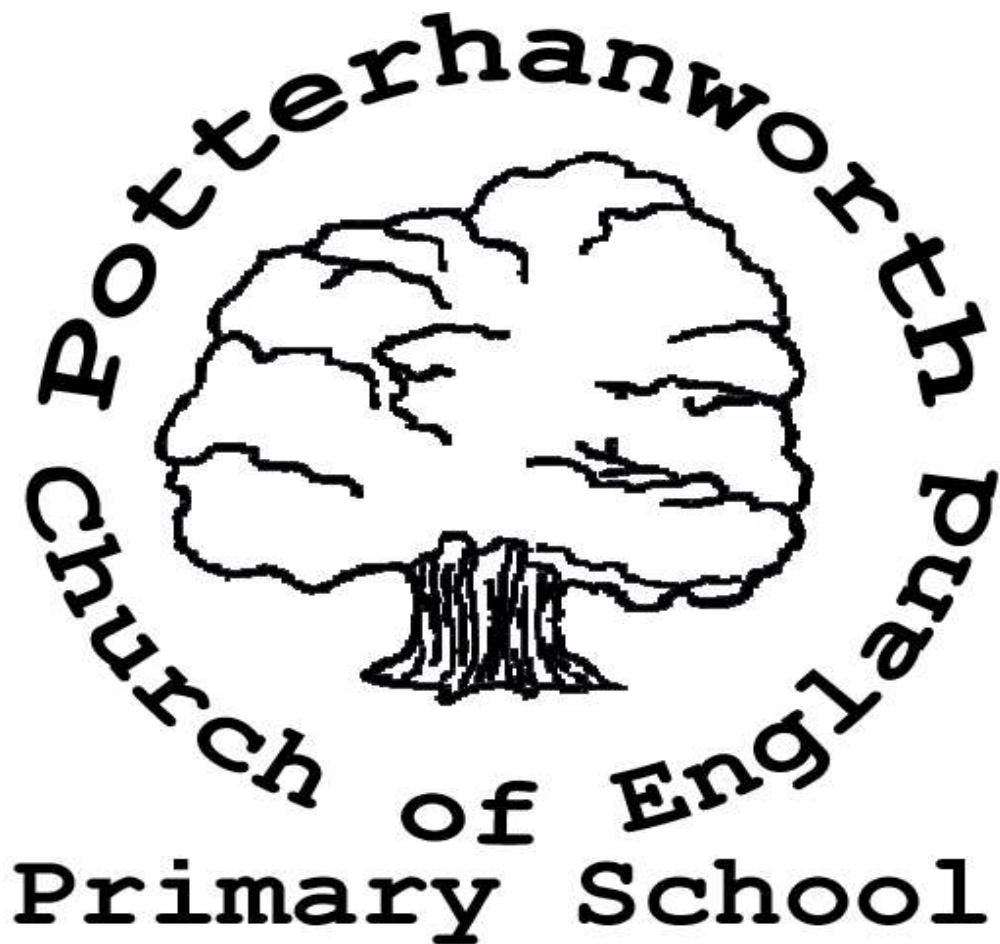


Potterhanworth Church of England Primary School
Confidentiality Policy



Our Christian Values

Our Christian values are respect, fairness, commitment, trust, friendship and responsibility.

Equality and Diversity Statement

At Potterhanworth Church of England Primary School we promote equality of opportunity. We promote positive attitudes and encourage active participation of all stakeholders regardless of race, gender, disability, age, religion, belief and sexuality.

In so doing we strive to eliminate any unlawful discrimination or harassment of any group and where any such harassment is found appropriate action will be taken immediately.

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 ensuring our pupils will "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, eg:
 - 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 their dad is hitting their mum
 - A pupil tells a member of staff information about a crime eg shoplifting, assault

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 need 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 the school premises in the following way:-
The pupil can speak to any teacher or any member of the support staff who they feel able to talk to at a time that they feel comfortable with. All they need to say to the adult is 'Please can we talk?'
- 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 (see - Freedom of Information Policy).
- 3.7 Staff are required to pass on confidential information in the following circumstances:
- child protection
 - 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 rape, murder) is involved
 - where safeguarding national security is involved eg terrorism
- This is consistent with our other policies.

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
- 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
- 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

- Although members of staff are not obliged to inform the police on most matters relating to illegal activity e.g. illegal drugs activity, assaults any information of concern will be shared with the SMT (Headteacher/Senior Teacher) who will make the decision as to whether police need to be informed
- 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 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 The Confidentiality Policy will be reviewed every 2 years and will be regularly discussed at appropriate staff meetings.

- 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 members of staff at this school:

Head Teacher/Safeguarding Lead
Senior Teacher
Deputy Safeguarding Lead

This will also include external agencies and LEA support as required and dependent upon particular circumstances, for example: *Child Protection and the School Nursing Service*.

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. At appropriate times pupils will be reminded who they can speak to if they so wish eg at the beginning of a sensitive issue lesson.
- 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 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 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.

6.3 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 School's 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 every two years.

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 put on the school website.

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

8.2 The flow chart for how to deal with confidential disclosures will be displayed on appropriate staff room notice board(s).

GUIDANCE ON SCHOOL SPECIFIC INFORMATION

Appendix 1

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

Please refer to paragraph 1.5 of the main policy.

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.

FLOWCHART TO SHOW THE PROCESS FOR HANDLING A DISCLOSURE OF CONFIDENTIAL INFORMATION

