

School Policy	
School	St Martins school
Name	Confidentiality Policy
Statutory Policy	yes
Members of Staff Responsible	Headteacher /SLT.
Date of Review of current document , term / year	Summer 2020
Review Cycle	2 Years
Website	Yes
Approval body.	Local Governing Body
Legislation/ dfe guidance doc.	General data protection regulation Keeping children safe in education 2020
Trust policy	No
Stakeholders; staff / students / parents / community	staff / students / parents / community
Other policy to be taken account of	section 175 Education Act 2002

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 is essential to ensure the safety of every one in school.
- 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 / Governors 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. (See guidance on school specific information 1 – Appendix 1)

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 / Governors , 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 / Governors 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 Staff room, 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: Learning mentors, Tutorial team and other approved agencies

- 3.6 **Staff / Governors 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 crime is involved
 - where safeguarding national security is involved e.g. terrorism and to support the 'prevent ' agenda.

- 3.7 **Responsibilities to parents/carers**

- 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 / Governors 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 / GOVERNORS ROLES AND RESPONSIBILITIES**

- 4.1 All Staff (teaching and non-teaching Staff and Governors) will be made aware of the confidentiality policy and their entitlement to training and support in its implementation.
- 4.2 All Staff through their contract of employment and governors through their code of practice, are under an 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 policy will be made available to all Staff / Governors through posting on the school website and in through professional development programme.
- 4.4 Staff / Governors 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 / Governors so that they can seek support. This will include the following members of Staff / Governors at this school.

Mr Wilkinson
Mrs Lovecy
Ms A Jones
Mrs A. Herbert
Mrs C. Hughes

and Mr S Wilkinson will contact if applicable, the appropriate external agency for support and guidance.

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 sessions 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. These include CHAT, Learning mentors and the Tutorial team.
- 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.
- 5.5 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 (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 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.

6.2 Any information (including email and notes posted on SIMS) 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 and the GDP Regulation 2018

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

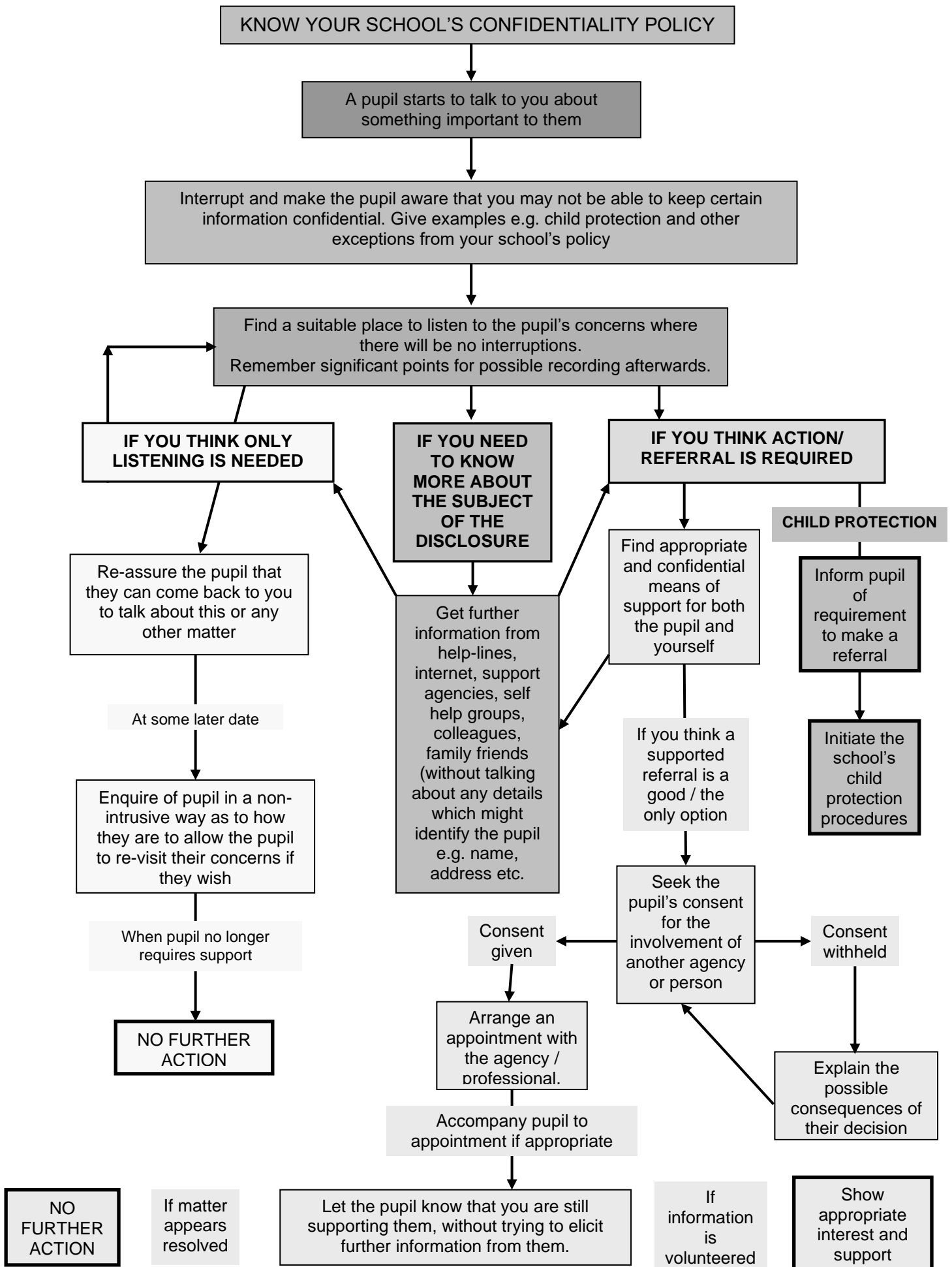
8.1 The policy will be communicated to all school Staff, governors, parents/carers, partner agencies and relevant visitors.

The policy will be made available to all Staff / Governors via the intranet and to appropriate visitors eg cover Staff volunteers through the signing in book.
The policy will be made available through the school website.

The school council will be involved in communicating the policy to students.

8.2 The policy will be available on the Schools website.

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 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. Data protection GDPR.