



# Parkview and Redwood Primary School Federation

## CONFIDENTIALITY POLICY

### Policy review dates and changes

Review date	By whom	Summary of changes made	Date ratified by governors/trustees	Date implemented
July 2024	DP	Removed "policies available in school offices"		

# Confidentiality Policy

## Introduction and Context

The Parkview and Redwood Primary School Federation recognise its legal duty under Section 175 Education Act 2002 to work with other agencies in safeguarding children and protecting them from “*significant harm*”.

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 to see the school as a safe place.

This federation 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)

## 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 (if anyone) to inform in the event of different types of disclosures of a personal nature.

This school recognises 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.

This school will provide opportunities for its pupils to access confidential support on school premises in the following ways: one to one sessions with the learning mentor, drop in sessions with school nurse, displaying support line information e.g. Childline.

Parents/carers and pupils have the right to view their own educational records upon written request. It is therefore not possible to guarantee the confidentiality of recorded information.

## **Aim**

To ensure that confidentiality and data protection compliance are a natural part of good practice. To provide all staff, governors and others in school clear, unambiguous guidance as to their legal and professional roles. To make certain that the procedures throughout the school can be easily understood by pupils, parents/carers and staff.

## **Rationale**

Schools hold a lot of confidential information about children, staff and sometimes parents and carers. Whilst it is important that we continue to develop positive ways to use that information, we all recognise that it is our responsibility to use, hold and safeguard information received.

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. Our obligation to comply with the Data Protection Act 2018, the UK GDPR and other legislation and statutory guidance underpins our management of data.

## **Objectives:**

- To provide consistent messages in school about handling information about children and adults once it has been received
- To foster an ethos of trust within the school
- To ensure that staff, governors, volunteers, students, parents, and pupils are aware of the school's confidentiality policy and procedures
- To reassure pupils that their best interests will be maintained
- To encourage pupils 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 if there are child protection issues then the correct procedure is followed
- To ensure that confidentiality is a whole school issue and that everyone understands their personal responsibilities

## **Guidelines**

- All information about individuals is private and should only be shared with those staff that have a need to know
- All social services, medical and personal information about a child should be held in a safe and secure place which cannot be accessed by individuals other than school staff
- The school continues to actively promote a positive ethos and respect for the Individual
- The Safeguarding Policy will be applied, and monitored by appropriate school personnel
- All children and adults have a right to the same level of confidentiality irrespective of gender, race, religion, medical concerns, and special educational needs

## **Day to Day Practice**

Confidentiality is a whole school issue. Even when sensitive information appears to be widely known it should not be assumed by those immediately involved that it is appropriate to discuss or share this information further.

Health professionals have their own code of practice dealing with confidentiality. Staff should be aware of children with medical needs and the class information sheet should be accessible to staff who need that information but not on general view to other parents/carers and children.

Information about children will be shared with parents and carers but only about their child. Parents should not have access to any other child's books, marks and progress grades at any time especially at parents evening.

All personal information about children including social services records should be regarded as confidential. It should be clearly understood by those who have access to it, and whether those concerned have access to all, or only some of the information.

Information regarding health reports such as speech therapy, medical reports, SEN reports, SEN minutes of meetings and social services minutes of meetings and reports will be circulated in envelopes / files and once read should be returned for secure filing.

In all other notes, briefing sheets etc. a child should not be able to be identified. Addresses and telephone numbers of parents and children will not be passed on except in exceptional circumstances or to a receiving school.

Staff should exercise prudence and consider the dignity of individuals during conversations on the school site, for example in the staff room, particularly if non-members of staff are present and in the presence of children.

Non-members of staff, for example, students and voluntary helpers, will be asked to follow the principles of the confidentiality policy and sign a confidentiality agreement.

## **Governors**

Governors need to be mindful that from time to time issues are discussed or brought to their attention about staff and children. All such papers should be marked as confidential and should be copied onto different coloured paper.

These confidential papers should be destroyed after use.

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.

Governors will sign a confidentiality agreement annually.

Although decisions reached at governors' meetings are normally made public through the minutes or otherwise, the discussions on which decisions are based should be regarded as confidential.

Governors should exercise the highest degree of prudence when discussion of potentially contentious issues arises outside the governing body.

### **Staff 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 serious crime is involved
- Where safeguarding national security is involved e.g. 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.
- 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 school 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 non-teaching staff) will be made aware of the Confidentiality Policy and their entitlement to 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.

This policy is available for all staff to access. Staff are reminded to familiarise/re-familiarise themselves with school policies at regular intervals.

Staff can seek advice and support for themselves when dealing with a disclosure whilst keeping the individual's identity anonymous. The federation will maintain an up-to-date list of appropriate contacts for staff so that they can seek support. This will include the designated safeguarding leads:

<b>Parkview Primary School</b>	<b>Redwood Primary School</b>
Deputy Headteacher	Headteacher
Learning Mentors	Deputy Headteacher

## Working with External Agencies

Anyone working with pupils from the federation particularly on sensitive areas of the curriculum will be made aware of the federation's Confidentiality Policy.

At the beginning of lessons dealing with potentially sensitive topics, school staff and staff from external agencies will establish that it is inappropriate to disclose personal information during the lesson. Ground rules will 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.

This federation acknowledges and supports 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. Any distinctions in terms of confidentiality need to be made clear to pupils.

### **Recording Information**

The federation 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 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 in accordance with the federation's Record Management Systems, Retention of Records and Data Protection policies.

The federation complies fully with the requirements and principles of its Data Protection Policy and the General Data Protection Regulations May 2018. All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities within these guidelines. The Data Protection policy states that individuals have a right:

- to be informed
- of access to data stored about them or their children
- to rectification if there is an error on the data stored
- to erasure if there is no longer a need for school to keep the data
- to restrict processing, i.e. to limit what is done with their data
- to object to data being shared or collected

Individual rights are also subject to child protection and safeguarding concerns, sharing information for the prevention and detection of crime. Schools also have legal and contractual obligations to share information with organisations such as the Department for Education, Social Care, the Local Authority and HMRC amongst others. In some cases, these obligations override individual rights.

### **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 in line with the policy review cycle.

### **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 on the school websites.

## 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 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.

### 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.

## Confidentiality Agreements

### Appendix 1

#### Governor - Confidentiality Agreement

Thank you for volunteering to be a Governor of the Parkview and Redwood Primary School Federation.

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 the federation'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 Body that are not published in Governing Body 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 Body.

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

<b>Name of Governor</b>	
<b>Signature of Governor</b>	
<b>Date</b>	
<b>School Representative</b>	
<b>Signature of School Representative</b>	
<b>Date</b>	



## Appendix 2

### Voluntary Helper - Confidentiality Agreement

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 Parkview & Redwood Primary School Federation 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 and 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.

<b>Name of Volunteer</b>	
<b>Signature of Volunteer</b>	
<b>Date</b>	
<b>School Representative</b>	
<b>Signature of School Representative</b>	
<b>Date</b>	

### Appendix 3

#### 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 Parkview & Redwood School Federation 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.

<b>Name of Student</b>	
<b>Signature of Governor</b>	
<b>Date</b>	
<b>School Representative</b>	
<b>Signature of School Representative</b>	
<b>Date</b>	