



## Confidentiality & Sharing Information Policy

<b>Date Published</b>	<b>15<sup>th</sup> March 2017</b>
<b>Version</b>	<b>2</b>
<b>Last Approved Date</b>	<b>23<sup>rd</sup> May 2018</b>
<b>Review Cycle</b>	<b>3 Years</b>
<b>Review Date</b>	<b>May 2021</b>

“Learning together; to be the best we can be”

# 1. Policy statement

- 1.1. Employees, volunteers and governors (including Directors and Members) in all Nexus MAT academies are asked, on occasion, to keep information confidential. There is a moral duty to pass on confidential information in circumstances where a pupil appears in need of immediate protection from significant harm.
- 1.2. All Nexus employees, volunteers and governors recognise that the children and young people within our academies are some of the most vulnerable in society and that we have a duty of care for the wellbeing and welfare of our children and young people.
- 1.3. All Nexus MAT academies are committed to developing ways for pupil voice to be heard whilst recognising our responsibility to use, hold and safeguard any information received.
- 1.4. All Nexus MAT employees, volunteers and governors are aware that they hold a position of trust with all stakeholders and there is an expectation that a professional approach must be used in all matters of confidentiality.
- 1.5. Confidentiality is a Multi Academy Trust wide issue. All pupils have the right to the same level of confidentiality irrespective of gender, race, religion, medical concerns, sexuality, special educational needs etc.
- 1.6. As per the Trust's Information Governance Policy, any information held by the academies in the Trust may be requested under the Freedom of Information Act (2000), but individual pupils should not be able to be identified wherever possible (see the Information Governance Policy for more info).
- 1.7. As part of agreed multi agency protocols, information may be requested of Nexus academies – or Nexus academies may wish share information at their discretion – with appropriate agencies in the interest of promoting and safeguarding the wellbeing of a child. Any decision to share information on this basis will be compliant with the Data Protection Act (1998) and General Data Protection Regulation (2018).
- 1.8. It is important that all Nexus MAT academy employees, volunteers and governors follow the clear and explicit policies in relation to Confidentiality and Child Protection and that pupils, parents and carers are made aware of these and how they work in practice.

- 1.9. Each Nexus MAT academy has a Designated Safeguarding Lead who undertakes regular training. Child Protection procedures are understood and training is undertaken by all staff biennially.

## 2. Scope

- 2.1. This document applies to all academies and settings within Nexus MAT. However, each academy and/or setting may wish to consider publishing a document relating specifically to their academy and their academy community if this helps to clarify the local operating procedures therein.

## 3. Aims and Objectives

- 3.1. The aims and objectives of this policy are:

- 3.1.1. To protect individual employees, volunteers and governors at all times by providing clarity for when information can and should be shared to instigate multi agency working procedures;
- 3.1.2. To give clear guidance to all members of Nexus MAT around confidentiality and when and under what circumstances it is reasonable to decide to pass on relevant information;
- 3.1.3. To encourage pupils to talk and communicate with a trusted adult if they are having problems;
- 3.1.4. To give all staff confidence in dealing with sensitive issues and support competence in meeting the complex needs of the children and young people on roll;
- 3.1.5. To ensure that pupils, parents and carers know that the academy staff cannot offer unconditional confidentiality.

## 4. Key Points

- 4.1. All pupils should be reassured that their best interests will be maintained at all times.
- 4.2. All pupils should be reassured that, as appropriate to their age and circumstances - if confidentiality has to be broken - where possible they will

be informed first and then supported appropriately and that information regarding them will only be passed on if a child is or may be at risk of harm.

- 4.3. Pupils should be informed of where they can access confidential help, advice and, or information if they need it e.g. ChildLine etc.
- 4.4. All personal information should be regarded as private and not passed on indiscriminately. (e.g. in the staff room).
- 4.5. If any employee, volunteer or governor of Nexus MAT receives information which they think may be a safeguarding issue, they should refer the case to the academy designated safeguarding lead **at the very earliest opportunity and without undue delay.**
- 4.6. Parents and carers should be asked if they wish to be referred to other agencies, **UNLESS THERE IS REASON TO BELIEVE THAT OBTAINING SUCH CONSENT MAY PUT THE YOUNG PERSON AT RISK OF SIGNIFICANT HARM.** If the referral is about pupil abuse - or the risk of it - this should be discussed with the designated safeguarding lead in the first instance, who will then decide whether it is good practice to consult Children's Services **BEFORE** discussing the issue with parents.
- 4.7. Parents and carers need to be aware that the academy cannot guarantee unconditional confidentiality and that the academy has a responsibility to report any child protection issues. However, Nexus MAT academies will always strive to ensure that parents and carers are fully informed of any actions being taken to share information with other agencies, unless to do so would compromise the welfare of the child.
- 4.8. Disclosures from pupils may take place at an inappropriate place or time. If this happens, the member of staff should talk to the pupil again as soon as possible and **before the end of the school day.** The member of staff may then be able to discuss the issue with an appropriate colleague to decide on suitable action, without giving the name of the pupil, or may decide to refer it to the designated teacher for Child Protection.
- 4.9. It is **not** the role of any academy employee, volunteer or governor to undertake any form of investigation- including reviewing social media accounts held by children accessible via a mobile device in school – and any investigative work of this nature should be undertaken by the appropriate statutory agency i.e. the police or social care.

## 5. Wider Community

- 5.1. For all Nexus pupils, employees/volunteers and members of the wider academy community to enjoy privacy from gossip; for the academy to be fair to its community; and for pupils and adults to have disciplinary matters dealt with out of the eye of the wider academy community; it is important that:
- 5.1.1. All information about individual pupils is private and should only be shared on a need to know basis;
  - 5.1.2. Matters of child protection must only be made known to staff on a need to know basis. This will be determined by the Headteacher and/or DSL, taking advice from the Local Authority Designated Officer (LADO);
  - 5.1.3. No member of the Nexus workforce should put pressure on pupils to disclose personal information and should discourage other members of staff and pupils from applying such pressure;
  - 5.1.4. Nexus staff should not enter into detailed discussion about a pupil's behaviour with other pupils or their parents, or in the presence or hearing of other pupils or their parents;
  - 5.1.5. Parents or carers in the academy (visiting or working a volunteer etc.) must not discuss cases of poor behaviour, pupil discipline or any other issues they might see or hear relating to individual pupils, with other parents in the academy. This allows academy staff to deal with such matters in line with academy policy;
  - 5.1.6. All personal information about an individual should be kept in a safe and secure place which can only be accessed via secure procedures;
  - 5.1.7. Clear ground rules must be set for any classroom work such as Circle Time and other PSHE and Citizenship session dealing with sensitive issues such as Sex and Relationship Education or drugs;
  - 5.1.8. Staff performance management will be carried out privately. Targets for individuals, named lesson observation sheets and other performance data will be kept securely;
  - 5.1.9. Staff must not discuss details of individual cases arising in staff meetings to any person without direct professional connection to, and interest in, the welfare and / or education of the individual concerned;

5.1.10. Governors must not divulge details about individuals (staff, families or individual pupils) to any person outside the meeting.

5.2. At Trust governance meetings, matters such as pupil exclusion, personnel issues and personal details of any member of the academy community will be dealt with in specified areas of the meeting. Any matter deemed and agreed to be confidential at the end of the meeting will be recorded on a confidential appendix and will not be published or displayed on the website. Items deemed to be confidential should not be discussed outside of the meeting without the authority of the Chair of governance body or the Chief Executive Officer.

## 6. External Contributors

6.1. All other professionals working with Nexus should observe their own policies on confidentiality and information sharing when working in a one to one situation.

6.2. **All external contributors, when working in a classroom or teaching situation, are bound by relevant academy policies.** In line with best practice guidance - like all other Nexus employees, volunteers and governors - they will seek to protect privacy and prevent inappropriate personal disclosures in a classroom setting by negotiating ground rules and using distancing techniques.