

BURCHETTS GREEN C.E. INFANT SCHOOL

CONFIDENTIALITY POLICY

1. AIMS OF THE SCHOOL'S CONFIDENTIALITY POLICY

We believe that every member of the school community should feel valued and respected, and that each person should be treated fairly and well. We are a caring community, whose values are built on mutual trust and respect for all. The school's Confidentiality Policy supports the way in which all members of the school can live and work together in a supportive way. Confidentiality is an essential element of the success of our school. As such all of our staff, volunteers and visitors are expected to work within the guidelines of this policy.

The key aims of the policy are

- To safeguard the pupils at all times, and
- To encourage pupils to talk to a trusted adult if they are having problems, and
- To give staff, governors, parents and visitors working in the school, clear guidance about their legal and professional roles to enable them to deal confidently with sensitive issues, and
- To ensure consistent professional practice throughout the school, and
- To ensure consistency of approach to handling and sharing information about children and families when received by the school or adults working within it.

Related Policies - Safeguarding Children, Sex Education, Drug Education, Volunteers in School and Data Protection.

2. STATUTORY SETTING

DfE Sex and Relationship Education Guidance (July 2000) states 'Schools should have a clear and explicit confidentiality policy which is advertised to pupils, staff, parents and visitors'. The guidance requires that the policy is set in conjunction with a school's safeguarding children policy. In addition, the statutory setting within which the school operates impacts on the school's confidentiality policy, in particular,

Human Rights Act 1998: Gives everyone the right to "respect for his private and family life, his home and his correspondence". This right may be overridden in circumstances of public interest, such as for reasons of Child Protection, for the protection of public safety, public order, health or morals or for the rights and freedoms of others.

Data Protection Act 1998: Applies to the handling of personal data of living, identifiable individuals.

Freedom of Information Act 2000: Amends the Data Protection Act 1998 and gives everyone the right to request any records a public body, including schools, holds about them. A school may withhold information it has if it is considered the information may damage the recipient, if disclosed.

Children's Act 2004: sets out various objectives under the Every Child Matters Agenda, the key objectives of which, in an infants school setting, are

- Children and Young People are mentally and emotionally healthy
- Children and Young People are safe from maltreatment, neglect, violence and sexual exploitation
- Children and Young People have security, stability and are cared for.

This policy outlines the role of the school, pupils, staff, parents and visitors in handling confidential information. It links directly to the safeguarding children and sex and drug education policies yet encompasses the essential elements of the schools PSHE initiatives including circle time. It covers all confidential information – not just that related to pupils or safeguarding matters.

3. KEY PRINCIPLES

“Confidential” means something spoken or written in confidence, entrusted with secrets. All those within the school community who receive confidential information must do so sensitively and professionally and being mindful that unnecessary sharing of confidential information is an erosion of trust. Confidential information in the context of this policy is not solely related to matters regarding safeguarding children.

However, staff, governors, parents and visitors cannot offer or guarantee absolute confidentiality to the person disclosing the information.

The school will therefore operate the following key principles

- 1) The safety, well being and protection of pupils is the paramount consideration in all decisions the school makes about confidentiality and the school's safeguarding children policy will be followed at all times. The appropriate sharing of information between school staff, governors or outside agencies is an essential element in ensuring our pupils' well being and safety.
- 2) 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.
- 3) 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.
- 4) Where information is received by a member of staff, governor or visitor to the school that leads them to believe that there is a safeguarding issue the matter must be referred to the Head teacher in accordance with the school's Safeguarding Children Policy.
- 5) Pupils will be advised (wherever possible prior to 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. We will tell pupils that we cannot guarantee confidentiality if we think they will hurt themselves, hurt someone else or if they tell us someone is hurting them or others.

- 6) When receiving confidential information, or discussing matters with a pupil, we will ensure that the time and place are appropriate. When they are not we will reassure the pupil that we understand they need to discuss something very important and that it warrants time, space and privacy and we will then speak to the pupil in an appropriate setting before the end of the day (or as a matter of urgency if safeguarding issues are relevant).
- 7) We will not interrogate the pupil or ask leading questions and will not put the pupil in a position of having to repeat distressing matters to several people unless we are required to do so.
- 8) Pupils will be encouraged, if appropriate, to inform and seek support from their parents/carers.
- 9) Staff are required to pass on confidential information in the following circumstances
 - a) Safeguarding children, or
 - b) Where there is a serious risk of harm or threat to life, or
 - c) Where a pupil needs urgent medical treatment, or
 - d) Where a potential or actual serious crime is involved, or
 - e) Where safeguarding national security is involved.
- 10) Members of staff are not legally obliged to inform parents/carers in many instances where personal information has been disclosed. When the school chooses to inform parents/carers it will only be done if it is in the best interests of the child, or with the pupil's consent.

4. STAFF ROLES AND RESPONSIBILITIES

All staff are made aware of the confidentiality policy on joining the school and are reminded of its contents on an annual basis. In addition the policy is available on request from the Bursar and on the school's website. Additional training and support on the implementation of the policy is available on request.

Staff are under a contractual obligation to uphold the policy, as with all other school policies. Failure to comply with the policy may result in disciplinary action.

Staff can seek advice and support from the Head teacher or a member of the school's senior leadership team when dealing with a disclosure. They may, if appropriate, keep the identity of the individual confidential whilst seeking relevant support.

Where the Head teacher has issued instructions that they should be kept informed all staff must comply. There is always a good reason for this, which may not be widely known at the time.

Staff should act in accordance with the following key principles

- Personal information such as social services reports, speech therapy reports, medical reports, SEN reports, minutes of meetings etc will be circulated, where necessary, in sealed envelopes and once read will be returned to the appropriate person for secure filing.
- Correspondence to parents/carers relating to social services, medical and personal information will be handed directly to the parent/carer, not put in book bags.

- Details of children are not to be disclosed to any parents other than those of the child concerned.
- Information regarding a child's progress, positive or negative, is passed on only by the class teacher concerned, the head teacher or the TA (where the TA is contracted to work with a specific child) to the parent.
- Staff should feel that they can talk freely about children in the staffroom, safe in the knowledge that what they say will not be repeated elsewhere.
- Concerns about the performance of a colleague should only be discussed with the head teacher or, in the case of the head teacher, the chair of governors.
- Staff should not pass confidential information to spouses/partners.
- Any issue which staff have been asked to keep confidential, must remain confidential.

5. CLASSROOM SITUATIONS

Careful thought needs to be given by staff to the content of lessons, setting the climate and establishing ground rules to ensure that confidential disclosures are not generally made in a classroom setting.

During regular weekly circle time children may talk about sensitive issues in relation to themselves. Confidentiality on such issues and matters disclosed during circle time will be maintained by participants unless:

- any of the exceptions in section 3(6) applies, or
- a pupil discloses any form of abuse or anything else that would indicate that the pupil's safety is compromised, or
- a pupil discloses information in relation to drug abuse or
- a pupil discloses information that would indicate that they are a danger to themselves or others.

In such circumstances, early intervention from the teacher guiding the circle time will be necessary and the appropriate policies must be followed.

6. GOVERNORS

The Governing body shall be mindful that its role in supporting the running of the school means that it has to be informed of highly personal and confidential matters at each meeting. Governors shall 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 and otherwise, the discussions on which decisions are based will be regarded as confidential.

Governors should act in accordance with the following key points:

- Individual governors shall not share information or act without the consent of the full Governing body or appropriate delegated committee, and

- Information about individual children’s assessment and test results, other than that legally required, should not be passed on to others, and
- All papers relating to the Governing body should be stored securely, and
- Governors should not pass confidential information to spouses/partners, and
- Email communication should only be sent to addresses that can only be accessed by the named governor (individual governors should inform the chair if their email address can be accessed by anyone other than themselves), and
- Details of a head teacher’s performance review should only be discussed by those governors directly involved in the review, and
- Paperwork containing individual salaries remains confidential to the Resources Committee, and
- Minutes of meetings shall be labelled as “draft” before they have been approved by the group, and
- Governors should exercise the highest degree of prudence when discussion of potentially contentious issues arises outside Governing body meetings.

If Governors receive complaints about governors, the head teacher or a member of staff it is important that they first ascertain that the complainant has first attempted to resolve differences with the person concerned. On those rare occasions when complaints need to be made formal, the complainant should be directed to the procedures in the school’s Complaints Policy.

7. HEALTH PROFESSIONALS

Health professionals are bound by their professional codes of conduct in a one to one situation with individual pupils. However, in a classroom situation they are also bound by the school’s policies, including this confidentiality policy. In accordance with best practice guidance they will seek to protect privacy and prevent inappropriate personal disclosure in a classroom setting.

8. VOLUNTEERS AND VISITORS

Volunteers and visitors shall not report cases of poor behaviour or pupil discipline to other parents in the school. Teachers will deal with such matters in accordance with the school’s policies. When volunteers are working in classes they shall not disclose educational matters outside of the classroom.

Volunteers will be provided with a copy of the Policy related to volunteers in schools before starting their volunteer work.

9. PARENTS AND CARERS

We recognise that sometimes there may be family issues which might affect a pupil and which the family will only disclose to us if they can be sure the information will be treated confidentially. We will respect the wishes of the family and where it is felt necessary to share the information given to us, this will be discussed with the parent first unless a pupil is considered to be at immediate risk and/or there is an overriding child protection concern and/or one of the exceptions in section 3(6) applies.

10. EQUAL OPPORTUNITIES

The school is committed to equal opportunities in all aspects of school life, including in the application of school policies.

11. PRIVACY NOTICE AND DATA PROTECTION

The school holds information on pupils in order to support their teaching and learning, to monitor and report on their progress, to provide appropriate pastoral care, and to assess how well the school as a whole is doing. This information includes contact details, National Curriculum assessment results, attendance information, characteristics such as ethnic group, special educational needs and any relevant medical information.

From time to time the school is required to pass on some of this data to the Local Education Authority, to another school to which the pupil is transferring, to the Department for Education, and to the Qualifications and Curriculum Authority, which is responsible for the National Curriculum and associated assessment arrangements.

Further details can be found in the school's Privacy Notice or can be requested from the Bursar.

12. POLICY REVIEW

This policy was last reviewed in November 2019 and will be subject to review every two years by the Education Committee in the Autumn term, or more frequently if DfE requirements make this necessary.

This policy was approved by the Education Committee on 17th November 2021