

Confidentiality Policy



Approved by: Penny Harris (Director) Jane Cox (Director) **Date:** 1st September 2025

Last reviewed on: 1st September 2024

Next review due by: 1st September 2026

All policies are generated and reviewed with an awareness of equality and diversity in relation to pupils, staff and visitors. All policies are generated and reviewed placing safeguarding and wellbeing at the heart of all that we do.

1. Non-statutory advice

This policy is written with due regard to 'Information Sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers'.

This policy should be read alongside the Safeguarding and Child Protection policy, the Staff Code of Conduct Policy and the Data Protection and GDPR Policy.

2. Aims

- To ensure that the most important consideration is always whether sharing information is likely to support the safeguarding and protection of a child.
- To promote appropriate sharing of information between staff and other involved professionals as an essential element in maintaining a high standard of care.
- To ensure that fears about sharing information do not stand in the way of the need to safeguard and promote the welfare of children at risk of abuse or neglect.
- To ensure that personal information is not shared inappropriately

3. Golden Rules of Information Sharing

- The General Data Protection Regulation (GDPR), the Data Protection Act (2018) 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 a lawful 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 do not 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.
- 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.

4. Effective information sharing

Staff must have due regard to the relevant data protection principles which allow them to share personal information. The GDPR and Data Protection Act 2018 place emphasis on organisations being transparent and accountable in relation to their use of data. All organisations handling personal data need to have comprehensive and proportionate arrangements for collecting, storing, and sharing information.

The GDPR and Data Protection Act 2018 do not prevent, or limit, the sharing of information for the purposes of keeping children and young people safe.

To effectively share information:

- All relevant staff should be confident of the processing conditions, which allow them to store, and share, the information that they need to carry out their safeguarding role. Information which is relevant to safeguarding will often be data which is considered 'special category personal data' meaning it is sensitive and personal.
- Where practitioners need to share special category personal data, they should be aware that the Data Protection Act 2018 includes 'safeguarding of children and individuals at risk' as a condition that allows practitioners to share information without consent.
- Information can be shared legally without consent, if a practitioner is unable to, cannot be reasonably expected to gain consent from the individual, or if to gain consent could place a child at risk.
- Relevant personal information can be shared lawfully if it is to keep a child or individual at risk safe from neglect or physical, emotional or mental harm, or if it is protecting their physical, mental, or emotional well-being.

5. School and company confidentiality

During the course of their employment with On Track Education, staff will be party to information which is regarded as strictly confidential. Staff may not disclose or discuss with any other person outside the Company information relating to its business, including service information or matters relating to pupils, staff or security.

6. Email confidentiality

All emails containing personal pupil or staff information should be sent externally using encryption provided through Egress Switch.

7. Review

In order to ensure that this policy is relevant, if you have any comments please email directors@ontrackededucation.com.