



CONFIDENTIALITY PROTOCOL

**This policy applies to all the academies in
Lionheart Academies Trust**

Adopted by Lionheart Academies Trust Board: 2014

Signed: Chair of Board:

Date: 2014

General Aims and Principles

- To safeguard the well-being of pupils and staff
- To respect their rights regarding the handling of personal, sensitive or confidential information about them
- To ensure that people who need to know confidential information about a pupils are informed/have access to such information
- To take all reasonable measures to ensure that confidential information is passed only to those who need to know

The issue of confidentiality arises in situations such as:

- Health and illness; physical or mental.
- Family breakdown and home life; divorce, bereavement, unusual home circumstances, carer role.
- Sexual behaviour: sexual activity, pregnancy, termination, sexual orientation.
- Drugs or alcohol; use of, dealing
- Criminal behaviour
- Child Protection.

This is not an exhaustive list.

These issues may directly involve the pupils or someone close to them such as a family member.

Student consent

The interests of the pupil should remain paramount at all times. Whenever possible, pupils should be consulted and their wishes taken into account concerning the sharing of information about them. The exceptions to this are:

- When there is a legal obligation to share information without the consent and/or knowledge of the pupil, e.g., child protection
- When the pupil is deemed to be unable to make a competent decision concerning the sharing of information about them. In such instances, those who are responsible for the pupil should be consulted.

It should be made clear as early as possible that absolute confidentiality cannot be guaranteed if their own safety or the safety of others is at risk. Where a member of staff believes that there is a risk to the health, safety or welfare of a child or young person or others which is so serious as to outweigh the child or young person's right to privacy, they should speak directly to the Designated Senior Lead, as per the LAT Safeguarding Policy. This should be clearly explained to the child or young person.

Consultation

Those who share confidential information about a pupil should consult together wherever possible concerning any further disclosures. Such discussion would need to include whether to disclose, to whom, and how much information disclose. *Individual decisions about further sharing should be avoided unless that individual is authorised to do so.*

Who needs to know

Potentially, those who work directly with pupils may need to be informed of confidential information.

- Form Tutors
- Teaching Staff
- Pastoral and Support Staff
- Parents, Guardians or Carers
- Senior leaders
- Executive Principal / Executive Team or Board
- Governors
- Outside Agencies, e.g., EWO

Basis for sharing information

Information may be shared

- for information only (e.g. to ensure others may respond appropriately in the case of classroom management, potential problems)
- because action is required (e.g. to inform the Designated Senior Lead in the case of possible Child Protection issues)

Information should only be shared

- on a 'need to know' basis
- in accordance with legal requirements

Where an individual faces a conflict of interest about whether to disclose information or not

- the interests of the pupils take priority
- other staff who share the information should be consulted

When in doubt, information should not be shared unless

- there is a legal requirement to do so
- there is a clear benefit to the student to do so
- that the pupil will be protected from harm by the disclosure

A positive justification needs to be made for disclosure.

Dealing with disclosures

Confidential information may originally be disclosed to a member of staff

- directly, from the student themselves
- indirectly, for example
 - from a friend of the pupil
 - from a parent, guardian or carer
 - a member of staff

The person to whom the original disclosure is made has the initial responsibility for further disclosures. This individual must then make a decision regarding the next stage in any sharing of information.

It is recommended that written notes be made concerning the date, person(s) involved, brief details of the information, and action taken, for future reference. Such notes should be treated with care to ensure they are not mislaid. They may need to be referred to for future reference.

Secondary disclosures involve informing other members of staff or agencies either on an 'information only' basis, or for appropriate action to be taken. The member of staff must decide which other individuals or agencies need to be informed. If in doubt, they may consult a senior member of staff for advice in general terms before making any actual disclosures.

In the case of suspected Child Protection issues, the Designated Senior Lead should be the first person to be informed.

In the case of confidential information not related to Child Protection, such as bereavement or a health issue, the member of staff will need to make a professional judgement about the most appropriate person/people to inform.

Once an initial disclosure has been made

- any written material must be treated as 'confidential' and handled with care
- any oral disclosures and discussions (including telephone conversations) should take place well away from others to avoid the risk of being overheard
- secondary disclosures/seeking advice should be undertaken as soon as possible after the initial disclosure if the matter is deemed urgent
- the Designated Senior Lead dealing with the case will continue to work and liaise with the appropriate staff, to discuss ways of continuing support for the pupil.

If any member of staff has a concern about the excess or lack of information that has been disclosed, they should contact the Designated Senior Lead, a member of the senior leadership team or the Executive Principal.

