



## Confidentiality Policy



### 'Every Child, Every Chance, Every Day'

<b>Reviewed By</b>	Cate Gregory & Annette Hixon	Policy Owner	January 2019
<b>Ratified by</b>	Peter Gould	Governor	February 2019
<b>NEXT REVIEW</b>			February 2021

#### Aims

- The aim of this policy is to protect children at all times and to give all staff involved clear, unambiguous guidance as to their legal and professional roles.
- To ensure good practice throughout the school that is understood by pupils, parents/carers and staff.

#### Rationale

Shirley Infant and Junior Schools seek to provide a safe and secure learning environment. The safety, well-being and protection of children are the paramount considerations in all decisions staff make about confidentiality. The school is committed to developing creative and positive ways for the child's voice to be heard whilst recognising the responsibility to use and safeguard information received.

The appropriate sharing of information between school staff is an essential element in ensuring our pupils well-being. Sharing information unnecessarily is an erosion of trust. The school is mindful that it is placed in a position of trust by all stakeholders and there is a general expectation that a professional approach will be used in all matters of confidentiality.

#### Objectives

- To provide consistent messages in school concerning the handling of information regarding children once it has been received.
- To foster and uphold an ethos of trust within the school.
- To ensure that staff, supply staff, and parents are aware of the school's Confidentiality Policy and Procedures.
- To reassure pupils that their best interests will be maintained in the context of the class and/or school.
- To encourage children to talk to their parents and carers.
- To ensure that pupils and parents/carers know that school staff **cannot** offer unconditional confidentiality
- To ensure that there is equality of provision and access for all, including rigorous monitoring of cultural, gender, special educational needs and disabilities.
- To ensure that if there are safeguarding issues then the correct procedure is followed (see safeguarding policy).

- To ensure that confidentiality is a whole school issue and that in lessons ground rules are set for the protection of all (see PSHE policy).
- To ensure that parents have a right of access to any records the school may hold relating to their child.

Shirley Infant and Junior Schools actively promote a positive ethos and respect for individuals.

The schools pride themselves on good communication with parents and carers and staff are always available to talk to both children and parents/carers about issues that are causing concern. Staff encourage children to talk to parents/carers about issues causing them concern and may in some cases support the children to talk to their parents/carers.

The dictionary definition of confidential is "something which is spoken or given in confidence, private, entrusted with another's secret affairs"

The legal position for school staff: School staff (including non-teaching and voluntary staff) should not promise confidentiality. Pupils do not have the right to expect that incidents will not be reported to his/her parents/carers and may not, in the absence of an explicit promise, assume that information conveyed outside that context is private. No member of this school's staff can or should give such a promise. The safety, well-being and protection of the child is the paramount consideration in all decisions staff at this school make about confidentiality. School staff are not obliged to break confidentiality except where child protection is or may be an issue, however, at Shirley School's we believe it is important staff are able to share their concerns about pupils with colleagues in a professional and supportive way, on a need-to-know basis, to ensure staff receive the guidance and support they need and the pupils' safety and well-being is maintained. School staff should discuss such concerns with their line manager/supervisor or the DSL (Designated Safeguarding Lead).

RELATED LEGISLATION Human Rights Act 1998 gives everyone the right to "respect for his private and family life, his home and his correspondence", unless this is overridden by 'public interest', eg 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: personal data of living, identifiable individuals (not anonymised data); manual and electronic records. Schools need to be clear, when collecting personal data, of the purposes for which it will be used and should have policies to clarify this to staff, pupils and parents/carers. Freedom of Information Act 2000 amends the Data Protection Act. 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. Schools' data or record keeping policy should also cover the requirements of this Act.

Confidentiality is a whole school issue. Clear ground rules are set for any classroom work such as circle time and other PSHE session dealing with sensitive issues such as sex and relationship and drugs. Staff ensure that children feel supported but information is not unnecessarily revealed in a public arena. Children are reminded of bubble-time to express concerns or worries to a trusted adult.

Staff will ensure they never put pressure on child/ren to disclose personal information and should be discouraged from applying any such pressure. All adults will remind children that some information they share in the classroom may need to be shared with other adults for their protection.

Children will be reassured that, if information has to be shared, they will be informed first and then supported appropriately. If a child and his/her parent/carer wish to highlight an issue to a peer group then this will be carried out sensitively by the class teacher/Head of School eg bereavement.

### **Students and Parent Helpers**

Work experience pupils, students, teaching students and parent helpers are inducted prior to starting by the Work experience and Student co-ordinator. They are required to read and sign say they understand the confidentiality policy and the importance of being clear to pupils that they cannot be offered unconditional confidentiality when a pupil first begins to talk about something where confidentiality may become an issue.

Work experience pupils, students, teaching students and parent helpers sign to say they have been given and will read a policy handout prior to them helping within a classroom, this includes the confidentiality policy.

In the case that a child does disclose to a parent helper or student they would be asked to inform the class teacher of the conversation, and they would then seek advice from the DSL.

### **Staff and Governors**

All adults working in our school:

- Implement the Safeguarding Policy.
- Encourage children to be open with their parents/carers.
- Must maintain professional standards of confidentiality about anything seen or heard within the school.
- Who has a concern about a child, but does not feel they know the child's circumstances well enough to make a judgement about procedure, that adult should discuss their concerns with the child's class teacher who will have greater knowledge of the child, at an appropriate place and time.
- Should adhere to and enforce the school's procedures for the taking of and use of photographs and video recording in school.
- No child's personal details will be given out over the telephone until the validity of the request has been ascertained via a returned call.
- Unconditional confidentiality should never be given.
- If an adult receives external information that leads them to believe there is a child protection issue, they could refer the information to the child protection team.
- Adults should be sensitive when discussing an individual child's behaviour in the presence of another child.
- No adult should enter into detailed discussion about a child's behaviour or academic progress with other children or their parents.
- Must adhere to all school policies and procedures with regards to e-safety, use of computers and social networking.
- Staff should have regard to potential difficulties which may arise as a result of discussions outside work. While it is natural (and indeed can be therapeutic) to talk about work at home or socially, staff should be cautious about discussing specific and sensitive matters and should take steps to ensure that information is not passed on. Staff should be particularly aware that many people have a direct interest in education and schools and even close friends may inadvertently use information gleaned through casual discussion.

### **Governors' Meetings:**

The important role of the Governing body ensures it has to be informed of highly personal and confidential matters at each meeting. The Governors' Guide to the law states: 'how individual governors' vote, and opinions by governors involving a named person which are in a way sensitive or critical, should always be regarded as confidential'. 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, in particular those sitting on discipline committees, will not divulge details about individuals (be they staff, families or individual children) to any person outside of the meeting.
- Governors need to be mindful that from time to time issues are discussed or brought to their attention about staff and children.
- Governors must observe complete confidentiality when asked to do so by the governing body, especially in relation to matters concerning individual staff, children or parents/carers.

- Although decisions reached at governors' meetings are normally made public through the minutes or otherwise, the discussions on which decisions are based should be confidential. If parts of the meeting are minute as confidential Governors should adhere to the confidentiality policy.

If governors receive complaints about governors, the headteacher 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, written complaints should be passed directly to the chair (complaints re headteacher and governors) or head (complaints re staff), so all governors are available to act impartially as panel members at complaint hearings. It is for the complainant to decide whether or not their concern should become a formal complaint. The complaints procedure states, "Governors approached by parents need to steer them in the direction of the School staff rather than becoming involved in direct discussions".

**Governors should exercise the highest degree of prudence when discussion of potentially contentious issues arise outside Governing Body meetings**

All staff can expect that their personal situations and health will remain confidential unless it impinges on their terms of contract or endangers pupils or other members of staff. Governors will not divulge details about individuals (be they staff, families or children) to any person outside of the meeting.

Staff can expect their Personal information (e.g. home addresses and telephone numbers) and work-related information (e.g. salary details, medical details) relating to individuals, should not be disclosed to third parties except where the individual has given their express permission (e.g. where they are key holders) or where this is necessary to the particular work being undertaken, e.g. it is necessary for an individual to be written to.

### **Outside Agencies**

All social services and personal information about a child is held safe and secure in CPOMS which cannot be accessed by individuals other than the named DSLs. Health professionals have their own code of practice dealing with confidentiality. Staff should be aware of children with medical needs and information should be accessible to staff. Parent consent will always be sought when contacting an outside agency unless deemed to be on the at risk RAG level of safeguarding concern or disclosure.

### **Information and record keeping**

All information about individual children and families is private and should only be shared with staff and outside agencies that have a need to know. Staff should take care when sharing and discussing matters relating to pupils to ensure that the environment is appropriate. All children have a right to the same level of confidentiality irrespective of gender, race, religion, medical concerns, special educational needs and disabilities.

Social services, medical and personal information about a child is held in a safe and secure place which can only be accessed by appropriate school staff on a need to know basis in line with Keeping children safe in Education 2018 i.e Senior Leadership, School Office. Class Teachers who hold information regarding children in their own class must ensure safekeeping and must never be left about the school environment.

Parents are able to see records relating to their own child, and know that this is confidential. Permission is asked and a signature obtained before information is passed by the school to outside agencies such as Educational Psychology Service. Parents/carers are made aware that information about their child will be shared with the receiving school when they change schools.

Parents/carers are fully informed about their children, e.g. health concerns, behaviour changes, accidents and injuries etc.

## **Data**

Personal data is kept securely and the school is clear of the need for the data and the purposes it will be used for. When collecting data the school makes clear to parents the purposes of the data. This infrastructure is further secured by good network practice by all users. Network user permissions ensure data is only accessed by the appropriate people and is secure. When data needs to be sent to an external agency it is done so securely in line with the data protection policy.

## **Internet**

### **Images**

Photographs and video of children should not be used without parents/carers permission, especially in the press and internet. Parents are asked to confirm their consent via a tick list to photographs and film on their child's registration form. At no time should the child's name be used with a photograph so that they can be identified. Staff should ensure that they are aware of any children whose parents have requested that images are not published within the school, on the website or in school publications.

The school gives clear guidance to parents about the use of cameras and videos during public school events. Parents confirm by signing the school registration form that;

- Images taken will be for family or family use only
- Images will not be taken of other children outside of the performance area
- No image will be used for display publicly
- No images or film will be posted on the internet or on social networking sites
- No photographs or film will be distributed through social networking sites

This is a matter of safeguarding and must be strictly adhered to in order to protect all children. Parents are given a verbal reminder of our policies before public school events.

## **Social Media**

Staff should avoid any discussion of school related matters on social media sites or apps. By posting or sharing information online through any means, including all areas of social media, eg Facebook, Twitter, which relates to any individual stakeholder or brings Shirley Infant and Junior school into disrepute would be regarded as a breach of this policy.

## **Safeguarding**

Parents/carers and children are aware that the school cannot guarantee total confidentiality and the school has a duty to report safeguarding issues. Parents/carers and children should feel reassured that only in exceptional circumstances will confidentiality be broken. Refer to Child Protection Policy.

Governors need to be mindful that from time to time issues are discussed or brought to their attention about staff and children. Each Governor will be given their own school email account on which all conversations of a sensitive nature should take place. This should be kept separate from personal email addresses. Governors must observe complete confidentiality when asked to do so by the Governing Body, especially in relation to matters concerning individual staff, pupils or parents. Discussions on which decisions are based should be regarded as confidential. Governors should exercise the highest degree of prudence when discussing potentially contentious issues.

## **MAINTENANCE OF THE POLICY**

To ensure our high standards of confidentiality are maintained, a copy of this policy will be issued annually to:

- every member of staff
- all parents who help in school
- every member of the governing body

This policy should be read alongside;-

**Safeguarding Policy and Procedures**

**PSHE Policy**

**Anti-Bullying Policy**

**E-Safety Policy**

**Acceptable Use Policy**

**Privacy policy**

**Whistleblowing Policy**

All school staff, outside agencies, and volunteers are made aware of this policy which is included in the School's Induction Pack.

Parents/Carers are informed of this policy and it is available to read on the school website.

Monitoring of this policy is the duty of the Head Teacher, Director of Teaching and Learning, DSL and Governor with responsibility for Safeguarding.

**When signing to say all they have read and understood the policy all members of staff, governors, regular visitors and volunteers are agreeing to the following statement of confidentiality:**

**Statement of Confidentiality:**

**“ I have read and understood the Confidentiality Policy and agree to adhere to this in my role at Shirley Infant and Junior School, during my time at the school and after I have left. I recognise that I am in a position whereby, at certain times, I may have access to information concerning individual stakeholders. I agree to only discuss information relating to Shirley Infant and Junior School and its stakeholders on a ‘need to know’ basis, as defined in the policy. I agree not to post or share information online through any means, including all areas of social media, eg Facebook, Twitter, which relates to any individual stakeholder or brings Shirley Infant and Junior school into disrepute. I agree to refer all requests for information by an outside agency or the media to the Headteacher.”**

## Notes

**Data Protection Act 1998:** Applies to personal data of living, identifiable individuals, not anonymised data; manual and electronic records. Schools need to be clear, when collecting personal data, what purposes it will be used for and schools should have policies to clarify this to staff, pupils and parents.

**Freedom of Information Act 2000:** Amends the Data Protection Act - 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. Schools data or record keeping policy should also cover the requirements of this Act.

**DSL:** Designated Safeguarding Lead

**Legal Requirements Human Rights Act 1998:** Gives everyone the right to “respect for his private and family life, his home and his correspondence”, unless this is overridden: by the pupil interest, for reasons of child protection, for the protection of public safety, pupil order, health or morals or for the rights and freedoms of others.

**Children’s Act 2004 The Children’s Act, 2004,** sets out the following objectives under the every child matters agenda:

- ◆ Children and Young People are mentally and emotionally healthy
- ◆ Children and Young People are sexually healthy
- ◆ Children and Young People choose not to take illegal drugs
- ◆ Children and Young People are safe from maltreatment, neglect, violence and sexual exploitation
- ◆ Children and Young People have security, stability and be cared for