



Caring **A**chieving **R**espectful **E**xciting

Confidentiality Policy

School Leader: R Sandhu

Link Governor: Lloyd Newby

Policy Approved **Signed: Lloyd Newby** **Date: 03.07.14**

Policy Reviewed Signed: Lloyd Newby Date: 08.06.17

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1.0 Introduction and Context

- 1.1 This school recognises its legal duty under Section 175 Education Act 2002 to work with other agencies in safeguarding children and protecting them from “*significant harm*”.
- 1.2 This school recognises that a clear confidentiality policy will support the school in meeting the Every Child Matters outcomes of “be healthy” and “stay safe”.
- 1.3 The staff seek to adopt an open and accepting attitude towards children and young people as part of their general responsibility for pastoral care.
- 1.4 Staff will encourage parents and children to talk about any concerns or worries which may affect emotional health and well-being and educational progress and that they will see the school as a safe place if there are any difficulties at home.
- 1.5 This school recognises the following benefits of working to a confidentiality policy:
 - It highlights the importance of pupils being able to talk to adults in the school to share their problems in a safe and supportive environment.
 - It safeguards the wellbeing of those involved in the disclosure of confidential information.
 - It builds trust between pupils and staff.
 - It empowers each pupil to exercise control over the choices that will affect their life.
 - It prevents the need to deal with each disclosure as a crisis in isolation. [See guidance on school specific information 1 – Appendix 1 and also the school’s Child Protection Policy.]

2.0 A Definition of Confidentiality

- 2.1 Confidentiality is an understanding that any information shared with someone in trust can only be passed on to a third party with the agreement of the person disclosing it.

Please note, in this policy, a ‘disclosure’ is the sharing of any private/personal information.

It is a general term and does not just relate to child protection issues.

3.0 The Limits of Confidentiality

- 3.1 Staff, pupils, parents/carers will be informed about the limits of confidentiality in this school. Some issues have to be shared with other people/agencies, This is particularly necessary in the case of child protection issues.
- 3.2 Pupils will be advised (wherever possible prior to a disclosure) what kinds of disclosure will require information to be shared, what will be done with the information.
- 3.3 Members of staff will be made aware of who (if anyone) to inform in the event of different types of disclosures of a personal nature.
- 3.4 This school recognises that confidential discussions need to take place in a confidential environment. Places such as the staffroom, the classroom and the playground are not always confidential environments. A place away from others needs to be found where staff can ensure that they are not disturbed.
- 3.5 This school will provide opportunities for its pupils to access confidential support. Staff work to build trusting and caring relationships with children. This is further supported by there being curriculum times when children are free to choose an activity, activity time each morning in school. There is also access to a learning mentor for some children.
- 3.6 Parents/carers and pupils have the right to view their own educational records upon written request. It is therefore not possible to guarantee the confidentiality of recorded information (see – Recording of information in Supporting Information).
- 3.7 **Staff are required to pass on confidential information in the following circumstances:**
 - Child protection. Limits and examples of confidentiality issues can be found in the Child Protection policy.
- 3.8 **Responsibilities to parents/carers**
 - Members of staff are not legally obliged to inform parents/carers in many instances when personal information has been disclosed. (See Guidance on school specific information 3 – Appendix 1).
 - Where it is believed that the pupil may be at emotional or physical risk, or in breach of the law, staff will discuss the case with the Child Protection Co-ordinator and/ or the Headteacher.

- Staff will encourage the pupil to inform and seek support from their parents/carers.
- In most cases information provided by a pupil will only be passed to their parents/carers with the pupil's consent where it is possible to gain this. Sometimes a child at our school will not understand this due to language or understanding barriers.
- When the school chooses to inform parents/carers it will only be done if it is in the best interests of the child.

4.0 Staff Roles and Responsibilities

- 4.1 All staff (teaching and non-teaching staff) will be made aware of the confidentiality policy and their entitlement to training and support in its implementation.
- 4.2 All staff are under a contractual obligation to uphold the policy as with all other school policies. Failure to comply with this policy will result in disciplinary procedures being followed.
- 4.3 Staff can seek advice and support for themselves when dealing with a disclosure whilst keeping the individual's identity anonymous. The school will maintain an up-to-date list of appropriate contacts for staff so that they can seek support. This will include the following members of staff at this school.

Jonathan Gallimore – Executive Headteacher, Rani Sandhu – Safeguarding Lead.

5.0 Working with External Agencies

- 5.1 Anyone working with pupils from the school particularly on sensitive areas of the curriculum needs to be made aware of the school's confidentiality policy.
- 5.2 At the beginning of lessons dealing with potentially school staff and staff from external agencies will establish sensitive topics that it is inappropriate to disclose personal information during the lesson. Ground rules need to be agreed which ensure individuals do not pressure one another to answer questions about their own experiences. (See Appendix 2 – Pro-forma for External Contributors).
- 5.3 Staff will outline the sources of support available to any pupil who may wish to discuss the topics and/or their feelings further on a one-to-one basis.
- 5.4 This school acknowledges and supports the differences between the role of any non-school staff as educators, and as providers of information and support to pupils. The boundaries between these roles will be clarified and agreed prior to involvement. Any distinctions in terms of confidentiality need to be made clear to pupils. (See Appendix 2).

6.0 Recording Information (See Supporting Information)

6.1 The school acknowledges that:

- Pupils and their parents/carers have a right to gain access to *processed* information upon written request.
- Agencies such as the Police and Children and Young People's Services may be able to get a court order to gain access to *processed* information, which the school deems confidential. This can also include the Local Authority's legal department and insurers, as well as other solicitors, eg in custody cases.

6.2 Any information recorded about a pupil will be written in a way that assumes it will be read by either the subject or their parents/carers.

6.2 In order to comply with the Lord Chancellor's Code of Practice on the Management of Records (issued under section 46 of the Freedom of Information Act 2000), any *processed* information will be stored in accordance with the Schools Record Management Systems.

7.0 Monitoring and Evaluation

7.1 The policy will be reviewed after significant disclosures to ensure that the policy and procedures work appropriately.

7.2 This policy will be reviewed on an annual basis in line with other policy documents.

7.3 Staff, governors, parents and pupils will be consulted during the review process.

8.0 Communicating the Policy

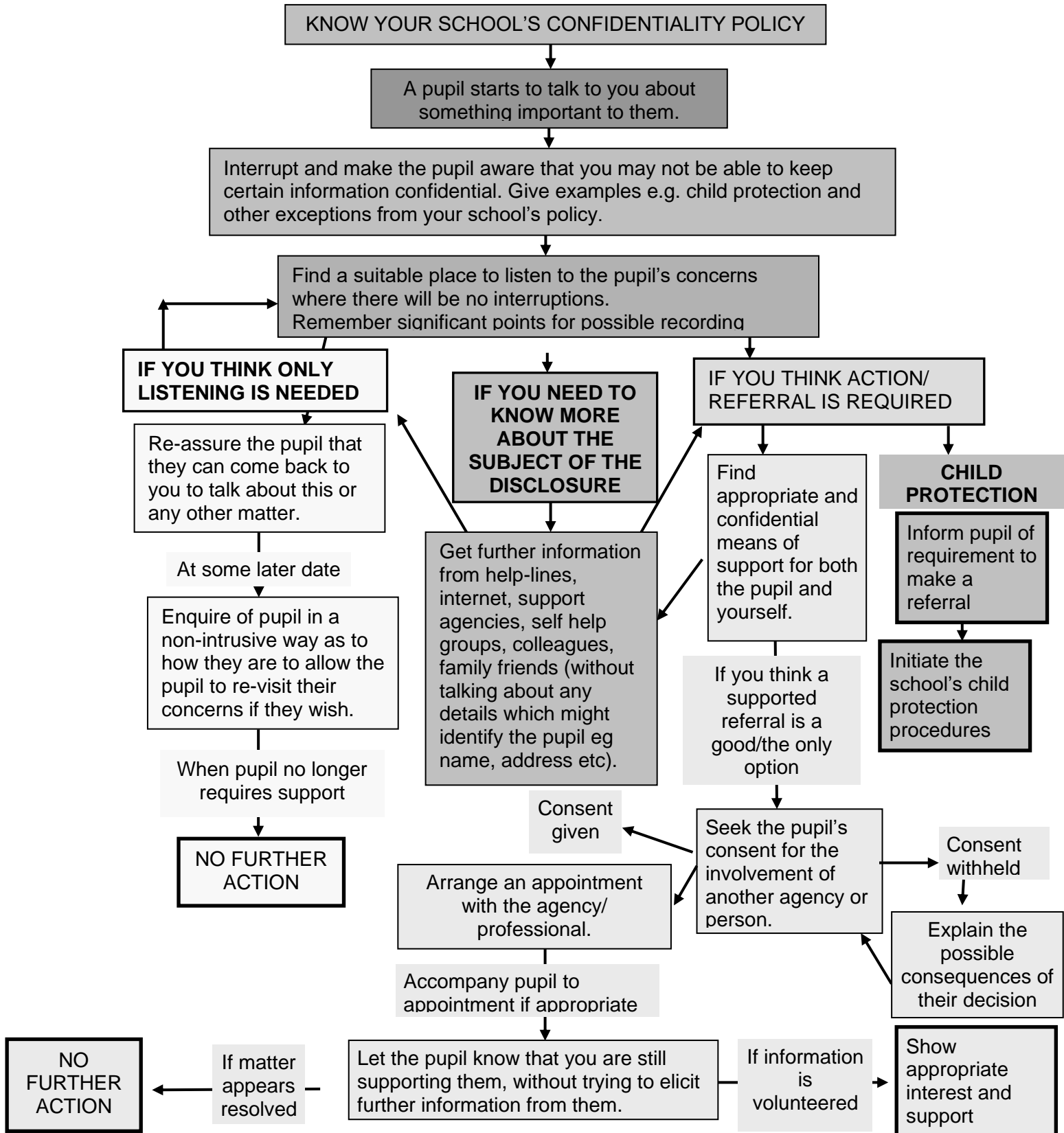
8.1 The policy will be communicated to all school staff, governors, parents/ carers, partner agencies and relevant visitors.
It will be presented to the staff for comments and to the Governing Body for approval.

8.2 The policy will be included in the policy folder.

8.3 The policy will be listed on the school's publication scheme (Freedom of Information Act 2000).

8.4 The flow chart for how to deal with confidential disclosures is within the Child Protection Policy.

Flowchart to Show the Process for Handling a Disclosure of Confidential Information



Appendix 1

Guidance on School Specific Information

1. Examples of where a confidentiality policy might be of use:

- A pupil knows someone who is bullying others at the school but is unsure about whether or not to tell.
- A pupil starts sharing something very personal in a classroom situation.
- A school uses staff or peers as a support system for pupils, eg listening, befriending.
- A pupil tells a member of staff that they are pregnant or sexually active.
- A pupil informs a lunchtime supervisor that their Dad is hitting their Mum.
- A pupil talks to a member of staff about their knowledge of a crime, eg shoplifting, assault.

2. Exceptions to Confidentiality

Likely exceptions requiring consideration by the school might include:

- where there is risk of serious harm or threat to life
- where a pupil needs urgent medical treatment
- where potential or actual serious crime (eg murder, rape) is involved
- where safeguarding national security is involved eg terrorism.

This must be consistent with other policies eg managing drug related incidents.

3. Age-related Considerations

Confidentiality issues need to take into consideration the differing abilities of pupils to understand the consequences of their choices. This understanding depends on the level of maturity of each individual, but there may be some correlation to their age.

The judge in the Victoria Gillick case gave the following general advice:

"It is suggested that a child or young person's ability to make decisions about his/her life depends on him/her having "sufficient understanding and intelligence to be capable of making up his/her own mind".

Before sharing any disclosed information with parents/carers, schools need to either obtain the consent of the pupil or consider the possible consequences of sharing the information, taking into account knowledge of family circumstances. This will need to be done on a case by case basis.

Each school will need to consider issues relating to confidentiality and the age/ maturity of their pupils.