



Confidentiality Policy (Staff and Governors)

This policy should be read in conjunction with the:

- Staff Code of Conduct
- School Data Protection Policy
- Disciplinary Procedure Relating to Misconduct for All Employees
- Whistleblowing Policy and Procedure
- Confidentiality Policy (Safeguarding Pupils)
- Information Security Policy
- Governor Code of Conduct

There is an implied term of confidentiality in all matters related to your work at The King's (The Cathedral) School. A serious breach of this confidentiality may result in a disciplinary action for gross misconduct and, ultimately, in dismissal.

Individuals may also face a civil claim for breach of confidentiality.

This policy refers only to information held and shared about *staff*. There is a separate policy about keeping children safe and when information held about children must be shared.

If something is confidential, it has been '*given in confidence*', that is, in the trust that it will be kept secret. This could be done verbally or by written word and includes information that is shared in person or through social media/online.

There are many types of information that are broadly confidential, including personal information (names, addresses, contact details and so on), medical or health information, and information about people's behaviour or habits and activities. Some types of information are protected by data protection law, including personal, sensitive information.

It is therefore helpful to be aware of the legal situation before you share *any* type of information about other people. If you need further guidance about whether it is appropriate to share information about another member of staff, you should speak to your line-manager, in the first instance, and ultimately with the Headteacher.

Confidentiality in the Workplace

There may be many circumstances in the workplace when you are privy to confidential information. The professional obligation not to disclose information, is important in a wide range of areas. Confidentiality matters for legal and reputational reasons, and it also matters because your future employment may depend on it. Many employers, for instance, carry out pre-employment searches on social media for people they are looking to appoint.

Some information is protected by law, including personally identifiable information and also commercially, or operationally, sensitive information. It is therefore important to understand the nature of confidentiality, and how to ensure that you comply with both the legal and ethical duty you have to maintain confidentiality.

Confidential workplace information, therefore, is information that should be kept private or should be shared with only a restricted audience.

Types of Confidential Information

There are, broadly speaking, five main types of confidential information.

1. Employee Information

In the course of your work, you will hear information about individuals within the School. Some of this may be hearsay some but some may be professionally confidential information, especially if you are a line-manager or you work in the performance management or human resources areas.

As a general rule, if you would not ask the person concerned about a matter, or mention it to them directly in a professional context, you should not mention it to another person. Colleagues at The King's School are encouraged to develop and maintain a reputation for integrity and professional discretion.

If you come across private information in the course of your work, including any information that identifies an individual (name, address, maiden name and so on), then you should not disclose it to others. This also applies to personal information collected at interviews about ethnic background, disabilities and so on.

If you find yourself in a situation where that information is being shared and you are conscious that there is no reason for you to hear it, your professional obligation is not to pass that information on. In certain circumstances, it might also be appropriate to offer to leave the room while the matter is being discussed by people who do have a professional reason to share the information.

There are, of course, data protection requirements about keeping that kind of information safe and secure in written form, about which staff receive training annually.

2. Leadership and Management Information

Managerial information includes both information about individuals, such as disciplinary action, and also about broad management actions such as capability procedures or employee relations issues.

Some types of managerial information are time-sensitive and will become public, in due course, such as planned redundancies; other information may remain confidential for much longer.

Leaders and managers, at all levels at The King's School, are expected to demonstrate the highest standards of professionalism and confidentiality at all times.

3. Organisational Information

Organisational information is also known as business information. In schools this is likely to include all information shared at governor, or staff, meetings prior to the publication of public minutes.

Organisational information covers anything not in the public domain that helps an organisation do its work better or more efficiently. It would therefore include, for example, information about industrial processes, budgets, costs, forecasts, and even confidential information relating to a parent (where this has no bearing on the safety or wellbeing of a pupil).

Sometimes organisational information is covered by confidentiality agreements or contracts of employment. If you are tempted to disclose any information of this nature, you should check your contract first and, if necessary, get legal advice.

4. Customer or Contact Information

Changes to data protection law in the UK and Europe means that such data needs to be considered carefully and held securely. If you have concerns about how securely any data is held, or processed at School, please speak to the Headteacher.

5. Professional Information

Some professionals, including doctors, lawyers, accountants and school staff, come across information about individuals or organisations through their professional position. This might be information to do with a parent or member of staff's medical condition or treatment, their immigration status or their wealth and income. Professionals working in such a context are often bound by professional codes of conduct as well as formal, legal requirements. It is important that all colleagues working within a school context know the professional standards under which they are expected to work and to which they will be held accountable. Although there are specific professional standards for:

- Teachers
- Teaching assistants
- Governors

All staff and governors working at the School are subject to an implied duty to keep information confidential. This duty continues even when their employment with the school ceases.

Casual *and* Legal Confidentiality

There is a distinction to be drawn between casual expectations of confidentiality and legal requirements. There is information which you may be told, and asked to keep secret, but where the only obligation to do so is personal. For example, a colleague may tell you that she is pregnant, and explains that she has not yet told anyone else and would prefer it not to be public for the time being. She wanted to tell you because you are a friend/someone she trusts. There is no absolute or legal requirement on you not to tell anyone else. However, be aware that if you do so, you will have broken her trust. You would not expect her to be happy, and your reputation as someone to trust and rely on will be affected (and probably not just with her). If she shared that information with you as her line-manager, however, in order to explore maternity leave entitlement, then there would be a legal duty to maintain that confidentiality.

Most personal information (that is, any information which is personal to an individual, such as national insurance numbers, full name, address, email address or similar) cannot, by law, be disclosed without consent.

You can also face disciplinary action if you share information that is individual to your employer with any of the School's competitors, or disclose it in a way that may damage the School's reputation or work. This includes information about employees, processes, or products that is not already in the public domain.

Protecting Confidential Information

If you regularly handle confidential information, you should take steps to ensure that you protect it adequately. These should include, for example:

- ensuring that confidential information is always locked away at night, and not left unattended during the day;
- password-protecting sensitive computer files;
- marking confidential information clearly as such, and ensuring that paper copies are shredded before disposal; and
- ensuring that you only disclose confidential information to those who need to know.

For further information see the School's 'Data Protection Policy'.

When to Breach Confidentiality

There are a number of circumstances when you may and *must* break confidentiality. You may breach confidentiality when:

- the information disclosed to you suggests that something may happen (or has already happened) that is not in the organisation's interests. There may be a balance to be struck between the needs of the individual and the organisation;
- if something has happened which is against the 'Staff Code of Conduct', or which you believe to be wrong;
- in order to keep a child safe;
- there is a possibility that a criminal offence has been committed and because you are obliged to report it to the police;
- if there is suspected child abuse, or abuse of another vulnerable person.

The School has a 'Whistleblowing Policy and Procedure' to protect staff who wish to raise concerns which you should follow in these circumstances.

Common Sense and Professional Standards

Much about confidentiality is either common sense or covered by implied professional standards. It follows that you need to protect information that is about an individual, and which they would not want disclosed more widely. What is changing, and rapidly, is that tolerance about breaches of confidentiality is decreasing. If you regularly handle confidential information, it may be time to review how you work.

Confidentiality and Work-place Gossip.

Gossip is idle talk or scandal. It is, therefore, unsubstantiated information that is spread by way of conversations and discussions. It may seem like harmless conversation with colleagues and friends, but spreading incorrect or untrue allegations about others can damage reputations beyond repair and have long-term effects on people's lives.

Passing on information that you have heard from a third party is rarely professionally necessary but sharing information that you have been told in professional confidence, has potentially even wider implications. A good workplace guideline is to avoid discussion about anyone who is not present, unless there is a specific professional reason for the discussion.

Further Guidance and Support

If there is a particular matter of confidentiality over which you would appreciate some guidance, please raise it with your line-manager or the Headteacher who will be happy to help.