



# CONFIDENTIALITY

**Policy & Procedure No.**

**LE02**

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## Reference to

IT01 IT Security

LE01 Data Protection

OP02 Safeguarding Children & Child Protection

Every Child Matters Agenda

175 Education Act 2002

DoH Guidance 2004

Lord Chancellor's Code of Practice on the Management of Records (issued under section 46 of the Freedom of Information Act 2000)

## 1. Introduction

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*".

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".

The staff seek to adopt an open and accepting attitude towards children and young people as part of their general responsibility of care.

Staff hope that parents and children will feel free to talk about any concerns or worries which may affect educational progress and that they will see the school as a safe place if there are any difficulties at home.

Seadown 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 well-being 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.

## 2. Aim

To protect the pupils and staff always and to give all individuals involved in the school, clear, unambiguous guidance as to their legal and professional roles. In this way, ensuring good practice throughout the school which is understood by pupils, parents/carers, Governors, volunteers and staff.

## 3. Principles

Seadown 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 confidentiality. 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.

At Seadown School we believe that:

- The safety, well-being and protection of our pupils are the paramount consideration in all decisions staff at this school make about confidentiality. The appropriate sharing of information between school staff is an essential element in ensuring our pupils well-being and safety.
- It is an essential part of the ethos of our school that trust is established to enable pupils, staff, and parents/carers to seek help both within and outside the school and minimise the number of situations when personal information is shared to ensure pupils, staff are supported and safe.
- Pupils, parents/carers and staff need to know the boundaries of confidentiality in order to feel safe and comfortable in discussing personal issues and concerns, including sex and relationships.
- The school's attitude to confidentiality is open and easily understood and everyone should be able to trust the boundaries of confidentiality operating within the school.
- Issues concerning personal information including sex and relationships and other personal matters can arise at any time.
- Everyone in the school community needs to know that no one can offer absolute confidentiality.
- Everyone in the school community needs to know the limits of confidentiality that can be offered by individuals within the school community so they can make informed decisions about the most appropriate person to talk to about any health, sex and relationship or other personal issue they want to discuss.

**Involvement of the staff, pupils, parents and the wider community in developing this confidentiality policy**

## 4. Definition of Confidentiality

The dictionary definition of confidential is "something which is spoken or given in confidence; private, entrusted with another's secret affairs."

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.

When speaking confidentially to someone the confider has the belief that the confidant will not discuss the content of the conversation with another. The confider is asking for the content of the conversation to be kept secret. Anyone offering absolute confidentiality to someone else would be offering to keep the content of his or her conversation completely secret and discuss it with no one.

In practice there are few situations where absolute confidentiality is offered in Seadown School. We have tried to strike a balance between ensuring the safety, well-being and protection of our pupils and staff, ensuring there is an ethos of trust where pupils and staff can ask for help when they need it and ensuring that when it is essential to share personal information child protection issues and good practice is followed.

This means that in most cases what is on offer is limited confidentiality. Disclosure of the content of a conversation could be discussed with professional colleagues but the confider would not be identified except in certain circumstances.

**The general rule is that staff should make clear that there are limits to confidentiality, at the beginning of the conversation. These limits relate to ensuring children's' safety and well-being. The pupil will be informed when a confidence must be broken for this reason and will be encouraged to do this for themselves whenever this is possible.**

## 5. Guidelines

- All information about individual pupils and staff is private and should only be shared with those that have a need to know.
- All social services, medical and personal information about a child should be held in a safe and secure place which cannot be accessed by individuals other than school staff.
- The school continues to actively promote a positive ethos and respect for the individual:
  - The Headteacher is responsible for child protection
  - There is clear guidance for the handling of child protection incidents. All staff have regular training on child protection issues.
  - There is clear guidance for procedures if a member of staff is accused of abuse.
  - Staff are aware that effective sex and relationship education that brings an understanding of what is and is not acceptable in a relationship, can lead to disclosure of a child protection issue.
  - Staff are aware of the need to handle all issues about different types of families in a sensitive manner.
  - Any intolerance about gender, faith, race, culture or sexuality is unacceptable and should follow the schools discipline policy.
  - Information collected for one purpose should not be used for another.
- Parents/carers and pupils need to be aware that the school cannot guarantee total confidentiality and the school has a duty to report child protection issues.
- The school prides itself on good communication with parents and carers and staff are always available to talk to both children and parents/carers about issues that are causing concern. The school encourages children to talk to parents/carers about issues causing them concern and may in some cases support the children to talk to their parents. The school would share with parents any child protection disclosure before going on to inform the correct authorities unless by doing this, the child would be placed in greater danger.

- Parents/carers and pupils should feel reassured that only in exceptional circumstances will confidentiality be broken.
- All pupils have a right to the same level of confidentiality irrespective of gender, race, religion, medical concerns and special educational needs. A lot of data is generated in schools by these categories, but individual children should not be able to be identified.
- Confidentiality is a whole school issue. Clear ground rules must be set for and classroom work such as circle time; this reduces anxiety to pupils and staff and minimises unconsidered, unintended personal disclosures. The teacher establishes the ground rules together with the pupils at the beginning of each half term of teaching PSHE.

This is an example of the ground rules for a class:

- We won't ask each other or the teacher any personal questions
  - We will respect each other and not laugh, tease or hurt others
  - We won't say things we want to keep confidential
  - We can pass or opt out of something if it makes us feel uncomfortable
  - If we do find out things about other pupils, which are personal and private, we won't talk about it outside the lesson, but If we are worried about someone else's safety we tell a teacher
- Health professionals have their own code of practice dealing with confidentiality. Staff should be aware of pupils with medical needs and the class information sheet should be accessible to staff who need that information but not on general view to other parents/carers and pupils
  - Photographs of pupils should not be used without parents/carers permission especially in the press and internet. This is often a cultural issue that the school needs to be aware of. At no time should the child's name be used with a photograph so that they can be identified, without parental permission. The school gives clear guidance to parents about the use of cameras and videos during public school events
  - Information about children will be shared with parents but only about their child. Parents should not have access to any other child's books, marks and progress grades at any time especially at parents evening. However, parents should be aware that information about their child will be shared with the receiving school when they change school. All personal information about children including social services records should be regarded as confidential. It should be clearly understood by those who have access to it, and whether those concerned have access to all, or only some of the information. Information regarding health reports such as speech therapy, medical reports, EHCP reports, EHCP minutes of meetings and social services minutes of meetings and reports will be circulated in envelopes and once read should be returned for secure filing. Logs of administration of medication to pupils should be kept secure and each pupil should have their own individual logs. In all other notes, briefing sheets etc. a child should not be able to be identified. Addresses and telephone numbers of parents and children will not be passed on except in exceptional circumstances or to a receiving school.
  - Governors need to be mindful that from time to time issues are discussed or brought to their attention about staff and children. All such papers should be marked as confidential and should be copied onto different coloured paper. These confidential papers should be destroyed. Governors must observe complete confidentiality when asked to do so by the governing body, especially in relation to matters concerning individual staff, pupils or parents. Although decisions reached at governors' meetings are normally made public through the minutes or otherwise, the discussions on which decisions are based should be regarded as confidential. Governors should exercise the highest degree of prudence when discussion of potentially contentious issues arises outside the governing body.
  - Governors, staff and volunteers need to be mindful that if they spend time in the school, they may from time to time have access to information that is not general knowledge to parents and sometimes

staff. It is essential that the things heard in a less formal manner are not discussed outside of the school as gossip of any kind is potentially damaging to all stakeholders in the school.

## 6. Levels of Confidentiality

Different levels of confidentiality for different circumstances

### **In the classroom in the course of a lesson**

In the classroom in the course of a lesson given by a member of teaching staff or an outside visitor, including health professionals.

Careful thought needs to be given to the content of the lesson, setting the climate and establishing ground rules to ensure confidential disclosures are not made. It should be made clear to pupils that this is not the time or place to disclose confidential, personal information. (See setting ground rules and working agreements).

When a health professional is contributing to a school health education programme in a classroom setting, s/he is working with the same boundaries of confidentiality as a teacher.

### **One to one disclosure to members of school staff (including voluntary staff)**

It is essential all members of staff know the limits of the confidentiality they can offer to both pupils and parents/carers (see note below) and any required actions and sources of further support or help available both for the pupil or parent/carer and for the staff member within the school and from other agencies, where appropriate. All staff at this school encourages pupils to discuss difficult issues with their parents or carers, and vice versa. However, the needs of the pupil are paramount and school staff will not automatically share information about the pupil with his/her parents/carers unless it is in the child's best interests.

(Note: That is, that when concerns for a pupil come to the attention of staff, for example through observation of behaviour or injuries or disclosure, however insignificant this might appear to be, the member of staff should discuss this with the Designated Safeguarding Lead as soon as is practically possible. More serious concerns must be reported immediately to ensure that any intervention necessary to protect the child is accessed as early as possible. Please refer to our Policy & Procedure on Safeguarding and Child Protection.

### **Disclosures to a counsellor, school nurse or health professional operating a confidential service in the school.**

Health professionals such as school nurses can give confidential medical advice to pupils provided, they are competent to do so and follow the Fraser Guidelines (guidelines for doctors and other health professionals on giving medical advice to under 16s). School nurses are skilled in discussing issues and possible actions with pupils and always have in mind the need to encourage pupils to discuss issues with their parents or carers. However, the needs of the pupil are paramount, and the school nurse will not insist that a pupil's parents or carers are informed about any advice or treatment they give. The school nurse visits the school each term but contact information is available through the school office.

### **Contraceptive advice and pregnancy**

The DoH has issued guidance (July 2004) which clarifies and confirms that health professionals owe young people under 16 the same duty of care and confidentiality as older patients. It sets out principles of good practice in providing contraception and sexual health advice to under-16s. The duty of care and confidentiality applies to all under-16s. Whether a young person is competent to consent to treatment or is in danger is judged by the health professional on the circumstances of each individual case, not solely on the age of the patient. However, the younger the patient the greater the concern that they may be being abused or

exploited. The Guidance makes it clear that health professionals must make time to explore whether there may be coercion or abuse. Cases of grave concern would be referred through child protection procedures

### **The legal position for school staff**

School staff (including non-teaching and voluntary staff) should not promise confidentiality. Pupils do not have the right to expect that incidents will not be reported to his/her parents/carers and may not, in the absence of an explicit promise, assume that information conveyed outside that context is private. No member of this school's staff can or should give such a promise.

The safety, well-being and protection of the child is the paramount consideration in all decisions staff at this school make about confidentiality.

School staff are NOT obliged to break confidentiality except where child protection is or may be an issue, however, at Seadown School we believe it is important staff are able to share their concerns about pupils with colleagues in a professional and supportive way, on a need to know basis, to ensure staff receive the guidance and support they need and the pupils' safety and well-being is maintained. School staff should discuss such concerns with their line manager or the Safeguarding lead.

## **7. Illegal Activity**

Members of staff are not obliged to inform the police on most matters relating to illegal activity e.g. illegal drugs activity, assaults

In the case of illegal activity, the school will discuss the possible consequences with the pupil and seek the course of action with the most positive outcomes for the pupil.

## **8. Teachers, Counsellors and Health Professionals**

Professional judgement is required by a teacher, counsellor or health professional in considering whether he or she should indicate to a child that the child could make a disclosure in confidence and whether such a confidence could then be maintained having heard the information. In exercising their professional judgement, the teacher, counsellor or health professional must consider the best interests of the child including the need to both ensure trust to provide safeguards for our children and possible child protection issues.

All teachers at this school receive basic training in child protection as part of their induction to this school and are expected to follow the school's child protection policy and procedures.

## **9. Visitors and Non-teaching Staff:**

At Seadown School, we expect all non-teaching staff, including voluntary staff, to report any disclosures by pupils or parents/carers, of a concerning personal nature to the designated safeguarding lead as soon as possible after the disclosure and in an appropriate setting, so others cannot overhear. This is to ensure the safety, protection and well-being of all our pupils and staff. The designated safeguarding lead will decide what, if any, further action needs to be taken, both to ensure the pupil gets the help and support they need, and that the member of staff also gets the support and supervision they need.

## 10. Parents and Carers

Seadown School believes that it is essential to work in partnership with parents and carers and we endeavour to keep parents/carers abreast of their child's progress at school, including any concerns about their progress or behaviour. However, we also need to maintain a balance so that our pupils can share any concerns and ask for help when they need it. Where a pupil does discuss a difficult personal matter with staff, they will be encouraged to also discuss the matter with their parent or carer themselves.

The safety, well-being and protection of our pupils is the paramount consideration in all decisions staff at this school make about confidentiality.

## 11. Complex Cases

Where there are areas of doubt about the sharing of information, staff or the Safeguarding lead will seek a consultation with the local WSCC Children's Safeguards Service Child Protection Co-ordinator.

## 12. Breaches of Confidence and the Procedures for doing so

The school recognizes that all matters relating to child protection are confidential. The designated safeguarding lead will decide what information needs to be shared, with whom, how when and whether consent needs to be gained for this process. The safeguarding lead will disclose information about a pupil to other members of staff on a need to know basis only.

Where this does not apply, and you are still concerned and unsure of whether the information should be passed on or other action taken you should speak to the Headteacher.

## 13. 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 (e.g. murder, rape) is involved
- where safeguarding national security is involved e.g. terrorism

**If the Headteacher issues instructions that s/he should be kept informed, all staff must comply. There is always a good reason for this, which you may not know about.**

**The principles we follow at Seadown School are that in all cases we:**

- Ensure the time and place are appropriate, when they are not, we reassure the child that we understand they need to discuss something very important and that it warrants time, space and privacy. See the child normally (and always in cases of neglect or abuse) before the end of the school day. More serious concerns must be reported immediately to ensure that any intervention necessary to protect the child is accessed as early as possible.
- Tell the child we cannot guarantee confidentiality if we think they will:
  - hurt themselves
  - hurt someone else
  - or they tell us that someone is hurting them or others
- Do not interrogate the child or ask leading questions
- Do not put children in the position of having to repeat distressing matters to several people
- Inform the pupil first before any confidential information is shared, with the reasons for this
- Encourage the pupil, whenever possible to confide in his/her own parents/carers

## 14. Age Related Issues

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 everyone, 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, considering 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.

## 15. Support for Staff

Staff may have support needs themselves in dealing with some of the personal issues of our pupils. At Seadown School we prefer staff to ask for help rather than possibly making a poor decision because they don't have all the facts or the necessary training. Also, we do not want staff taking worries about pupils' home with them. There are many agencies we can refer pupils to who need additional support and we have procedures to ensure this happens. We all work together as part of a team to support our pupils and asking for help is a way, we ensure Seadown School is a happy and safe learning environment.

## 16. Recording Information

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 Social Services Dept. 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 e.g. in custody cases.

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.

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.

## 17. Dissemination and Implementation

This policy has been distributed to all teaching and non-teaching staff, including volunteers, at the school as part of a whole school training day, where all staff received training on the content and practical applications of the policy.

All new staff, including volunteers, receive a copy of the policy, together with basic training on the school's Safeguarding and Child Protection Policy and procedures from the Designated Safeguarding lead.

**END**

<b>POSITION</b>	Headteacher	<b>NAME</b>		<b>SIGNATURE</b>		<b>DATE</b>	
<b>POSITION</b>	Governor	<b>NAME</b>		<b>SIGNATURE</b>		<b>DATE</b>	
<b>POSITION</b>		<b>NAME</b>		<b>SIGNATURE</b>		<b>DATE</b>	