



## Confidentiality Policy – DCP 015

**Policy Owner:** Stephen Beeso

**Policy Date:** 7 March 2017

### Introduction

All directors, governors, staff and contractors have a legal obligation to respect the confidentiality of information that relates to the Drapers' Multi-Academy Trust and its schools and which is not in the public domain.

There are however circumstances where it is not possible or appropriate to maintain confidentiality. This policy sets out the confidentiality requirements of the Drapers' Multi-Academy Trust (MAT), together with the circumstances where it is not possible to maintain confidentiality.

### Scope

This policy applies to all directors, governors, staff, contractors and pupils of the Drapers' Multi-Academy Trust (MAT). It also applies to parents and carers of pupils at schools within the MAT, who formally confirm that they will abide by our policies when their children join our schools.

Each school within the MAT must ensure that the contents of this policy are communicated to all staff. This communication must be evidenced in writing and refreshed on an annual basis. All parents must formally accept this policy when their children join a MAT school and this acceptance must be evidenced in writing through the Home-School Agreement.

Each school within the MAT must publish this policy on its website.

### Definitions

- Child** Anyone under the age of 18.
- COO** Chief Operating Officer.
- Confidential** Something that is spoken or given in the expectation or understanding that it will not be repeated or shared with anyone other than those specifically agreed by the person giving the confidence or those who would normally have access to the identical information.
- Contractor** A person working as an agent for, or on behalf of, the MAT.
- LGB** Local Governing Body, with delegated powers of governance from the board of the MAT.
- MAT** Drapers' Multi-Academy Trust.
- Parent** Those having parental responsibility for the care of a Child (including Carers).



<b>Pupil</b>	Anyone enrolled at a MAT school (including students in Years 12 and 13).
<b>SLT</b>	Senior Leadership Team.
<b>Staff</b>	Anyone employed by the MAT.

### **Policy**

1. All personal and sensitive personal data is confidential by virtue of the Data Protection Act. Personal and sensitive personal data are defined and covered by the requirements of the Data Protection Policy.
2. All directors and governors are bound to keep MAT and school information confidential - other than that already in the public domain or which, by its nature, would be readily available to the public - by virtue of their position as trustees.
3. All staff and contractors are bound to keep MAT and school information confidential - other than that already in the public domain or which, by its nature, would be readily available to the public - by virtue of their contractual undertakings with the MAT.
4. Confidentiality does not extend to communications between staff and pupils. No member of staff may give an undertaking of confidentiality to a pupil. Any such undertaking given may not be honoured. This is partly because there may be a legal or regulatory requirement to share information with the proper authorities and partly because it may not be in a pupil's best interests – particularly as regards wellbeing or safety.
5. It is the responsibility of the person giving the confidence to be clear in advance of the limits of confidentiality so that they can make informed decisions about the most appropriate person to talk to about any health, sex and relationship or other personal issue they may wish to discuss.
6. Wherever a member of staff is invited to receive confidential information from a pupil, the limitations of confidentiality should be made clear immediately. Other than the legal and other circumstances laid down in the Safeguarding and Child Protection Policy – DCP 019 and other MAT policies, it is for the discretion of the member of staff to determine if - and what - information needs to be shared and with whom. Wherever practicable, the member of staff should avoid identifying the individual pupil concerned unless the circumstances are exceptional or the shared information is valueless or cannot be acted upon without identifying the source.
7. Pupils must be informed when a confidence has to be shared.
8. Any confidentiality issues relating to Safeguarding and Child Protection should be determined under that policy.



### **Specific Exceptions to Confidentiality Requirements**

9. Healthcare professionals owe the same duty of care and confidentiality to patients under the age of 16 as they do to adults. Any professionally qualified nursing, counselling or medical staff, who are employed by the MAT, are bound by this duty, which includes contraceptive and pregnancy advice. Whether a young person is competent to consent to treatment or is in serious danger is a matter for professional judgement by the Healthcare Professional. No information relating to advice or treatment will ever be shared, except where an overriding statutory obligation exists (e.g. child protection).

### **Review**

10. The policy owner must keep up to date with relevant legislation and government guidance and update this policy whenever necessary. The board of the MAT must approve the revised version.
11. The policy owner must review the policy at the end of July each year and either submit a revised policy for board approval or confirm in writing to the COO that the current version of this policy is still fit for purpose.
12. The COO must submit a list of all confirmed policies to the board at the first meeting of each new academic year.
13. The MAT board must formally review and re-approve this policy every five years.