



**The Beacon**  
Folkestone

Data Protection-  
Confidentiality,  
Privacy & Access to  
Files Policy

## **Data Protection-Confidentiality, Privacy and Access to Pupil Files Policy**

### **This policy is informed by:**

1. Education (School Records) Regulations 1989
2. Children Act 1989
3. Data Protection Act 1998
4. Every Child Matters

**Each member of staff should be made aware of this policy as part of the Induction process**

### **Confidentiality of Information**

In the collection and use of all information regarding pupils at The Beacon, Folkestone, the member of staff will ensure that the information shall be:

- Obtained fairly and lawfully
- Held only for one or more lawful purposes as specified in the agency registration under the Data Protection Act 1984
- Used and disclosed only in accordance with the agency entry on the Data Protection Register
- Adequate, relevant and not excessive for those purposes
- accurate and where necessary up-to-date
- kept no longer than is necessary for the specified purposes
- made available to the child, or his/her parents, on request and subject to access provision
- properly protected against loss or unlawful disclosure.

Disclosure of information concerning a child (or information by which a child can be identified) to an unauthorised person is a breach of confidentiality. Confidentiality may only be breached where it is demonstrably in the child or young person's interests or where there is an overriding concern for the rights of other people, when for example the behaviour of the child may endanger others.

Where appropriate, a member of staff shall make clear to children the extent to which confidentiality will be maintained and the circumstances in which personal information must be disclosed. A member of staff must give due consideration to the contents and implications of the Access to Personal Files Act 1987

In the conduct of any research identifying individual children, a member of staff shall ensure that the child or young person's rights are upheld and their privacy respected and shall, where possible, consult the child and obtain the child or young person's consent/or parental consent to research activity and the publication of any material directly or indirectly identifying the child.

### **Confidentiality and Child Protection**

All staff at The Beacon Folkestone need to be aware of the following definition given to the term “confidential information” with respect to child protection.

**‘An obligation assumed by someone who receives information that she/he will only use it for some specified purpose and will not disclose it to others’**

**Do not** promise **not** to tell anyone else; explain that you have to make sure the child is safe and may need to ask other adults to help you to do this.

**NO MEMBER OF STAFF SHOULD OFFER ANY CHILD CONFIDENTIALITY IN MATTERS WHICH COULD OR HAVE AFFECTED THE CHILD’S PHYSICAL, SOCIAL, EMOTIONAL OR SEXUAL WELLBEING**

Whilst adhering to the principle of limiting the spread of information to the minimum numbers of people at The Beacon Folkestone, all staff closely involved with a child, for whom there are child protection concerns, should know about the child’s circumstances, as it may affect practical matters such as:

- Who meets the child from school
- Who gives permission to go on outings and educational visits
- Who attends parents’ evenings
- Who should or should not share a room on a trip.

Teachers, teaching assistants, therapy and visiting medical staff may all attend child protection conferences where they are likely to hear detailed information about family circumstances and abusive incidents. They may also receive minutes which record these. Particular care is necessary to maintain the confidentiality of such information whilst ensuring that the issues that may impact upon the child’s school-life are communicated to all relevant staff.

Staff, unless directly asked and supervised, should never raise with a child, information to which they have had access. The child’s or young person’s feelings should be paramount and many prefer staff not to know about traumatic events in their lives.

The importance of discretion in the handling of such information cannot be over-stated. Any infringement of this policy, for example by inappropriate discussion in inappropriate settings or the sharing of confidential information for a purpose not sanctioned by the school will be regarded as a serious breach of professional conduct and would lead to disciplinary action against the members of staff concerned.

### **Access to Records**

All children’s files containing confidential information are held securely within the office

Staff are also asked to read the sections relating to confidentiality in The Beacon Folkestone Child in Need/Child Protection Policy Document, KCC Child in need/child protection

procedures and the Intimate Care Policy Document – Guidelines for Good Practice, relating to Privacy.

### **Staff Conduct**

Staff have a duty, in all their interactions, to pay due regard to the right to privacy and respect, ensuring any interactions do not unnecessarily disadvantage or embarrass other parties.

Staff have a duty to ensure that they only discuss pupils or sensitive school related issues with an authorised other person, and that the conversation is private and not within the hearing of others, e.g. other pupils, staff, parents or outsiders to the school. Staff are also expected to be particularly aware of this when offsite or off-duty. Care in this respect should also extend to ensuring that no written documents are left in public view.

**N.B. Breach of confidentiality is a disciplinary offence.**

### **Searching Possessions**

Where appropriate young people are aware that their possessions may be searched if there are grounds to suspect that:

1. Stolen possessions may be found
2. Illicit possessions may be found
3. Dangerous possessions may be found
4. A failure to do so might put at risk the welfare of the young person or others.

Searches are carried out by two members of staff who sensitively approach this task, maintaining respect for all of the young person's possessions. The young person will be told in advance and be present during the search unless involving them would add further risks to their welfare or that of others.

### **Processed Information**

All processed information; personal data, is strictly governed by the Data Protection Act 1998.

### **Files**

#### **Child Protection File**

This is kept in a locked cupboard in the DSL Office. It may only be accessed on a "need to know basis", via a DSL. (Designated Safeguarding Lead).

#### **Main Files**

These contain general information about the pupils, both of a historical and current nature. They are kept in locked files in the office. These files are only accessible to adults (professionals) working with that pupil.

### **Academic / Pupil Progress Files**

These contain ongoing records of individuals' academic progress. They are kept locked in the office and are accessible to all professionals working with that pupil via the class teacher. The pupils can also request access to them.

### **Medical Forms**

These contain any medical or health information regarding pupils. This includes Medical history, consent forms, administration of medication etc. These forms are kept in a locked filing cupboard in the DSL Office and a copy of up to date information is kept in a pupil Red Files only available to staff with authority.

**Information held within all of these files is only shared beyond what has been stated, in the event that information is needed, in order to safeguard and promote the young person's welfare.**

### **Other Documentation**

#### **Educational Health Care Plans**

These are kept in the individual student's files in the office. They are accessible to the professionals working with the pupil.

#### **Home School Diaries**

These are to exchange information between home, school and respite services. Staff are aware of the purpose and do not record any sensitive information in them.

Any other documentation that relates to pupils is stored appropriately in locked cupboards.

### **Mail**

Incoming Mail regarding pupils. All information received about a pupil should be shared with the relevant staff only and in some cases the pupil. This is then stored in the appropriate file.

#### **Outgoing Mail**

All information being sent out regarding a pupil must be ratified by a senior member of staff. Copies are kept in relevant files.

## **Telephone Calls**

### **Making/Receiving Telephone Calls**

Staff ensure that any telephone calls in which pupils details or sensitive issues are discussed, are made in private and not overheard. Telephone calls made or received regarding pupils are briefly recorded.

Staff must verify the identity of any caller who asks if a named pupil attends this school or requests information about a pupil or their family. This may be done by asking a question that can only be answered by who the caller claims to be and/or by calling them back after obtaining their name and telephone number. If staff are still unsure of the callers identify the following reply should be given. "We do not give information about pupils, who may or may not be at this school, as a matter of policy. K.C.C. requires us to always ask in these instances – what is the purpose of your enquiry? We will then pass this back to the relevant authorities".

## **Visitors**

Visitors are asked to report to the main reception office, where they will sign the visitor's book, collect and wear a visitor badge.

Designated areas are available for visits/meetings to be conducted in private.

If a young person is felt to be at risk via any of the communication methods listed, staff intervene to protect their welfare. In such an event clear records of incidents and actions are recorded and reported using the child protection / safeguarding procedures.

Any formal/legal restriction to a young person's communication is clearly recorded in their main files.

## **Meetings**

### **Staff Meetings/Senior Leadership Meetings/other staff group Meetings**

Any agenda item raised at these meetings that is deemed confidential will not be discussed outside the meeting and will not be minuted for general staff circulation.

### **School Based Review Meetings**

The content of this meeting will only be discussed with key staff, for information. Minutes are circulated to those who attended the meeting; minutes will document any decision to share information with others.

### **Review and Planning Meetings**

The content of these meetings are produced on a report that is copied to all relevant parties.

### **Child Protection / Safeguarding Meetings**

The content of these meetings is strictly confidential and only circulated to those present at the meeting. Minutes are stored in the Child Protection file and information shared only on a “need to know basis”.

## **The Beacon Equality Statement**

The Beacon Folkestone is committed to ensuring equality of opportunity to all pupils, staff and visitors. Our Core Values are at the forefront of everything we do and we ensure all at The Beacon are treated equally regardless of age, disability, race, colour, ethnicity, nationality, religious belief, gender, gender identity, transgender, sexual orientation or marital status.

The Beacon strives to be an all-inclusive environment and is always looking for opportunities to broaden the knowledge and experiences of everyone who is involved with both our services, and the staff and clients of those using the services of our multi-agency hub.

Our aims for this year are to ensure there are more equal opportunities for pupils, staff, their families and the wider community, regardless of their disability and this forms an integral part of our School Improvement Plan.

The aims for 2016-2019 are to build and improve schemes to help bring down barriers for disabled children and young people and to broaden the experience of life both inside and outside the school community for all staff & pupils.

UPDATE SCHEDULE

<b>Version</b>	<b>Date reviewed</b>	<b>Reason for Update</b>	<b>Next review date</b>	<b>Governor agreement</b>
1	Oct 17	Transfer & Review	Oct 18	14.11.16