



LIFE SCHOOL

CONFIDENTIALITY AND INFORMATION SHARING

This policy, which applies to the whole school, 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 Designated Safeguarding Lead.

Document Details

Information Sharing Category	Public Domain
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Responsible Area	Proprietor and Senior leadership team

Amendments:

Date	Amendment

Availability: This policy applies to all activities undertaken by the school, inclusive of those outside of the normal school hours and away from the school site and is inclusive of all staff (teaching, support and agency staff), pupils on placement, contractors, the Chief Executive Officer, the Advisory Board and volunteers working in the school. All who work, volunteer or supply services to our school have an equal responsibility to understand and implement this policy being required to state that they have read, understood and will abide by this policy and its procedural documents and confirm this by signing the *Policies Register*.

Monitoring and review:

- This document will be subject to continuous monitoring, refinement and audit by the Headteacher
- This policy was last reviewed agreed by the Advisory Board in January 2021 and will next be reviewed no later than January 2022 or earlier if significant changes to the systems and arrangements take place, or if legislation, regulatory requirements or best practice guidelines so require.

Signed:

Sarah Quilty
Headteacher

Alastair Saverimutto
Chief Executive Officer

LIFE SCHOOL is committed to safeguarding and promoting the welfare of our pupils and expects all staff and volunteers to share this commitment. It is our aim that all pupils fulfil their potential.

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Aims and Objectives: This policy provides guidance and information on our confidentiality procedures in the school for staff, pupils, parents/carers and governors 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

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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.

Legal context: By virtue of the Human Rights Act 1998, which came into force on 2 October 2000, the rights enshrined in the European Convention on Human Rights have been incorporated into English law. Article 8 of the Convention provides a right to respect for private and family life. The Article reads as follows: "Everyone has the right to respect for his private and family life, his home and his correspondence. There should be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interest of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals or for the protection of the rights and freedoms of others." Although the qualifications on the right to privacy set out above reflect previously accepted assumptions in relation to limits on confidentiality, the explicit inclusion of this right in UK legislation is likely to enhance general awareness of the importance to be attached to individual privacy. Individuals may reasonably expect information given in confidence to be treated in a confidential manner and a failure to respect confidentiality may give rise to a claim in certain circumstances. (Special considerations apply to those aged under 16.) The Data Protection Act of 1998 imposes obligations on those holding personal data both as to the purposes for which data may be held and to the persons to whom it may be disclosed, and those obligations are particularly stringent in the case of sensitive personal data (as defined in the Act).

Moral and Values Framework: The Confidentiality Policy at LIFE 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, schools and 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 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.

Different levels of confidentiality are appropriate for different circumstances

Confidentiality in the learning zone: All teaching will be done in a way that reaffirms respect for everyone in the school and associated with it. 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 details.

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- 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

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: That is, that when concerns for a pupil 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.)

Contraceptive advice and pregnancy: The DoH has issued guidance (July 2004) 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 grave concern would be referred through child protection procedures.

The legal position for school staff: LIFE 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 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. School staff are NOT obliged to break confidentiality except where child protection is or may be an issue, however, at our school 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 their line manager.

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Counsellor and health professionals: Professional judgement is required by a counsellor or health professional in considering whether he or she should indicate to a child that the child could make a disclosure in confidence and whether such a confidence could then be maintained having heard the information. In exercising their professional judgement the counsellor or health professional must consider the best interests of the child including the need to both ensure trust to provide safeguards for our children and possible child protection issues. All LIFE SCHOOL staff receive basic training in child protection as part of their induction and are expected to follow the schools' child protection policy and procedures.

Visitors and non-teaching staff: At our School, we expect all non-teaching staff, including 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:

Disclosures to the police: If the police ask for information to be disclosed to them in the course of an investigation, there is no automatic obligation to provide the information to them without first obtaining the pupil's consent. Section 29(3) Data Protection Act 1998 exempts personal data from the non-disclosure provisions within the Act where disclosure is required for the prevention of crime or apprehension or prosecution of offenders and seeking an individual's consent will prejudice the enquiry. However, section 29(3) does not compel disclosure and decisions about whether or not to disclose information should be considered carefully. Factors such as the seriousness of the offence will be relevant. If it is decided that a degree of disclosure is appropriate, this should be limited to the minimum required.

Discharge from hospital: Hospital staff can be expected to contact general practitioners about pupils discharged from the emergency department or inpatient wards with significant medical problems. Doctors will be able to undertake continuing responsibility and will be fully aware of the consequences for schools. Pupil's parents will often be willing for hospital or doctors to speak to school senior members as appropriate and it is helpful if those responsible for pupil welfare have discussed issues and procedures with their local GP.

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 the DSL should be consulted as quickly as possible and if necessary their doctor or emergency services contacted.

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: It is important that all members of staff of the school should 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. No member of staff should speak to the Media - all Media contact should be referred in the first instance to the Headteacher.

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

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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, she will be encouraged also to discuss the matter with their parents or carers also. All parents will be informed when changes are made to the schools confidentiality policy – Opportunity will be given to feedback any concerns or points they wish to raise. The confidentiality policy will be on the school's website. 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: 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 Head teacher

If the Head teacher issues instructions that she should be kept informed, all staff must comply. There is always a good reason for this, which you may not know about.

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

- Ensure the time and place are appropriate, when they are not we reassure the pupil that we understand they need to discuss something very important and that it warrants time, space and privacy.
- See the pupil normally (and always in cases of neglect, or abuse) before the end of the school day. More serious concerns must be reported immediately to ensure that any intervention necessary to protect the pupil is accessed as early as possible.
- Tell 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
 - Not interrogate the pupil or ask leading questions
 - We won't 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: All records involving confidential disclosures are stored in the pupil's Safeguarding in the Headteachers office in a locked cabinet. The office is locked when not in use.

All staff receive basic training in child protection as part of their induction to this school and are expected to follow the school's Child Protection Policy and Procedures.

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, SEN and Child protection files are retained until the pupil's 25th 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.

Discussing pupil, family or other staff members' personal matters in a general way is discouraged.

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

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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, parents and carers share information between organisations. Staff should use their judgement when making decisions on what information to share and should consult a 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. The Data Protection Act 1998 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.

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).

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- 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: LIFE 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. The exception to this is where a learning disability impairs an individual's capacity to consent. 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.

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

CONFIDENTIALITY CHARTER: We want to be a school where pupils can disclose confidential information in a safe and secure environment. We want all pupils to know and understand what 'confidentiality' means in the school and how that will affect pupils who do have concerns either about themselves or other pupils.

We believe pupils have a right to know that the school is a safe and secure environment where they can discuss their concerns and are informed who this information may need to be shared with.

What is Confidentiality?

Something which is spoken or given in confidence; private.....another's secret affairs.

LIFE SCHOOL wants to promote a safe and secure environment where pupils can talk about their personal concerns, or concerns they have about their friends, in the knowledge that these will not be shared with all staff, but may have to be shared with key staff members. This is to ensure that pupils are supported and feel safe whilst at LIFE SCHOOL.

What the School will do:

- Ensure pupils are aware that the school may have to share any information where a young person is at risk of harm.
- Ensure pupils are aware of what will happen to the information they have shared.
- Encourage pupils to discuss their concerns with their parents- as long as this does not place the pupils at risk of harm.
- Ensure all pupils have access to agencies outside of the school – giving the pupils the opportunity to gain support without the school having knowledge.
- Ensure that all data held on pupils is in line with Acts of Law such as the Data Protection Act and Children Act.
- Ensure pupils know who the Designated Safeguarding Lead is at the school.
- Ensure pupils have access to an Independent Listener.
- Ensure all PSHE lessons have ground rules for confidentiality.

Pupils who have disclosed a confidential issue will be supported by:

Being offered someone to talk with and/or access to an outside counsellor or School therapeutic partner.
Being reassured and helped to regain their self-confidence.

As pupils we will help by:

- Knowing who the Designated Safeguarding Lead is.
- Support other pupils and if necessary report any concerns about pupils welfare directly to staff.
- Not passing on unfair or unhelpful gossip.
- Encouraging others to get help and support if they are having difficulties or struggling while at school.
- Taking a friend to peer listeners or staff to talk about it if they need help to do this.

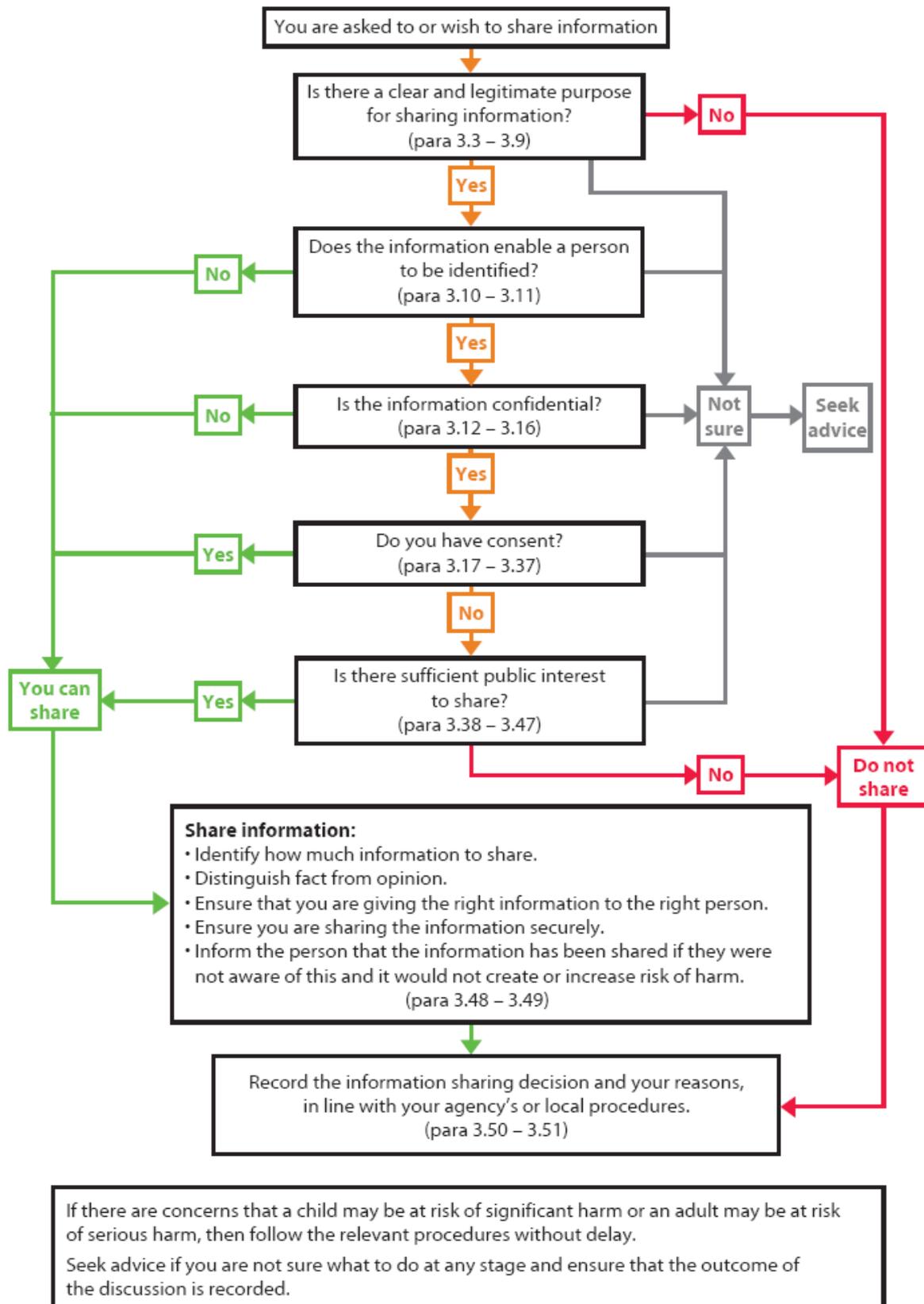
If you think have a concern or need support

Speak to **ANY** member of staff you feel comfortable talking to.

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Appendix 2 – Flowchart of key questions for information sharing

Flowchart of key questions for information sharing



Applies to:

- The whole school and all other activities provided by the school, inclusive of those outside of the normal school hours;
- All staff (teaching, support and admin staff), pupils on placement, the proprietors, Board of Directors, agency staff and volunteers working in the school.
- Visitors and contractors accessing the site.

Availability

- This policy is made available to parents, staff and pupils as a hardcopy upon request.

Monitoring and Review:

- This policy will be subject to continuous monitoring, refinement and audit by the Headteacher.
- The Headteacher and/or the Board of Directors and/or a suitably appointed delegate will undertake a formal review of the policy, by no later than two years from the date shown below, or earlier if significant changes to the systems and arrangements take place, or if legislation, regulatory requirements or best practice guidelines so require.

Legal Status;

- Complies with the Data Protection Act 1998
- HM Government – Information Sharing advice for practitioners (2015)
- Keeping Children Safe in Education (2016)
- Working together to Safeguard Children (2015)

Related Documents:

- Child Protection & Safeguarding Policy
- Data Protection Policy
- Data Retention Policy
- PSHE Policy
- Freedom of Information Policy