BEECHEN CLIFF

CONFIDENTIALITY POLICY

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 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.

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 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.

2.0 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, e.g. child protection.

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 and who else will have access to it.

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. Public places such as the staffroom, the classroom and the playground are not, in general, confidential environments.

3.5 This school will provide opportunities for its pupils to access confidential support on school premises in the following ways – via the Pastoral Team, the School Nurse and Outside Agencies, e.g. Off the Record.

3.6 Parents/carers and pupils have the right to view educational records upon written request. It is, therefore, not possible to guarantee the confidentiality of recorded information.

3.7 Staff are required to pass on confidential information in the case of child protection issues.

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 - Appendix 1).
- Where it is believed that the pupil may be at emotional or physical risk, or in breach of the law, staff will ensure that the pupil is aware of the risks they face.
- 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.
- When the school chooses to inform parents/carers it will only be done if it is in the best interests of the child.

3.9 **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.

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 the 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 Each school will need to decide how staff are to be made aware of the policy and how they will become confident in its use. Staff will be given a copy of the policy and a key worker will be identified who can help staff become confident in its use.

4.4 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 member of staff at this school - **Mr K Mann.**

and include the following external agencies and Local Authority support –

LA area teams and B.E.S.T.s	
Child protection	- *lead officer for child protection in Local Authority*
Drugs and alcohol	- *Schools drug advisor, Healthy Schools Team*
	- *YMCA Vulnerable Young Persons Officer*
Pregnancy	- *Teenage Pregnancy Unit*
Sexual health	- *SRE Advisor, Healthy Schools*
	- *School Nursing Service*
Crime/anti-social behaviour	- *Police Young Persons Officer*

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 School staff and staff from external agencies will establish at the beginning of lessons dealing with potentially 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.

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.

6.0 RECORDING 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 Social Services Department 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.

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.

6.3 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 each significant disclosure 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 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. The school will use the Wednesday Letter, School Website, Parent Information Evenings.

8.2 The policy will be included in the staff handbook.

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

This Policy is linked to the Data Protection Policy and GDPR regulations.

KSM
Reviewed July 2018
(Pastoral/Policies/2018-2019)

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

This must be consistent with other policies, e.g. 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.