarding – (Child Protection) Policy.

**The legal position for school staff:** The Cornwall Independent School staff (including non-teaching and voluntary staff) should not promise confidentiality. Pupils do not have the right to expect that incidents will not be reported to his/her parents/carers

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and may not, in the absence of an explicit promise, assume that information conveyed outside that context is private. No member of this school's staff can or should give such a promise.

The safety, well-being and protection of the child is the paramount consideration in all decisions staff at this school make about confidentiality. Staff are NOT obliged to break confidentiality except where child protection is or may be an issue, however we believe it is important staff are able to share their concerns about pupils with colleagues in a professional and supportive way, on a need-to-know basis, to ensure staff receive the guidance and support they need and the pupils' safety and well-being is maintained. School staff should discuss such concerns with the DSL.

**Teachers and Support staff** should never indicate to a child that the child could make a disclosure in confidence as such a confidence may not be possible once the disclosure has been made. Staff must always consider the best interests of the child including the need to both ensure trust to provide safeguards for the child and ensuing possible child protection concerns. All staff receive training in child protection as part of their induction and are required to follow the schools' child protection policy and procedures.

**Visitors and Volunteers:** We expect all voluntary staff to report any disclosures by pupils or parents/carers, of a concerning personal nature to the designated safeguarding lead as soon as possible after the disclosure and in an appropriate setting, so others cannot overhear. This is to ensure the safety, protection and well-being of all our pupils and staff. The designated safeguarding lead will decide what, if any, further action needs to be taken, both to ensure the pupil gets the help and support they need and that the member of staff also gets the support and supervision they need.

**Other Professionals Working in School:** Pupils may come in contact with a number of other professionals within the school. The involvement of these professionals raises a number of confidentiality issues. Reporting a Safeguarding issue can be done through CPOMS, telephone, email or in person

**Disclosures to the police:** Staff should be aware that delays in the processing of information could have a detrimental effect on a pupil or risk causing a pupil significant harm. Accordingly, police requests, in the course of an investigation, for information regarding a pupil will be honoured. In the interests of confidentiality, disclosures to the police should be limited to the minimum required and should be processed through the DSL.

**Risk of self-harm:** If it appears that a pupil is at risk of self-harm, concerns should be reported to the Designated Safeguarding Lead. It is often sensible to discuss these concerns directly with the pupil. Parents should be consulted and a risk assessment created. Since self-harming activity can vary in its level of immediate danger, discussion with a professional is important to assess what action is needed. Where there are clear indications that the pupil is in imminent and serious danger, 999 emergency services should be contacted. The Designated Safeguarding Lead (DSL) should be consulted as quickly as possible..

**Serious crime:** Victims of serious crime, including sexual crime may fear reporting the matter to the police. Advice should be sought on how to support victims in such circumstances and on the details of confidential referral routes.

**Dealing with the media.** No member of staff should speak to the Media. - All Media contact should be referred in the first instance to the Headteacher, who will be careful about speaking to the media and this is particularly so when there is a risk that confidential or sensitive personal data might be inadvertently disclosed

**Professional Codes of Conduct:** Other professionals – when working with individual pupils – are bound by their professional codes of conduct which tend to give pupils the right to confidentiality, and it would be unreasonable to expect a professional to act outside their professional code within a school setting. Confidentiality, in these situations, should only be breached in exceptional cases and not without first informing the pupil. In a classroom situation, including small group work, the school's policies and procedures apply to professionals.

**Parents and Carers:** It is essential to work in partnership with parents and carers, and the school endeavours to keep parents/carers informed of their child's progress at school, including any concerns about their progress or behaviour. However, there also needs to be a balance so that pupils can share any concerns and ask for help when they need it. Where a pupil does discuss a difficult personal matter with a member of staff at school, they will be encouraged also to discuss the matter with their parents or carers Parents and Carers need to be aware that the school can never offer complete confidentiality if there is

a chance that someone is at risk of harm.

**When confidentiality should be broken and procedures for doing this:** All staff and volunteers are to comply with the Safeguarding (Child Protection) Policy. See the Child Protection Policy. Where this does not apply and you are still concerned and unsure of whether the information should be passed on or other action taken you should speak to the Headteacher

**The principles we follow at our school are that in all cases:**

- Ensure the time and place are appropriate. Reassure the pupil that we understand they need to discuss something very important and that it warrants time, space and privacy. See the pupil as quickly as is possible and always immediately in cases of neglect, or abuse. The DSL must ensure that any intervention necessary to protect the pupil is accessed as early as possible.
- Explain to the pupil we cannot guarantee confidentiality if we think they will:
  - hurt themselves
  - hurt someone else
  - or they tell us that someone is hurting them or others.
- Do not interrogate the pupil or ask leading questions
- Do not put pupils in the position of having to repeat distressing matters to several people.
- Inform the pupil first before any confidential information is shared, with the reasons for this.
- Encourage the pupil, whenever possible to confide in their own parents/carers.

**Record Keeping:** Any disclosures which may involve Safeguarding and/or Child Protection issues are securely stored in an electronic record on CPOMS which is accessible by the Designated Safeguarding Leads and the Headteacher. Any paper records are stored in a lockable filing cabinet and If they are of a sensitive nature, then they are kept in a sealed envelopewith a signature over the seal. If asked, staff must be able to explain to the pupil and, if appropriate, any adult with parental responsibility:

- the purpose for which the information is being recorded, where and for how long the record will be kept;
- the circumstances in which it may be shared with other people and agencies who may have or may be given access to the information

**Data Protection:** Confidentiality does not just relate to disclosures of information which could have legal implications such as abuse. Staff members should not handle any confidential information carelessly as pupils and other members of staff may regard this as the norm and respond in a similar manner if a confidence is passed to them. The following measures are in place to ensure confidential information is dealt with appropriately:

- Pupil records are kept in a locked filing cabinet. Pupil's, SEND and Child protection files are retained until the pupil's 25<sup>th</sup> birthday and then destroyed.
- Personal pupil information is not displayed on notice boards, except for health and safety notices about specific children's allergy etc. reactions. This H&S information, medical information and further information is on display in the staff room; however this is only accessed by members of school staff.

**Equal Opportunities Statement (Single Equality Policy):** Our policy aims to respond to the diversity of children's cultures, faiths, gender, race and family backgrounds.

**Information Sharing:** The sharing of information is an integral part of staffs' role when working with children. Failure to share the right information could have serious consequences for a pupil's outcome and fears about sharing information cannot be allowed to obstruct the promoting of children's welfare. All practitioners should be alert to the signs and symptoms of abuse and neglect and understand the procedures for reporting cases of suspected abuse in line with our Safeguarding Policy.

Where there are concerns about the safety of a child, the sharing of information in a timely and effective manner between organisations can reduce the risk of harm. Every LSCB should play a strong role in supporting information sharing between and within organisations and addressing any barriers to information sharing. This should include ensuring that a culture of appropriate information sharing is developed and supported as necessary by multi-agency training. In addition, the LSCB can require an individual or body to comply with a request for information, as outlined in section 14B of the Children Act 2004.

**Key Principles to Information Sharing:** The principles set out below are intended to help practitioners working with pupils,

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parents and carers share information between organisations. Staff should use their judgement when making decisions on what information to share and should consult the DSL. The most important consideration is whether sharing information is likely to safeguard and protect a child.

**Necessary and proportionate:** When taking decisions about what information to share, you should consider how much information you need to release. Although The Data Protection Act requires you to consider the impact of disclosing information on the information subject and any third parties, any information shared must be proportionate to the need and level of risk., safeguarding (child protection) issues takes priority.

**Relevant:** Only information that is relevant to the purposes should be shared with those who need it. This allows others to do their job effectively and make sound decisions.

**Adequate:** Information should be adequate for its purpose. Information should be of the right quality to ensure that it can be understood and relied upon.

**Accurate:** Information should be accurate and up to date and should clearly distinguish between fact and opinion. If the information is historical then this should be explained.

**Timely** Information should be shared in a timely fashion to reduce the risk of harm. Timeliness is key in emergency situations and it may not be appropriate to seek consent for information sharing if it could cause delays and therefore harm to a child. Practitioners should ensure that sufficient information is shared, as well as consider the urgency with which to share it.

**Secure:** Wherever possible, information should be shared in an appropriate, secure way. Practitioners must always follow their organisation's policy on security for handling personal information.

**Record:** Information sharing decisions should be recorded, whether or not the decision is taken to share. If the decision is to share, reasons should be cited including what information has been shared and with whom, in line with organisational procedures. If the decision is not to share, it is good practice to record the reasons for this decision and discuss them with the requester. In line with each organisation's own retention policy, the information should not be kept any longer than is necessary. In some circumstances this may be indefinitely, but if this is the case there should be a review process.

### **Guidance for Staff on the sharing of Information**

- Remember that the Data Protection Act 1998 and human rights law are not barriers to justified information sharing but provide a framework to ensure that personal information about living individuals is shared appropriately.
- Be open and honest with the individual (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so. Seek advice from other practitioners if you are in any doubt about sharing the information concerned, without disclosing the identity of the individual where possible.
- Share with informed consent where appropriate and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, there is good reason to do so, such as where safety may be at risk. You will need to base your judgement on the facts of the case.
- When you are sharing or requesting personal information from someone, be certain of the basis upon which you are doing so. Where you have consent, be mindful that an individual might not expect information to be shared.
- Consider safety and well-being: Base your information sharing decisions on considerations of the safety and well-being of the individual and others who may be affected by their actions.
- Necessary, proportionate, relevant, adequate, accurate, timely and secure: Ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those individuals who need to have it, is accurate and up to date, is shared in a timely fashion, and is shared securely (see principles).
- Keep a record of your decision and the reasons for it – whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.

**When and how to share information:** When asked to share information, you should consider the following questions to help you decide if and when to share. If the decision is taken to share, you should consider how best to effectively share the information. (See flowchart below)

### When:

- Is there a clear and legitimate purpose for sharing information?
- Does the information enable an individual to be identified?
- Is the information confidential?
- Do you have consent to share the information?
- Is there another reason to share information such as to fulfil a public function or to protect the vital interests of the information subject?

### How to share Information:

- Identify how much information to share . Distinguish fact from opinion.
- Ensure that you are giving the right information to the right individual.
- Ensure where possible that you are sharing the information securely.
- Inform the individual that the information has been shared if they were not aware of this, as long as this would not create or increase risk of harm.

**When sharing information without consent:** The Cornwall Independent School must always consider the safety and welfare of the pupil when making decisions on whether to share information about them. Where there is concern that the pupil may be suffering, or is at risk of suffering, significant harm, the pupil's safety and welfare must be the overriding consideration. Staff should, where possible, respect the wishes of pupil or families who do not consent to share confidential information. However, information may still be shared if, in their judgement on the facts of the case, there is sufficient need to override that lack of consent. As pupils mature they are able to take more responsibility for their own decisions about confidentiality. If a young person is Gillick competent, or Fraser competent in the case of access to contraception and other health care, their decision overrides their parents/carers.

**Recording information:** Practitioners must explain to the pupil and, if appropriate, any adult with parental responsibility:

- the purpose for which the information is being recorded, where and for how long the record will be kept
- the circumstances in which it may be shared with other people
- any other people and agencies who may have or may be given access to the information.

**Confidentiality and Information Sharing within the Early Years Foundation Stage (EYFS):** To ensure that all those using the School's Reception Class can do so with confidence, we will respect confidentiality in the following ways:

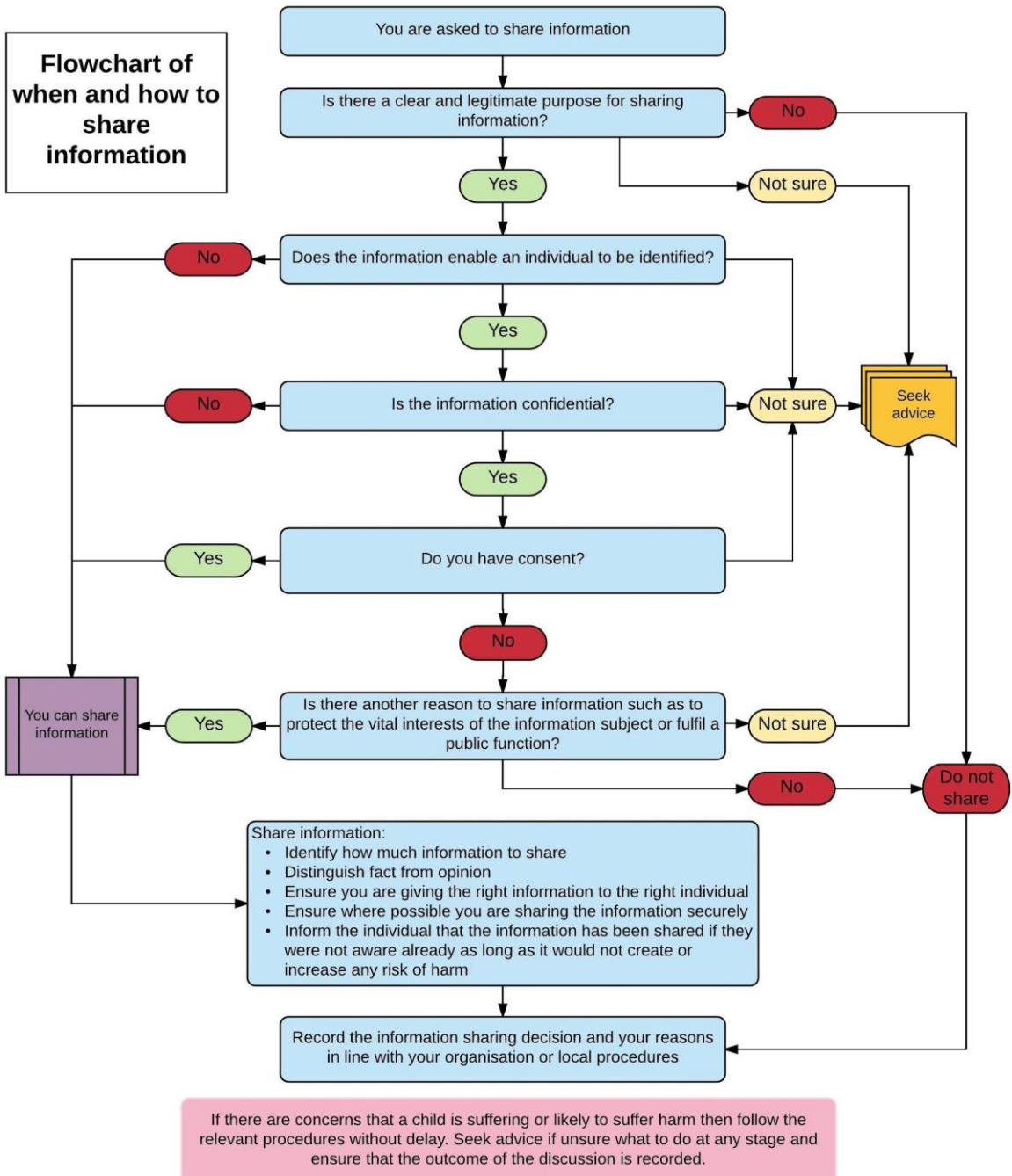
- Parents will have ready access to the files and records for their own children but will not have access to information about any other child. We may have to share information without parents' consent if there are any safeguarding issues.
- Staff, volunteers and pupils on placement will be informed of the confidentiality policy on induction and sign a document to confirm this.
- They will not discuss individual children other than for purposes of the EYFS programme, with people other than parents/carers of that child. Information given by parents/carers to the staff will not be passed on to other adults without permission.

**Contraceptive advice and pregnancy:** The Department of Health DoH has issued guidance which clarifies and confirms that health professionals owe young people under 16 the same duty of care and confidentiality as older patients. It sets out principles of good practice in providing contraception and sexual health advice to under-16s. The duty of care and confidentiality applies to all under-16s. Whether a young person is competent to consent to treatment or is in serious danger is judged by the health professional on the circumstances of each individual case, not solely on the age of the patient. However, the younger the patient the greater the concern that they may be being abused or exploited. The Guidance makes it clear that health professionals must make time to explore whether there may be coercion or abuse. Cases of concern would be referred through child protection procedures.

**Dissemination and implementation:** This policy has been distributed to all teaching and non-teaching staff, including volunteers. All new staff, including volunteers, receive a copy of the policy, together with basic training on the school's Child Protection Policy and procedures from the DSL.

**APPENDIX 1.**

The safety, well-being, and protection of our pupils are the paramount considerations in all decisions that members of staff make about confidentiality. The appropriate sharing of information between school staff members is an essential element in ensuring our pupils’ well-being and safety. This policy describes The Cornwall Independent School approach to information sharing and the protocols we implement around pupil confidentiality.



Source: Information Sharing (HM Government March 2015)