

**Bury Catholic Preparatory School**  
**Data Protection Policy**  
**LM 07**

### **Vision Statement**

Inspired by our faith in Christ, we aim that each person should aspire to reach their full potential in body, mind, heart and spirit

### **Aims**

1. To educate all our children in a secure and loving environment, working together to ensure that we provide the positive experiences of success that give confidence and motivation for future learning
2. To develop a set of spiritual and moral values – honesty, tolerance, integrity, respect and good judgement
3. To engage pupils of all ability levels, enabling them to meet the challenges of their education through a broad, balanced curriculum and a wide range of extra-curricular activities
4. To encourage children to become articulate and motivated learners through both independent and cooperative learning
5. To equip our children with the necessary life skills and experiences to become responsible, participating citizens
6. To promote logical and creative thinking which develops enquiring, discriminating minds and a love of learning
7. To ensure smooth progression through key stages
8. To maintain a stimulating learning environment which maximises individual potential
9. To be acknowledged as an outstanding school where children and staff flourish

### **Purpose**

To protect the child at all times and to give staff involved clear, unambiguous guidance as to their legal and professional roles and to ensure good practice throughout the school which is understood by pupils, parents/carers and staff.

### **Introduction**

“Practitioners need to understand their organisation’s position and commitment to information sharing. They need to have confidence in the continued support of their organisation where they have used their professional judgement and shared information professionally.”

Information Sharing: Guidance for Practitioners and Managers (DCSF 2008)

### **Every Child Matters**

- Being healthy
- Staying safe
- Enjoying and achieving
- Making a positive contribution
- Social and economic well-being

### **Inclusion**

We recognise that all our children have the entitlement to be included in all aspects of school life. In order to ensure our children are valued as individuals and able to benefit from the opportunities on offer. We

- adapt activities to take account of learning styles
- plan carefully to include a variety of teaching approaches and setting of additional targets
- assess the language used

- communicate with other members of staff and parents
- develop cross-curricular links
- allow time for reflection and role-play
- thoroughly evaluate and monitor

## EYFS key themes and commitments

A Unique Child	Positive Relationships	Enabling Environments	Learning and Development
1.3 keeping Safe 1.4 Health and Well being	2.1 Respecting each other	3.2 Supporting every child	

## Responsibilities

- Bury Catholic Preparatory School seeks to put the child at the heart of the learning process and to provide a safe and secure learning environment. It seeks to implement the underlying principles of the Every Child Matters Agenda and to address the issues, which may arise about data protection.
- It is committed to developing creative and positive ways for the child's voice to be heard whilst recognising the responsibility to use, hold and safeguard information received. Sharing information unnecessarily is an erosion of trust.
- The school is mindful that it is placed in a position of trust by all stakeholders and there is a general expectation that a professional approach will be used in all matters of confidentiality and that data protection guidelines laid down in the Staff Handbook will be adhered to.

## Purpose

Our procedure is based on the [Seven golden rules for information sharing](#) as set out in *Information Sharing: Guidance for Practitioners and Managers (DCSF 2008)*.

1. Remember that the Data Protection Act is not a barrier to sharing information but provides a framework to ensure that personal information about living persons is shared appropriately.
  - Our policy and procedures on information sharing provide guidance to appropriate sharing of information with external agencies.
2. Be open and honest. Explain to families how, when and why information will be shared about them and with whom. Seek consent to share information, unless it puts the child at risk or undermines a criminal investigation.

In our setting we ensure parents:

- receive information about our information sharing policy when starting their child in the setting and they sign a form to say that they *understand* circumstances when information may be shared without their consent. This will only be when it is a matter of safeguarding a child or vulnerable adult. This is on our registration form;
  - have information about our Safeguarding Children and Child Protection policy; and
  - have information about the circumstances when information will be shared with external agencies, for example, with regard to any special needs the child may have or transition to school.
3. Seek advice when there are doubts about possible significant harm to a child or others.
    - The *designated person* may contact children's social care for advice where she has doubts or is unsure.

4. Share, with consent where appropriate, and have a clear and legitimate purpose when sharing information. Respect the wishes of children and parents not to consent to share confidential information. However, in the interests of the child, know when it is reasonable to override their wish.
  - Guidelines for consent are part of this procedure.
5. The designated person is conversant with this and is able to advise staff accordingly. Consider the safety and welfare of the child when making a decision about sharing information – if there are concerns regarding ‘significant harm’ the child’s well being and safety is paramount.
6. In our School we:
  - **record concerns and discuss these with the School’s designated person (DSL) for child protection matters. Record decisions made and the reasons why information will be shared and to whom; and**
  - follow the procedures for reporting concerns and record keeping.
7. Information shared should be accurate and up-to-date, necessary for the purpose it is being shared for, shared only with those who need to know and shared securely.
  - Our Safeguarding Policy and record keeping procedures reinforce how and where information should be recorded and what information should be shared with another agency when making a referral.
8. Reasons for decisions to share information, or not, are recorded.
  - Provision for this is set out in our Record Keeping procedure

## Guidelines

We recognise that parents have a right to know that information they share will be regarded as confidential as well as be informed about the circumstances, and reasons, when we are obliged to share information.

We are obliged to share confidential information without authorisation from the person who provided it or to whom it relates if it is in the public interest. That is when:

- it is to prevent a crime from being committed or intervene where one may have been, or to prevent harm to a child or adult; or
- not sharing it could be worse than the outcome of having shared it.

The decision should never be made as an individual, but with the back-up of members of the School’s management team and/or Chair of Governors. The three critical criteria are:

- Where there is *evidence* that the child is suffering, or is at risk of suffering, significant harm.
- Where there *is reasonable cause to believe* that a child may be suffering, or at risk of suffering, significant harm.
- To *prevent* significant harm arising to children and young people or serious harm to adults, including the prevention, detection and prosecution of serious crime.

## Data Protection

### Data Protection Act 1998 (DPA)

The DPA requires us to:

- process personal information fairly and lawfully
- only collect personal information needed for specific purposes
- ensure the information is relevant and up to date
- only hold as much information as is necessary and only for as long as required
- keep personal information secure.

The Act also gives people the right to find out what personal information is held about them on computer and most paper records. Therefore we are committed to managing personal information carefully and keeping it for the right

amount of time. Therefore

- Information about Staff, children and general school organisation will not be shared with anyone except the relevant family or staff member.
- Notes and observations are confidential and are to be used for educational purposes.
- Photographs can only be used for educational purposes if parents have signed to this end.
- Staff information will be kept on the office and head teacher's computer, this is kept confidential. The computers are password protected.
- Children's information will be kept on the office computer; this is kept confidential. Files are password protected.
- Photos and observations which are kept on classroom computers are password protected and these files only accessed by staff who have been checked.

## Human Rights

### Human Rights Act 1998

Article 8 of the Human Rights Act gives everyone the right to respect for their private and family life, their home and their correspondence. The right to private life includes the right to have personal information, such as official records, photographs, letters, diaries and medical information kept private and confidential.

## Consent

Parents have a right to be informed that their consent to share information will be sought in most cases, as well as the kinds of circumstances when their consent may not be sought, or their refusal to give consent may be overridden. We do this as follows:

- Our policies and procedures set out our responsibility regarding gaining consent to share information and when it may not be sought or overridden.
- Parents sign a form at registration to say they understand this.
- Parents are asked to give written consent to share information about any additional needs their child may have, or to pass on child development summaries, to the next provider/school.
- Copies given to parents of the forms they sign.

We consider the following questions when we need to share:

- Is there legitimate purpose to sharing the information?
- Does the information enable the person to be identified?
- Is the information confidential?
- If the information is confidential, do you have consent to share?
- Is there a statutory duty or court order to share information?
- If consent is refused, or there are good reasons not to seek consent, is there sufficient public interest to share information?
- If the decision is to share, are you sharing the right information in the right way?
- Have you properly recorded your decision?

All the undertakings above are subject to the paramount commitment of the School, which is to the safety and well-being of the child. Please also see our Safeguarding Children policy.

## Legal framework

- Data Protection Act 1998
- Human Rights Act 1998

### Further guidance

- Information Sharing: Guidance for Practitioners and Managers  
[www.everychildmatters.gov.uk/\\_files/116ABBC875E8FEE7BC1E03F534A1EFAA.pdf](http://www.everychildmatters.gov.uk/_files/116ABBC875E8FEE7BC1E03F534A1EFAA.pdf)

## **Monitoring and Evaluation**

1. The policy will be reviewed as part of the school's monitoring cycle.
2. The Head teacher has a responsibility for monitoring this policy.

## **Conclusion**

Bury Catholic Preparatory School has a duty of care and responsibility towards pupils, parents/carers and staff. It also needs to work with a range of outside agencies and share information on a professional basis. The care and safety of the individual is the key issue behind this document.

Other Relevant Policies and guidance:

Information Sharing: Guidance for practitioners and managers

Working Together to Safeguard Children-a guide to inter-agency working to safeguard and promote the welfare of children. DCSF March 2010

- Confidentiality Policy
- Safeguarding Policy
- Discipline Policy
- Mobile Phone Policy
- Photography Policy

**Reviewed: November 2015**