



# Confidentiality Policy

October 2024

## Introduction

This policy applies to all staff, trustees and volunteers of The Oaks Specialist College. It should be read in conjunction with The Oaks' Data Protection and UK GDPR Policy.

The data covered by this confidentiality policy includes:

- Information about learners and their families.
- Photographs and image use of our learners
- Information about staff, volunteers and trustees, both personal to work and life. This may be stored electronically or in paper form.
- Information about services that individual learners receive.
- Information about The Oaks, e.g. its plans or finances
- Information about other organisations that The Oaks may work with or refer into.

## Purpose

The purpose of this policy is to:

- protect the interests of our learners, staff, volunteers, Trustees and other stakeholders.
- to ensure all stakeholders have trust and confidence in The Oaks that their privacy is protected and respected.
- To comply with data protection law.

## Information about individuals

The Oaks is committed to ensuring confidential services to The Oaks community and will seek to ensure that:

- All personal information will be treated as confidential. In line with UK GDPR information will only be collected that is necessary and relevant to the work of the College. It will be stored securely, accessible only on a need-to-know basis to those members of staff duly authorised. The retention periods of personal information is referenced in The Oaks' Data Protection and UK GDPR Policy which should be read in conjunction with this policy.
- The Oaks store information about each learner on our management information system (Databridge) to store information about:
  - learners' personal information
  - photographs evidencing success and progress
  - learners' families
  - professional reports and contact details of those who are involved with a learner
  - notes relating to provision required by a learner
  - information such as National Insurance numbers, NHS numbers, etc
  - attendance and attainment data
  - communication, safeguarding, or other events that require documenting.
- All information stored in Databridge will be kept secure and treated as confidential.
- Learners and their families should be aware that although we maintain learner confidentiality, there may be circumstances in which we may need to share a learner's details with other agencies.
- Under no circumstances should staff, Trustees and/or volunteers share personal information about learners or other staff members to anyone who is not part of The Oaks Specialist College.
- The Oaks would share information with other agencies only under the following circumstances:
  - ensuring the safety and welfare of a learner

- where such information is relevant to the care arrangements and specific requirements of the learner.
- The administration of a learner's EHCP in regard to provision and funding.
- Paper records will be kept in a locked cabinet with restricted access.
- Learners and staff have a right to access their records.
- Every effort will be made to ensure that the physical environment in which face to face discussions and telephone conversations take place does not compromise user confidentiality.
- Learners, staff and other stakeholders have a right to complain if they feel confidentiality has been breached. Details of how to complain can be found in The Oaks' Complaints Procedure.

### **Photography and Image Use**

The Oaks regularly celebrates success amongst our learners through photographs and film. Any photography or filming is undertaken with the regard and need to safeguard the privacy, dignity and wellbeing of the learners.

- At the time of admission learners or their parent/carers are required to sign an Image Use form to confirm whether they agree to be photographed/filmed.
- In the first instance, consent for the photography and/or image use must be obtained from the learner/s. If any learner does not have the capacity to give their consent, then this must be obtained from the parent/carer.
- Any unsigned form or unreturned form will be treated as 'no consent given'.
- The learner and parent/carer (where appropriate) should be told why images may be taken and what they may be used for i.e. College website, publicity purposes, published in the media, etc.
- If a learner does not give permission to be photographed, then they must not feature in any image/film being taken.
- If photos are taken by learners, parents and carers within College, they will be informed that they must not post any images or films on social media or other media platforms away from the College.

Staff should only use equipment provided and authorised by the College. If for any other reason or circumstance that an image or video has to be taken on a personal device, i.e. mobile phone, then this needs to be approved and authorised by a senior member of staff. Images/films taken on a personal device should be transferred to a College computer where it is safely stored. Images should be deleted from the staff member's device as soon as possible.

### **Access to Records**

Learners and staff have a right to request access to their online and paper records.

Requests should be put in writing to the Business and Finance Lead who will action the request within 30 days.

### **Breach of confidentiality**

- Should a breach of confidentiality take place, the member of staff must inform the Business and Finance Lead immediately so that steps can be taken to remedy the situation.
- A risk assessment will be carried out to assess the nature of the breach and to what extent harm has been caused to the individual concerned.
- If there is evidence that the breach was deliberate, the Principal will be informed, and a formal disciplinary procedure may be implemented.

- If the evidence suggests the breach was non deliberate, then training will be given to the member of staff concerned to prevent any further breaches taking place.
- In both circumstances, the person/s whose details have been compromised will be informed of the breach, and they will be told of their rights to complain via The Oaks' Complaints Procedure, or they may wish to escalate their concerns to the Information Commissioners' Office.