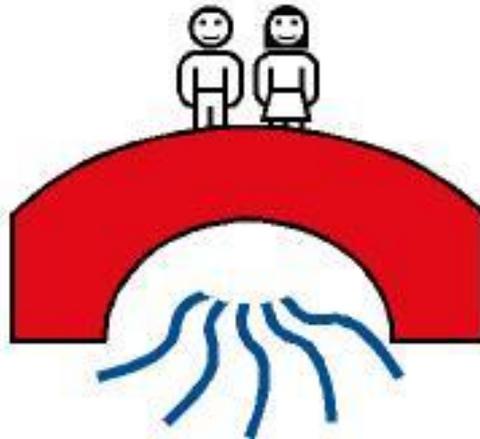


Loddon Primary School



Recording & Reporting Pastoral Information Policy

Author: WBC model policy

Committee responsible: Curriculum Committee

Date of last review: June 2016

Date of next review: June 2018

Authorised on 22 June 2016

_____ (signature)

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Principles

- The best interests of children are promoted by the timely exchange of accurate information between agencies who have responsibility for safeguarding and promoting their welfare.
- Agencies charged with the responsibility of safeguarding and promoting the welfare of children have a right to receive information and a responsibility to share it with others on a need-to-know basis.
- Staff have a responsibility to pass on information, whether given in confidence or otherwise, if they have reasonable cause to believe a child may be a risk of significant harm.
- Information received anonymously or from a third party regarding the safety and welfare of children must be taken seriously and recorded in the same way as information from other sources.
- The best records are brief and concise and contain only essential information about children and their families. Overly long or overly detailed records confuse rather than clarify.
- All records should reflect anti-discriminatory practice and demonstrate sensitivity to the particular needs of children and their families.
- Recording is an integral and important part of the work the staff undertake with children and families - it is not a residual activity to be fitted in between more important things.
- In order to work effectively in partnership with children and their parents it is necessary to share as much information with them as possible, subject to the constraints of confidentiality and restricted access.
- Parents and children should be advised that records will be made (both academic and pastoral), that information will be held and advised of the circumstances in which this will be shared with others, with or without consent.
- If necessary, arrangements should be made for parents and children with specific language or communication needs to access their records and receive key information.
- Parents and children have a right to disagree with the information which is held on them and to have their disagreement recorded and amended as appropriate.
- Parents and children who have information held on them should have access to it unless there are compelling reasons why they should not. Third parties should not have access to this information unless there are compelling reasons why they should.

Aims

- To comply with the legislative framework associated with recording information including the Data Protection Act and Human Rights Act;
- To ensure that a proper record is kept of information relevant to safeguarding and promoting the welfare of children and young people;
- To establish a framework within which best practice can be developed in relation to recording pastoral information;
- To clarify for children and their parents their rights and schools' responsibilities in relation to the receipt, storage and sharing of information including issues of confidentiality and restricted access.

Objectives

- To clarify expectations of staff in relation to recording pastoral information on children;
- To provide guidance and support to staff in relation to the receipt, storage and disclosure of confidential information;
- To ensure continuity in meeting the pastoral needs of children when staff are unavailable or leave;
- To ensure managers have the means to monitor the effectiveness of interventions designed to meet

children's pastoral needs;

- To provide a source of information for enquiries and investigations into complaints and to offer staff support in such circumstances.

Scope

This policy applies to all teaching and non-teaching staff and paid or unpaid voluntary workers including governors in relation to reporting, recording and sharing information. It does not apply to school nurses or other visitors to the school, professionals or otherwise.

The policy applies to information obtained by staff when on duty, both on and off site. It refers only to pastoral information on pupils and not to information which specifically refers to academic progress. The management of this information is governed by DfE guidance.

Ethics

- Legality - The receipt, storage and disclosure of information about children and their families must comply with the legislation relevant to this subject.
- Openness - Children and their parents should be aware that information about them is collected and retained for the purpose of safeguarding and protecting children and attending to their pastoral needs.
- Recording - Limits should be set on the type of information recorded. It should be the minimum necessary to meet its purpose. Records should not contain gratuitous or superfluous information.
- Attributable - The source of information should be made clear and its status established - witnessed, reported, third party, anonymous etc.
- Clarity - Records should be clear and accurate. If the accuracy of information is unclear this should be stated. If recorded material is found to be inaccurate it should be corrected. Records should distinguish between fact, opinion and hearsay. Any judgements or professional opinions should be justified by reference to evidence.
- Respectful - Records should not contain any disrespectful or discriminatory language.
- Access - Individuals should have the right (subject to any restrictions) to see personal information which is held on them.
- Disclosure - All information should be kept securely and regarded as confidential, unless otherwise indicated and only disclosed in prescribed circumstances on a need-to-know basis.

Purpose of Recording

- To comply with legal requirements and government expectations;
- To provide a documented account of the school's involvement with children and their families in relation to pastoral matters;
- To provide a source of information to help in planning strategies to meet children's pastoral needs;
- To demonstrate accountability of staff in decision-making and to ensure that their actions are open to scrutiny;
- To ensure continuity in meeting the needs of children when staff are unavailable or have left;
- To provide evidence for investigations and enquiries and to protect both staff and children where allegations or questions of conduct are raised;
- To demonstrate compliance with policy and procedural requirements.

The overall purpose of maintaining records is to ensure that the school has sufficient information to safeguard and promote the welfare of children and attend to their pastoral needs.

Content of Records

School will always make a record about the following:

- information in relation to child protection concerns, in whatever form, including victimisation from bullying or sexual exploitation;
- expressions of concern, from whatever source, about a child's physical or mental health;
- expressions of concern about a child's home circumstances including issues in relation to the quality of care on offer;
- concerns about adults' parenting capacity - mental/physical health, drug or alcohol problems, domestic violence etc;
- information about a significant change in a child's circumstances - loss of a carer through death/separation, arrival of new members to the household, loss of a sibling etc;
- concerns about a child's behaviour - drug/alcohol use, sexual conduct, bullying of others, self-harming, physical interventions etc;
- the outcome of communication in whatever form with parents/carers or other professionals about any of the above.

When such recordable information comes to the attention of teaching staff they will make a dated and signed record of it and bring it to the attention of their line manager. If information comes to the attention of non-teaching staff they will share this with their line manager who will indicate whether a written record will be required and what action will be taken.

When a child becomes the subject of on-going concern e.g. three recordable incidents or significant concern the line manager will bring this to the attention of the designated person with a view to a common assessment form being completed so that a multi-agency child concern meeting may be convened.

Legal Context

Receipt of Information

The Children Act 1989 requires organisations to work together to safeguard and promote the welfare of children and that they do so wherever possible by **working in partnership with parents**. "Working Together to Safeguard Children" states in Section 7.49 "well kept records provide an essential underpinning to good child protection practice. Safeguarding children requires information to be brought together from a number of sources and careful professional judgements to be made on the basis of this information".

There is a clear expectation therefore that school will record, store and share information on pupils. There are, however, limitations placed on school by other legislation on the information it is permitted to record and share with others.

The Data Protection Act 1998 sets standards which must be satisfied when obtaining, recording, holding, using or disposing of personal information. These standards are reflected in eight Data Protection Principles which require information to be obtained fairly and efficiently; held securely and confidentially; recorded accurately and reliably; used effectively and ethically and shared appropriately and lawfully.

School will satisfy all these standards within this policy.

Sharing Information

School regards all the information contained within pupils' educational records (the official record of a child's academic achievements and progress and any relevant non-curricular (pastoral) information about the child) as confidential*. Information will be shared with others who have an interest in safeguarding and promoting the interests of children on a 'need to know' basis.

- * Confidential information is personal information about an individual or family that is not trivial in nature and not in the public domain.

As with the recording of information there are limitations placed on the sharing of information with third parties. These limitations derive from three sources:

The Common Law Duty of Confidence

This duty arises when an individual shares information with another in circumstances where it is reasonable to expect the information will be kept confidential. Courts have found that the duty of confidence exists in the special relationships between teacher and pupil. Also that the duty of confidence owed to a person under the age of 16 years is as great as the duty owed to any other person.

However, the duty of confidence is not absolute and disclosure can be justified if:

- the information is not confidential in nature
- or
- the person to whom the duty is owed has expressly or implicitly authorised disclosure
- or
- there is an overriding public interest in disclosure (i.e. the child's safety or welfare or the safety and welfare of others)
- or
- the courts require the information to be disclosed.

The Human Rights Act 1998

The Human Rights Act 1998 in Article 8 states "Everyone has the right to respect for his family and private life, his home and his correspondence" and "There should be no interference by a public authority with exercise of this right except in the interests of national security, public safety, economic well-being of the country, for the prevention of disorder or crime, protection of health or morals or for the protection of rights and freedom of others".

Data Protection Act 1998

The eight Data Protection Principles referred to earlier apply here. The expectation is that information will have been collected in line with the principles and will be shared with others on a 'need to know' basis, either with the data subject's consent or in such circumstances that allow the need for consent to be waived. These circumstances would include:

- compliance with a legal obligation;
- to protect the vital interests of the data subject (i.e. to safeguard or promote his/her welfare);
- for the exercise of a statutory function or other public function exercised in the public interest (e.g. S17 (Child in Need) or S47 (Child Protection) enquiry).

Disclosure of Information to other Agencies

Where there are concerns about a child's safety or welfare information will be shared with other professionals in any of the following circumstances:

- where those who are likely to be affected give consent;
- where the need to safeguard and promote the child's welfare (or the welfare of another person) overrides the need to keep information confidential;
- where disclosure is required under a court order or legal obligation.

School **will** share information with Social Workers and others who are making enquiries under S47 of the Children Act (i.e. child protection enquiries). In these circumstances parental consent may be sought providing it does not compromise the enquiry or expose the child to the likelihood of significant harm. School **will** also share information on children for the purpose of assessment in relation to Special Education Needs. In addition, school **will** share information with police in the course of enquiries.

School **may** share information with other outside agencies offering services to children (and their families) deemed 'in need', but only with the consent of parents/carers.

As a matter of principle school would wish to have the consent of children and their parents/carers before information is shared with other agencies. However, when it is necessary to share information without consent it will be done in a way that provides those people who 'need to know' with sufficient data on which to proceed with their enquiries or assessments. School will co-operate with other agencies, but will limit the extent and nature of the disclosed information to that which is essential to the successful completion of any enquiries or assessments that are being undertaken. School will not disclose any personal, non-relevant information about children, their parents/carers or their circumstances.

Access to Records

Children and young people have a right to access information from their educational record, as do people who hold parental responsibility for the child/young person. Carers who do not have parental responsibility can only access the educational record with the consent of the child to whom it refers. If the child is not competent to give consent then the carer can have access with the consent of a person with parental responsibility. Anyone having access may request a copy of the educational record.

In addition, young people are entitled to be given a description of the personal data which makes up the record including:

- details of the purposes for which the data is processed;
- the sources of the data (if known);
- the individuals or organisations to which the data may have been disclosed.

While in principle young people and their parents have a right to access all the information held on them there are circumstances in which access may be restricted. These circumstances include:

- information held in relation to child protection matters which, if disclosed, might prejudice social work objectives and may give rise to significant harm to any person (e.g. issues relating to domestic violence);
- information which, if disclosed, might prejudice the prevention or detection of crime or the apprehension or prosecution of offenders;
- information which may identify third parties;
- communication between the school and a lawyer consulted for legal advice on any issue;
- information provided by a third party* except where:
 - the information is public and already known to the individual
 - the third party has not requested confidentiality and it is reasonable to assume confidentiality would not be requested
 - the third party has given consent to disclosure.

* Third party - somebody other than a member of staff or the data subject.

As well as the restrictions on parental access to records referred to above, there may be other circumstances in which access is restricted. These would include confidential information provided by young people, the disclosure of which to their parents might cause physical or mental harm.

If a young person is not deemed competent** to request access to their records this can be done on their behalf by a person who holds parental responsibility for them or another carer whom they nominate. Parents/carers also have an independent right of access to any information which is held on them (subject to the above restrictions).

All requests for access to records must be made in writing to the Headteacher who will respond within 15 working days. Arrangements will then be made for the records to be carefully scrutinised to ensure all restricted information is removed. When access is granted this will be under the supervision of a designated member of staff.

Those having access to information may see, read, make notes or copy information, but they may not remove any material from the record.

The right to access for young people extends beyond their school years and lasts until the record is destroyed (on the 25th anniversary of the child's date of birth). Parental rights of access continue for this period of time also.

If, following their access to records children/young people or their parents/carers wish to complain, make representations, or request amendments, corrections or additions to the record these should be conveyed in writing to the Headteacher who will respond within 15 working days. If the person making the request is not satisfied with the response there is a right of appeal to the Board of Governors.

** Competence is defined by the pupil's ability to understand the choices they are making and their consequences, including the nature and extent of possible outcomes of any risks they may be taking. If a member of staff is unclear about a child's level of competence they should consult with the designated person within the school.

Sharing Information within School

Information about pupils will be shared within school at the Headteacher's discretion. Not all information about children will be shared with all staff. The level and detail of information shared will be proportionate to the individuals' 'need to know' in order for them to discharge their duties and safeguard and promote the welfare of children.

Confidentiality

Children and young people have a right to privacy and respect for personal information which they choose to share with teachers and others working within the school setting. They have a right to decide how much information they share with others and who else should have access to this information. These rights are not absolute and children must be aware that disclosure of information that refers to actual or likely harm to themselves or others or to possible illegal activities will be recorded and shared with the appropriate agencies.

Also children and young people need to be made aware that all recorded information will form part of the educational record to which their parents may have access.

The teacher receiving the information should clarify with the young person the level of risk of harm in the event that parents request access. Data protection legislation allows for high risk information to be excluded from disclosure.

Teachers can exercise their professional judgement and respect a young person's request for confidentiality providing that they believe that the young person is competent to make the decision. (i.e. Has sufficient understanding of the decision and its implications.) Even so, staff should encourage young people to talk to their parents/carers about the matter. If a young person refuses to do this staff

should ensure that young people have information on where they might access expert counselling, advice or assistance should they require this.

If the young person is deemed to be not competent, then the member of staff must share all recordable information with the child's parent/carer and inform the child that this is to happen. The member of staff will provide the child with whatever support is necessary in this event.

Storage

Each child will have a personal file in which the educational record will be retained. The file will have open and 'restricted access' sections and will be managed by a designated person. All files will be kept safely and securely to prevent any possible breach of confidentiality.

Retention

Information held on pupils will be retained until the 25th anniversary of their date of birth. When pupils transfer schools, the educational record will be transferred to the school at which the child has been enrolled. The record will be transferred within 15 school days of the date of notification.

If a child leaves school but the next school is not identified, the record will be retained pending notification of the child's next school.