



## CONFIDENTIALITY POLICY

SPRING 2019

Manager

**Mrs J Hill**

Review date SPRING 2022

This policy has been adapted from the Derby City LA recommended policy.

### **Introduction and Context**

Gayton Junior 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*”. We recognise 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 for pastoral care. 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.

We recognise 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. (See guidance on school specific information 1 – Appendix 1).

### **A Definition of Confidentiality**

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.

### **The Limits of Confidentiality**

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. 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.

Members of staff will be made aware of who to inform in the event of different types of disclosures of a personal nature.

We recognise 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.

We will provide opportunities for our pupils to access confidential support on school premises by introducing the children to the learning mentors and explaining their role in assemblies.

Parents/carers and pupils have the right to view their own educational records by completing a Subject Access Request Form. It is therefore not possible to guarantee the confidentiality of recorded information (see – Recording of Information paragraph).

## **Staff are required to pass on confidential information in the following circumstances:**

- 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.

### **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 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.

### **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 Headteacher will discuss the possible consequences with the pupil and seek the course of action with the most positive outcomes for the pupil.

### **Staff Roles and Responsibilities**

All staff (teaching and support staff) will be made aware of the confidentiality policy and their entitlement to training and support in its implementation. 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.

All staff will be invited to attend a staff meeting to discuss the policy, and staff who are unable to be present will be given a copy of the policy with a copy of the minutes of the meeting. Staff can seek advice and support for themselves when dealing with a disclosure whilst keeping the individual's identity anonymous.

### **Working with External Agencies**

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. At the beginning of lessons dealing with potentially sensitive topics, the school staff and staff from external agencies will establish 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.

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. We acknowledge and support 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.

### **Recording Information**

The school acknowledges that pupils and their parents/carers have a right to gain access to *processed* information upon written request. Parents should complete a Subject Access Request Form (see GDPR Policy). 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, 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 securely, in accordance with the Schools Record Management Systems, for the duration that the pupil is at the school. If it is deemed relevant, this will then be passed to the pupil's next school.

### **Monitoring and Evaluation**

The policy will be reviewed after each significant disclosure to ensure that the policy and procedures work appropriately. This policy will be reviewed every 3 years in line with other policy documents.

### **Communicating the Policy**

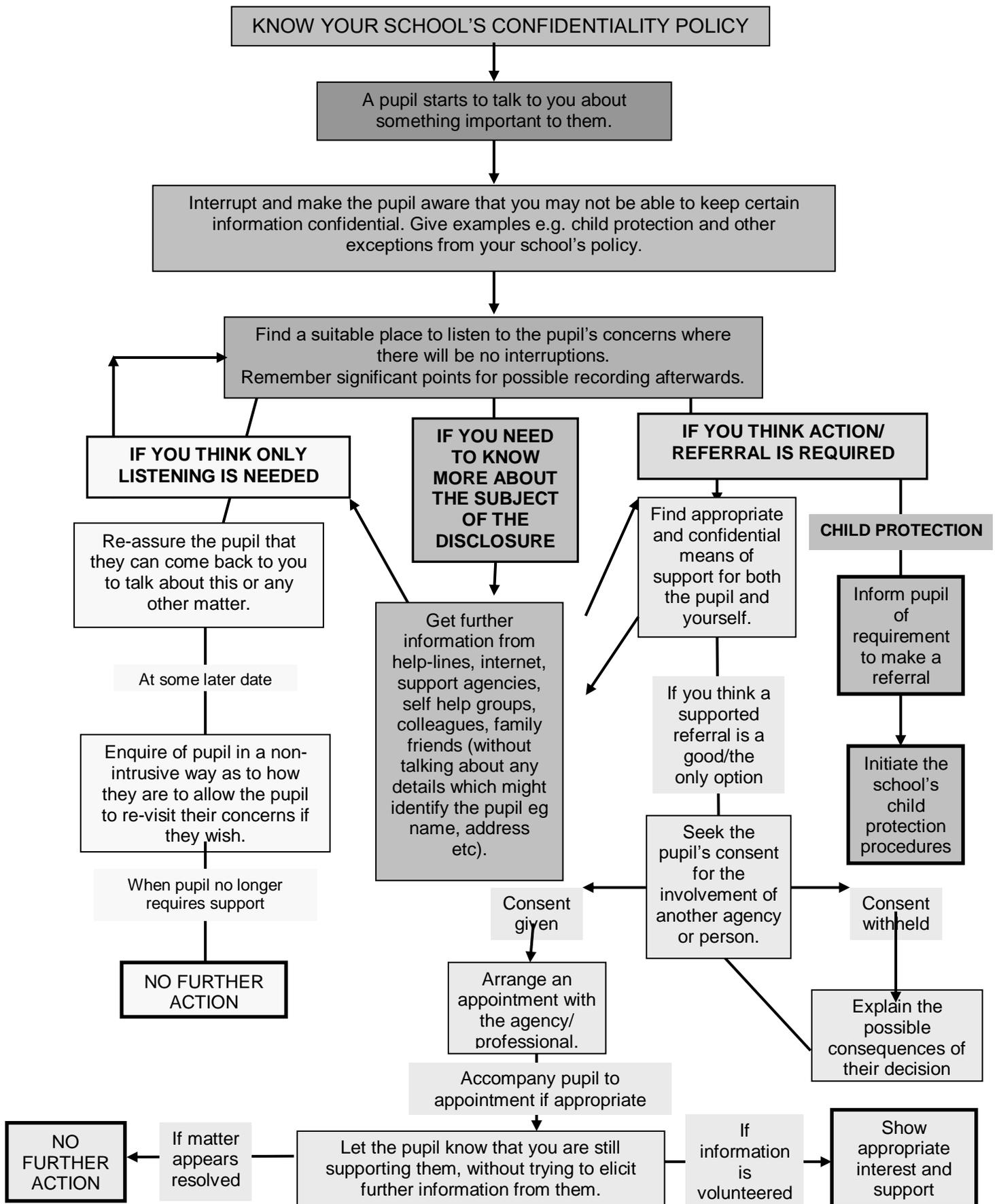
The policy will be communicated to all school staff, governors, parents/ carers, partner agencies and relevant visitors.

The policy will be available to all staff via the school server.

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

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

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



## 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, r\*p\*) 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.



## Gayton Junior School Governor - Confidentiality Agreement

First of all, thank you for volunteering to be a Governor of this school.

Your help and support in this role is greatly appreciated. In this role you are supporting the life of this school. This role carries certain responsibilities on your part including the requirement to be confidential about school matters. By signing this agreement, you agree to uphold Gayton Junior School's Confidentiality Policy.

This means you will not share pupil / staff information with anyone other than those who are directly involved.

Examples of confidential information are (but not limited to):

- Information about staff and pupils.
- Information about actions of the Governing Board that are not published In Governing Board minutes.
- Information accessed by 'privilege' e.g. notices on staff noticeboard.
- Information about future school plans / actions than have not been disclosed to parents.

I understand that I may have access to confidential information and that it is my responsibility to maintain the integrity of this information and to keep it private. I further understand that disclosure of confidential information may result in termination of my membership of the Governing Board.

If I breach confidentiality, I understand that I may be in breach of the Data Protection Act 2018 and could face external sanctions.

Name of Governor	
Signature of Governor	
Date	
School Representative	
Signature of School Representative	
Date	



## Gayton Junior School Voluntary Helper - Confidentiality Agreement

First of all, thank you for volunteering to be a helper at this school. Your help and support in this role is greatly appreciated. In this role you are supporting the life of this school. This role carries certain responsibilities on your part including the requirement to be confidential about school matters.

By signing this agreement, you agree to uphold Gayton Junior School's Confidentiality Policy.

This means you will not share pupil / staff information with anyone that breaches confidentiality.

Examples of confidential information are (but are not limited to):

- Information about staff, pupils, and events that occur in school.  
For example, a parent who knows you are a helper at the school may ask you how their child is getting on (e.g. academically / behaviour). To prevent any misunderstanding, it would be better to advise the parent to speak to the class teacher.
- Information accessed by 'privilege' e.g. notices on staff noticeboard / conversations
- If you see something in school that concerns you, please discuss the matter with the head teacher.

I understand that I may have access to confidential information and that it is my responsibility to maintain the integrity of this information and to keep it private. I further understand that disclosure of confidential information may result in me no longer being required to be a volunteer.

If I breach confidentiality, I understand that I may be in breach of the Data Protection Act 2018 and could face external sanctions.

Name of Volunteer	
Signature of Volunteer	
Date	
School Representative	
Signature of School Representative	
Date	



## Gayton Junior School Student/Work Experience - Confidentiality Agreement

Please read the school's Confidentiality Policy.

This work placement / experience carries certain responsibilities on your part including the requirement to be confidential about school matters.

By signing this agreement, you agree to uphold Gayton Junior School's Confidentiality Policy. This means you will not share pupil / staff information with anyone that breaches confidentiality.

Examples of confidential information are (but are not limited to):

- Information about staff, pupils, and events that occur in school.
- Information accessed by 'privilege' e.g. notices on staff noticeboard /conversations.
- If you see something in school that concerns you, please discuss the matter with the head teacher.
- You must never use information about individual children outside the school without parental permission (photographs/names).

I understand that I may have access to confidential information and that it is my responsibility to maintain the integrity of this information and to keep it private. I further understand that disclosure of confidential information may result in me no longer being able to complete my placement as a student and that this breach may be reported to those who arranged the placement or my course leader.

If I breach confidentiality, I understand that I may be in breach of the Data Protection Act 2018 and could face external sanctions.

Name of Student	
Signature of Student	
Date	
School Representative	
Signature of School Representative	
Date	