



## **Confidentiality Policy**

<b>Last Reviewed</b>	<b>October 2024</b>
<b>Next review</b>	<b>October 2025</b>
<b>Persons responsible</b>	<b>SLT</b>
<b>Governor committee</b>	<b>P &amp; P/FGB</b>

**Introduction:**

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 Data Protection, Freedom of Information and Human Rights Acts all need to be taken into consideration (see below).

It is important schools have an established procedure for dealing with confidentiality, which is understood by pupils, staff, parents, governors, carers and visitors rather than develop ad hoc arrangements in response to a crisis. The procedures need to be consistent and protect the interests of both pupils and staff. Having a policy will help to ensure there is a shared understanding of how confidentiality operates in your school community. A consistent, shared ethos and practice will help pupils, staff, parents, governors, carers and visitors deal with and know where they stand with confidential issues and will help you to deal with disclosure of information and establish ways of working (for example in PSHE) which respect privacy and avoid unnecessary personal disclosure.

This document does not suggest that all members of the school community should offer the same levels of confidentiality. Steps need to be taken to ensure that confidential disclosures are made to the appropriate person at the appropriate time. In order to ensure this, all members of the school community need to be aware of the limits of confidentiality available in different circumstances and by different individuals.

As part of a whole school policy on confidentiality schools should consider other aspects of school life where confidentiality may be pertinent, such as handling pupil data.

Consideration should also be given to the professional support and supervision that teaching and non-teaching staff, including volunteers, such as mentors, who will need to ensure the protection, health, safety and well being of both the pupils and staff and practical considerations which require school staff to share information in the best interests of individual pupils and all pupils collectively.

**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 ‘public interest’, e.g. 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, 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.

**Issues for consideration:**

1. Are there differences in the understanding and expectations of confidentiality within the school community?
2. The type of disclosures which might be made, including issues regarding disclosures by parents/carers, illegal activity, child protection, looked after children

3. Who can offer confidentiality in your school and who cannot?  
**e.g.** Teachers  
 Non-teaching staff, including voluntary staff,  
 Governors  
 Parent Support Advisor  
 Peripatetic teachers  
 Supply teachers  
 Visitors to school  
 School nurse/health professional
4. When should confidentiality be broken and information shared – i.e. what is appropriate sharing of information between staff?
5. Procedures for breaking confidentiality and 'chain of command'. E.g. If a member of staff or volunteer is concerned about a child who should they talk to first. It may be easier to divide this into clear Child Protection concerns and other concerns.
6. Who should information be shared with?
7. Do different members of the school community operate different levels of confidentiality in different circumstances? e.g. school nurse, Family Liaison Officer.
8. Keeping all pupils, staff, governors, parents/carers and visitors informed about the content of the policy

**Rationale and statement on the importance of confidentiality**  
**At Stocks Green Primary School we believe that:**

- The safety, well-being and protection of our pupils are the paramount consideration in all decisions staff at this school make about confidentiality. The appropriate<sup>1</sup> sharing of information between school staff is an essential element in ensuring our pupils well-being and safety.
- 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.
- Pupils, parents/carers and staff need to know the boundaries of confidentiality in order to feel safe and comfortable in discussing personal issues and concerns, including sex and relationships.
- The school's attitude to confidentiality is open and easily understood and everyone should be able to trust the boundaries of confidentiality operating within the school.
- Issues concerning personal information including sex and relationships and other personal matters can arise at any time.
- Everyone in the school community needs to know that no one can offer absolute confidentiality.

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<sup>1</sup> See point 5 page point 4. This needs to be clear to all staff

- 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.
- All children have a right to the same level of confidentiality irrespective of gender, race, religion, culture, class, medical concerns and special educational needs.
- No member of staff should discuss an individual child's behaviour/situation etc in the presence of another child.
- Staff must not enter into detailed discussion about a child's behaviour with other children or their parents/carers.
- Staff should be aware of children in their care with medical needs. This information is accessible to staff who need it but is not on general view to other parents/carers and children.
- Photographs of children are not used without parents/carers' permission, especially in the press and internet.
- Governors must observe complete confidentiality, 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 are regarded as confidential. Governors should exercise the highest degree of prudence when discussion of potentially contentious issues arises outside of the governing body.

This policy was formulated from a model county policy by the Headteacher, in consultation with the leadership team and staff. It has been agreed by the Governing Body and has been disseminated to staff, pupils, parents and carers together with partner agencies. It forms part of the induction training for new staff, including voluntary staff and is reviewed annually.

### **Definition of Confidentiality**

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

When speaking confidentially to someone the confider has the belief that the confidant will not discuss the content of the conversation with another. The confider is asking for the content of the conversation to be kept secret. Anyone offering absolute confidentiality to someone else would be offering to keep the content of his or her conversation completely secret and discuss it with no one.

In practice there are few situations where absolute confidentiality is offered at Stocks Green School. We have tried to strike a balance between ensuring the safety, well being and protection of our pupils and staff, ensuring there is an ethos of trust where pupils and staff can ask for help when they need it, and ensuring that when it is essential to share personal information, child protection issues and good practice is followed.

This means that in most cases what is on offer is limited confidentiality. Disclosure of the content of a conversation could be discussed with professional colleagues but the confider would not be identified except in certain circumstances.

**The general rule is that staff should make clear that there are limits to confidentiality, at the beginning of the conversation. These limits relate to ensuring children's' safety and well being. The pupil will be informed when a confidence has to be broken for this reason and will be encouraged to do this for themselves whenever this is possible.**

Different levels of confidentiality are appropriate for different circumstances.

**1. In the classroom in the course of a lesson** given by a member of teaching staff or an outside visitor, including health professionals.

Careful thought needs to be given to the content of the lesson, setting the climate and establishing ground rules to ensure confidential disclosures are not made. It should be made clear to pupils that this is not the time or place to disclose confidential, personal information. (See setting ground rules and working agreements).

When a health professional is contributing to a school health education programme in a classroom setting, s/he is working with the same boundaries of confidentiality as a teacher.

**2. One to one** disclosures to members of **school staff (including voluntary staff)**.

It is essential all members of staff know the limits of the confidentiality they can offer to both pupils and parents/carers (see note below) and any required actions and sources of further support or help available both for the pupil or parent/carer and for the staff member within the school and from other agencies, where appropriate. All staff at this school encourage pupils to discuss difficult issues with their parents or carers, and vice versa. However, the needs of the pupil are paramount and school staff will not automatically share information about the pupil with his/her parents/carers unless it is considered to be in the child's best interests.

(Note: That is, that when concerns for a child or young person come to the attention of staff, for example through observation of behaviour or injuries or disclosure, however insignificant this might appear to be, the member of staff should discuss this with the Designated Safeguarding Leader (DSL) as soon as is practically possible. More serious concerns must be reported immediately to ensure that any intervention necessary to protect the child is accessed as early as possible (please see the school's Child Protection Policy.)

**3. Disclosures to a counsellor, school nurse or health professional operating a confidential service in the school.**

Health professionals such as school nurses can give confidential medical advice to pupils provided they are competent to do so and follow the Fraser Guidelines (guidelines for doctors and other health professionals on giving medical advice to under 16s). School nurses are skilled in discussing issues and possible actions with young people and always have in mind the need to encourage pupils to discuss issues with their parents or carers. However, the needs of the pupil are paramount and the school nurse will not insist that a pupil's parents or carers are informed about any advice or treatment they give.

**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, 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 or a member of the senior leadership team.

**Teachers, counsellor and health professionals:**

Professional judgement is required by a teacher, counsellor or health professional in considering whether he or she should indicate to a child that the child could make a disclosure in confidence and whether such a confidence could then be maintained having heard the information. In exercising their professional judgement, the teacher, counsellor or health professional must consider the best interests of the child including the need to both ensure trust to provide safeguards for our children and possible child protection issues.

All staff at this school receive guidelines on child protection as part of their induction to this school and are expected to follow the schools' child protection policy and procedures. Training is given regularly and related policies are reviewed annually to ensure continuing awareness.

**Visitors and non-teaching staff:**

At Stocks Green School, we expect all non-teaching staff, including voluntary staff, except those identified in the paragraph above, to report any disclosures by pupils or parents/carers, of a concerning personal nature to the designated safeguarding lead as soon as possible after the disclosure and in an appropriate setting, so others cannot overhear. This is to ensure the safety, protection and well-being of all our pupils and staff. The designated safeguarding lead will decide what, if any, further action needs to be taken, both to ensure the pupil gets the help and support they need and that the member of staff also gets the support and supervision they need.

Visitors, parents supporting trips and voluntary staff are asked to sign a confidentiality agreement before supporting pupils. See appendix 1.

**Parents/carers:**

We believe that it is essential to work in partnership with parents and carers and we endeavour to keep parents/carers abreast of their child's progress at school, including any concerns about their progress or behaviour. However, we also need to maintain a balance so that our pupils can share any concerns and ask for help when they need it. Where a pupil does discuss a difficult personal matter, they will be encouraged to also discuss the matter with their parent or carer themselves.

The safety, well-being and protection of our pupils is the paramount consideration in all decisions staff at this school make about confidentiality.

**Complex cases:**

Where there are areas of doubt about the sharing of information, seek a consultation with your local KCC Children's Safeguarding Service.

**Statement of ground rules to be used in lessons**

We adopt ground rules to ensure a safe environment for teaching in particular in PSHE and RSE. This reduces anxiety to pupils and staff and minimises unconsidered, unintended personal disclosures.

At the beginning of each PSHE and RSE lesson, pupils are reminded of the ground rules by the teacher or outside visitor. The teacher establishes the ground rules together with the pupils at the beginning of each half term of teaching PSHE and RSE.

**When confidentiality should be broken and procedures for doing this:**

See the Child Protection Policy

Where this does not apply and you are still concerned and unsure of whether the information should be passed on or other action taken you should speak to a member of the leadership team.

**The principles we follow, are that in all cases we:**

- Ensure the time and place are appropriate, when they are not we reassure the child that we understand they need to discuss something very important and that it warrants time, space and privacy.  
See the child normally (and always in cases of neglect, or abuse) before the end of the school day. More serious concerns must be reported immediately to ensure that any intervention necessary to protect the child is accessed as early as possible.
- Tell the child we cannot guarantee confidentiality if we think they will:
  - hurt themselves
  - hurt someone else
  - or they tell us that someone is hurting them or others
- Not interrogate the child or ask leading questions
- We will not put children in the position of having to repeat distressing matters to several people
- Inform the pupil first before any confidential information is shared, with the reasons for this
- Encourage the pupil, whenever possible to confide in his/her own parents/carers

**Support for staff**

Staff may have support needs themselves in dealing with some of the personal issues of our pupils. At Stocks Green School we prefer you to ask for help rather than possibly making a poor decision because you don't have all the facts or the necessary training, or taking worries about pupils home with you. There are many agencies we can refer pupils to who need additional support which and we have procedures to ensure this happens. We all work together as part of a team to support our pupils and asking for help is a way we ensure a happy and safe learning environment.

Staff should discuss any concerns about pupils with their line manager. There is also a forum for discussion at staff meetings for causes for concern. Any unresolved issues should be discussed with Headteacher.

**Onward referral:**

Mr Peter Hipkiss, Designated Safeguarding Leader or the school SEN team, are responsible for referring pupils to outside agencies from the school. Please do not make referrals yourself unless you believe a child protection referral to the police or SSD is necessary and the designated person does not agree. ('What to do if you're worried a child is being abused', DfE).

**Associated Policies**

Child Protection  
PSHE  
RSE  
Anti-Bullying  
Behaviour

## Appendix 1

### 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 Stocks Green 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 Helper	
Signature of Helper	
Date	
School Representative	
Signature of School Representative	
Date	