



*Total Education Services - Total Tuition Alternative Provision - Rosewood Independent School  
Subsidiaries of JWA Holdings Limited*

## **CONFIDENTIALITY POLICY**

We are committed to creating and maintaining a safe environment for children and recognise our responsibility to safeguard them from poor practice, abuse and bullying.

### **General Principles**

- The welfare of the child is the first consideration.
- All children have the right to protection from abuse.
- All staff have a responsibility to keep children safe.
- All concerns will be taken seriously and managed accordingly.
- Confidentiality will be upheld in line with legislation and government guidance.
- A child is defined as anyone under 18.
- When decisions are taken to share information, the child's welfare is of paramount importance.

When sharing information, we will ensure that they clarify which information we are sharing is factual (to the best of our knowledge) and which is an expression of professional opinion.

### **Written information**

Information will always be supported with a written report. Where written information has been shared during the course of an investigation, outcomes will be shared with those to whom the information was originally sent.

### **Key Points**

Information will be shared when the centre deems it necessary to protect a child.

The centre will explain at the outset what information could, or will, be shared and seek agreement, except where doing so puts the child or others at risk of harm.

We will share no more information than is necessary for the specific purpose of sharing that relevant information.

Records will be kept of decisions to share, or not share, information and reasons for this decision.

Information that is shared will be up to date and accurate, shared only with those with a need to see it and shared securely

Copies of Child Protection Records must be passed on to the next organisation when a child leaves.

### **To be read in conjunction with:**

Child Protection and Safeguarding policy

Record Management Policy

Government Guidance and Legislation

### **This policy takes into account:**

European Convention on Human Rights.

Human Rights Act 1988.

Common Law Duty of Confidentiality.

Data Protection Act 1988.

Specific Safeguarding Acts

Every Child Matters

Children Act 2004.

Working together to Safeguard Children 2018.

Keeping Children Safe in Education 2021

**Type of information that will be shared:**

- a) Information relating to safeguarding/welfare/child protection concerns which meet the threshold for referral to external agencies will be shared in all cases (Children's Social Care Services or Police)
- b) Information arising from DBS disclosures. The threshold that will apply is that the centre believes that an individual is unsuitable to work with children.
- c) Information indicating safeguarding/child protection concerns, but which is not acted on by statutory agencies e.g. where prosecution is not possible or has been unsuccessful; where a referral has been bounced back by Police or CSCS, but the centre remains concerned.
- d) Information relating to poor practice cases, such as a breach of conduct or ethics, which involves a perceived risk to children, but that does not reach the threshold for referring to external agencies.
- e) The centre has suspended or excluded an individual, or has put in place special arrangement or monitoring to ensure children's welfare as a result of its disciplinary process

**Process for information sharing and receiving information**

- a) The centre will decide which information needs to be shared, based on the level of concern and on a 'need to know' basis.
- b) The centre will identify who is the appropriate person within the organisation to whom a referral should be made (determined by the individual's role and responsibilities in relation to child protection/safeguarding concerns).
- c) Where concerns are about a child within their family, the centre will refer to the statutory agencies in the area where the child lives (Police and/or CSCS).
- d) Where concerns are about possible or actual abuse of a child by someone within the centre, the centre will refer this to the statutory agencies where the alleged abuse may have taken place.
- e) Where it is known that the person against whom the allegation is made works with children elsewhere, the centre will seek the advice of the statutory agencies regarding whether information should be shared, and if so, by whom.
- f) If the centre has deemed someone unsuitable to work with children as an outcome of its disciplinary process it will refer that person's name to the Protection of Children Act list. Information about the outcomes of a disciplinary process will only be shared on a 'need to know' basis both within the centre and with external agencies.
- g) The outcome of disciplinary processes will be shared within the centre strictly on a need to know basis.
- h) The outcome of disciplinary processes would not normally be shared with external agencies except where the individual has given consent, for example for the purpose of providing a reference.
- i) The centre has in place policies and procedures that ensure the appropriate recruitment and selection processes are applied that reflect the need to protect children.
- j) The centre uses an umbrella organisation to access DBS information.
- k) It is unlawful to share the contents of a DBS disclosure with other organisations.
- l) All information held regarding complaints about poor practice will usually be shared with the consent of the individual against whom the complaint has been made, for instance, when an individual has consented to a reference being taken up by another organisation.
- m) Information held about complaints of poor practice will only be shared within the centre on a need to know basis.
- n) When information needs to be shared quickly in order to enable statutory agencies to act, information may initially be shared verbally, but will be followed up in writing.

o) The reason to share, or not to share, information will always be recorded by the centre.

**Recording, Storage and Disposal of information**

a) Information about different individuals will be recorded separately.

b) Written information, in whatever form, will be stored securely in accordance with data protection legislation.

c) All reasonable steps will be taken to ensure safe receipt of information.

d) Written communication will clarify to what extent information should be shared within the centre.

e) Consent to share information will be sought from the individual unless this:

- puts children at risk;

- refusal is unreasonable or not in the public interest;

- consent cannot be obtained;

- the organisation is advised not to do so by a statutory agency.

f) Information is safely stored and only available to authorised individuals.

g) Additional copies of information for a specific purpose, such as a disciplinary hearing, will be shredded after use.

**Policy:**

Jennifer Wood, Centre Director

Created: October 2018

Reviewed: August 2019 & September 2020

Date of next review: September 2021

Updated: 9th September 2021, Jennifer Wood

Updated: 31st August 2022, Jennifer Abraham (proprietor)