

Confidentiality & Information Sharing Policy

Date Approved:	04/01/2024	Approved By:	Managing Director		
Next Review Due Date:	02/09/2024	Manual ID Number:	BSA052	Version No:	1
Author and Responsible Manager:	Head of Centre				
Applicable to:	Staff				
Publication:	Staff SharePoint				

AIMS

- To protect the students at all times
- To provide consistent messages in the organisation about handling information about students
- To give all staff involved clear, unambiguous guidance as to their legal and professional roles.
- To ensure good practice throughout the organisation which is understood by students, parents/carers, and staff.
- To ensure that parents and carers have a right of request to access any records the organisation may hold on their child (and that there are certain legal restrictions) but not to any other child they do not have parental responsibility for.
- To foster an ethos of trust within Blackpool Skills Academy centre.

OPERATION ENCOMPASS

The DSL, David Hodge, and DDSL, Eloise Crossley, are the contact 'Key Adults' for each schools Key Adults subscribing to the programme and the police to contact at Blackpool Skills Academy.

Operation Encompass has been created to address such situations that create a safeguarding risk to young people. It is the implementation of key partnership working between the police and schools/ colleges. The aim of sharing information with local schools/ colleges is to allow 'Key Adults' the opportunity of engaging with the child and to provide access to support that allows them to remain in a safe but secure familiar environment.

The purpose of Operation Encompass is to safeguard and support children and young people who have been involved in or witness to a domestic abuse, vulnerable child, or missing incident.

Each school/college is informed of all such incidents, not just those where an offence can be identified or those which are graded as high risk. The partnership recognises that all domestic abuse, vulnerable child, and missing incidents can be harmful to children and young people.

Following the report of a domestic abuse, vulnerable child, or missing incident, by

the next school/ college day the school's Key Adult will be informed of the child or young person's involvement. This knowledge, given to educational establishments through Operation Encompass, allows the provision of immediate early intervention through silent or overt support dependent upon the needs and wishes of the child/ young person. This information will be shared throughout the year, including holidays and weekends. Information will only be shared with the school/ college by the police where it is identified that a young person was present, witnessed or was involved.

Nominated members of staff, known as a Key Adults, at Blackpool Skills Academy are Mr David Hodge and Miss Eloise Crossley. They will be able to use information that has been shared with them, in confidence, to ensure that the organisation makes provision for possible difficulties experienced by students or their families. The Key Adults will keep this information confidential and will only share it on a need-to-know basis, for instance, to teaching staff for the student or young person. It will not be shared with other school students.

This national initiative has been implemented across the whole of the Lancashire Police area. If you would like some more information about it, you can view it online at www.operationencompass.org.

GENERAL GUIDELINES

- All information about individual students is private and should only be shared with staff that need to know.
- All social services, medical and personal information about a student will be held in a safe and secure place which cannot be accessed by individuals other than designated school staff.
- The centre prides itself on good communication with parents, carers and schools, staff are always available to talk to both students and parent/carers about issues causing concern.
- Parents/Carers and students need to be aware that the centre cannot guarantee total confidentiality and the centre has a duty to report child protection issues.
- All students have a right to the same level of confidentiality irrespective of gender, race, religion, medical concerns, and educational issues.
- Staff should be aware of students with medical needs and the student's referral form should be accessible to staff who need that information but not on general view to other parents/carers or students.
- On Blackpool Skills Academy website, photographs of students will not include their individual names having had parental consent for the photographs to be used.

- Parents/carers should not have access to any other students work, tutor comments, reports and progress grades at any time.
- Anyone staff member using the internet, particularly social networking sites e.g. Facebook, should ensure that any reference to the centre or the children would be viewed as warranting disciplinary action.
- Parents/carers should be aware that information about their child will be shared with the student's school, and should the student change schools, information will be shared with that school as appropriate.
- Addresses, contact numbers and e-mail address details will not be passed on except in exceptional circumstances (where the centre has a legal requirement for the child's safety) or to a receiving school.

Education and the Data Protection Act (1998)

If you handle and store information about identifiable, living people, you are legally obliged to protect that information. Under the Data Protection Act you must:

- Only collect information you need for a specific purpose.
- Keep it secure.
- Ensure it is relevant and up to date.
- Only hold as much as you need, for as long as you need it.
- Allow the subject of the information to see it on request.

The school is registered with the ICO and renewed annually.

PART ONE: STUDENT INFORMATION

Access to student information

Under the Data Protection Act a student has the right to a copy of information held about them. If a child is too young or unable to make that request themselves, parents/carers have a right to ask on their behalf. The Education (Pupil Information) (England) Regulations 2005 also state that a parent/carer has the right to access their child's educational record.

This record includes information held on computer, information held in files, unstructured information, for example, loose correspondence, and any other information held in any format. A student is also entitled to be told what information is held by the school, the purposes it is used for, and who it is released to.

If parents/carers request information that may involve the details of other students being disclosed, that request will be considered carefully on its own merits.

The school is exempt from disclosing information in the following circumstances:

- The information may cause serious harm to the physical or mental health of the student or another individual.

- Cases where disclosure would reveal a child is at risk of abuse.
- Information contained in adoption and parental order records.
- Information given to a court in proceedings under the Magistrate's Courts (Children and Young Person) Rules 1992
- Copies of examination scripts
- Providing examination marks before they are officially announced.

All requests for information must come in writing from the parents/carers to the Head of Centre.

Requests should be met within 15 days unless exceptional circumstances apply, and these will be communicated to parents/carers. A fee may be charged to parents if excessive copying of material is required. Fees will be charged in accordance with the scale suggested by the Information Commissioner's Office, and can be accessed at www.ico.gov.uk

Confidentiality of pupils and pupil records and information

Disclosures

- Centre staff should never promise confidentiality. Students do not have the right to expect they will not be reported to their parents, and no member staff should give a promise that assures confidentiality.
- All staff receive safeguarding training and in the event of a disclosure, they should follow the centre's safeguarding policy and procedures.
- We expect all non-teaching staff to report any disclosures by parents or students of a concerning nature to the DSL and DDSL as soon as possible after the disclosure in an appropriate setting, so that others cannot overhear. The DSL or DDSL will decide what if any further action needs to be taken.
- Staff may need support when dealing with personal information and issues concerning students. We prefer staff to ask for help from their line manager in these cases (and therefore share information) rather than making poor choices about what to do with any information disclosed. Staff should not take worries about students' home with them.

Sharing pupil information verbally & protecting pupils' written records

- We believe that all staff should be able to share their concerns about student safety and wellbeing, but it is important to be aware that personal information is sensitive. Concerns should be shared with the staff member's immediate line manager, who will then decide about who to share this information with, if anyone
- General conversations about student family circumstances, sensitive personal information and other factors affecting the life of that child and their family should not take place unless there is a sound educational reason to share this information.
- Written records should always be kept securely. Staff should challenge any unknown person who appears to be accessing student written records.
- Written records must not leave the centre premises unless in exceptional circumstances and without the express permission of the Head of Centre

- Electronic devices such as laptops and memory sticks that may contain student information must be kept securely.

Taking photographs of children in the centre

- Photos taken for personal use by parents/carers of their child in the centre are exempt from the Data Protection Act. Other photos taken by Blackpool Skills Academy and the students school representative are subject to the Data Protection Act, and so the following good practice should apply:
 - Students and parents/carers should be aware when photos/film are being taken that may be shared outside the school – e.g. for prospectus’ or for local newspapers.
 - Permission must be gained from parents/carers before photos of their children are shared.
 - Where many students are photographed, for example, during an awards ceremony or a whole centre activity, permission need not be sought, if parents are aware that photos may be taken and used beforehand.

PART TWO: STAFF INFORMATION

The Data Protection Act covers information held about staff in a similar way as it covers information held about students. It ensures the centre regulates the way that information held about staff is used, and it also gives staff access to information held about them.

Recruitment and Selection

- Information about potential employees will be kept securely.
- Information about potential employees will not be gathered covertly.
- If information gathered during recruitment is to be used for any other purpose, this will be made clear to applicants on the application form.
- All employees who handle candidate information will be required to deal with it securely and with respect. It will not be widely circulated.
- Only information relevant to the position being advertised will be collected - personal information such as marital status or other unnecessary information will not be gathered.
- Information about criminal convictions will be collected, as well as ‘spent’ convictions under the Exceptions Order of the Rehabilitation of Offenders Act 1974. DBS information will be kept securely.
- Applicants will be made aware through our Safe Recruiting Policy that information about them will be checked and verified.
- Information obtained through a recruitment exercise will only be kept as long as there is a clear business need for it.

Employment Records

- Employment records will be kept about all staff, and they will be kept informed as to how they are used.
- Access to these records will be limited to authorised members of staff only.

- Anyone who has access to these records will be made aware that they need to be treated with respect.
- Information that is irrelevant, excessive, or out of date will not be kept.
- If any requests are made to disclose information about an employee, the identity of the person making the request will be carefully checked.
- Employment records, whether on paper or on computer will be stored securely. Sickness records and other sensitive information will be kept separately to the general employment files. The organisation may ask about an employee's health to ensure that it can monitor health and safety provision, but an employee is not obliged to answer these questions.
- If information is collected to monitor the organisations equal opportunities practice, for example, about an employee's disabilities or race, this information will be used for that purpose only.
- If there is no longer a sound business need to keep an employee's record, it will be shredded.

The rights of employees to request information.

- All employees have the right to request information that is held about them. All requests for disclosure must be met by the organisation within 40 days. This includes information about grievance and disciplinary issues. Consideration will be given when disclosing information where information about another employee would be implicated.
- Employees have the right to see information stored about them relating to issues like appraisal. Minutes of these meetings will be shared in advance, and employees will have the right to amend if necessary or note their disagreement in such cases.
- Employees have a right to request copies of references supplied about them.
- If the organisation receives a reference about an employee from a third party that is marked 'in confidence' the organisation will consider whether the information held is actually confidential, if a request for disclosure is made. Factual information that the employee would already know can reasonably be disclosed. Where a reference may include a previous employer's opinions, the referee must be contacted, and their permission sought.
- If the referee refuses consent, it may still be justifiable to release the reference. The following factors will be considered:
 - o Any express assurance of confidentiality given to the referee
 - o Any relevant reasons the referee gives for withholding consent
 - o The potential or actual effect of the reference on the individual
 - o The fact that a reference must be truthful and accurate and without access to it the individual is not in a position to challenge its accuracy
 - o That good employment practice suggests that an employee should already have been advised of any weakness
 - o Any risk to the referee

PART THREE: INFORMATION SHARING BETWEEN PROFESSIONALS AND HOW THIS IS AFFECTED BY CONFIDENTIALITY

Information sharing is key to ensuring that all services surrounding the student coordinate effectively and that safeguarding and early intervention needs are met. This can sometimes conflict with the demands of safeguarding private information about students and families, and so it is important that staff know when and how to share information in an appropriate manner.

There are circumstances when it is appropriate to share information about students with other professionals. For our purposes, it is best practice to share information when:

- We are supporting transitions – between different centre phases, or to facilitate integration or reintegration.
- When there are concerns about significant harm to a child.
- When there are concerns about significant harm to third parties'

Key rules for information sharing are summarised below:

1. The Data Protection Act is not a barrier to sharing information, but provides a framework to ensure that information is shared appropriately
2. Be open and honest with families about what, why, how, when and with whom information will be shared, and seek agreement, unless it is unsafe to do so
3. Seek advice if you are in any doubt about disclosing identities
4. When appropriate and possible, always gain consent for sharing information, but professionals should still share information without consent if they feel that a child is in danger of being harmed if information is withheld
5. Base information sharing decisions on consideration of the safety and wellbeing of the person concerned and others who may be affected by their actions
6. Information shared should be necessary proportionate, relevant, accurate, timely and secure
7. Keep a record of your decision to share information and the reasons for it. If you decide to share information, record what you have shared, with whom and for what purpose.

Further information to support a decision to share information are listed below:

- Is there a clear and legitimate purpose for you to share the information?
- Does the information enable a living person to be identified?
- Is the information confidential, and if so, do you have consent to share?
- If consent is refused, do you have good reason not to seek consent and is there sufficient public interest to share the information?
- If the decision is to share, are you sharing information appropriately and securely?
- Are you properly recording your information sharing decision?

If you have any concerns at all about whether it is appropriate to share information about a student, please do not carry these worries alone, but ask the advice of your line manager who will be able to guide you or will seek further legal advice.

Information Off-site

Personal information can only be taken off-site with express permission from the Head of Centre or senior member of staff. It remains the responsibility of that person to ensure the records are kept safe and if kept at home over night a designated and locked store is used.

Personal emails (e.g. Gmail accounts) are not secure and personal information should not be sent. If you work off-site, you should request a SBS email address which offers greater security. Reports written from home should only use initials and completed when you come into work.

Information stored or sent electronically should have a password. USB sticks should not be used for personal information unless a password and encryption is used (standard USB sticks are not encrypted)

LINKS TO OTHER POLICIES

This policy links to other policies including safeguarding, safer recruitment IT and Information.