

'Enriching Learning, Enriching Life'

John 10:10 '...I have come that they may have life, and have it to the full.'

Confidentiality Policy

Date: Spring 2017

Review: Spring 2019

Introduction

This policy is written in the context of the wide ranging agenda taking place within schools. The different agencies and projects that work in partnership to make education as safe and secure as is possible, and to respect the confidentiality of all within it and for the boundaries to be clear for all those in the school community. Also this policy is to encompass the spirit of “Working Together”.

Statement of intent

It is our intention to respect the privacy of Governors, Staff, Pupils and their Parents. The policy has been endorsed by the Safeguarding Children Board, Primary Care Trust and Telford & Wrekin Council

Definition

The overall meaning of confidential relationship is openness and agreement about what will happen to information disclosed between two, or more, people. It may not have to take the form of total secrecy. In practice there are a few situations where absolute confidentiality is offered. In most cases only limited confidentiality can be offered. The boundaries of confidentiality should be made clear at the beginning of the conversation. The following principals apply;

- We would define confidential information as being of some significance and not in the public domain; it is usually disclosed in private on the basis of trust.
- A confidential relationship is based on openness and on an agreement about what will happen to information disclosed.
- Information may be disclosed where there is strong evidence that non-disclosure may be seriously detrimental to the health and/ or wellbeing of the young person. Individual faiths and beliefs must be taken into account.

GUIDING PRINCIPLES

Schools believe that:

- The safety, well-being and protection of our pupils are the paramount consideration in all decisions made by staff within the Academy.
- That this Academy will provide opportunities for its pupils to access confidential support on Academy premises in the following ways. This may take the form of drop in sessions with the Academy nurse, peer support or access to nationally recognised agencies such as Childline.
- It is an essential part of the ethos of all schools that trust is established to enable pupils, staff, Governors and parents/carers to seek help both within and outside the Academy, **enabling** the appropriate sharing of information between Academy based staff, and other agencies, thus ensuring our pupils well-being and safety.
- The number of situations where personal information is shared is kept to a minimum.
- Information is stored securely. Reference to this policy and its content will be included in a statement within the staff handbook.
- Pupils, parents, staff and Governors need to know the boundaries of confidentiality in order to feel safe and comfortable in discussing personal issues and concerns.
- The Academy's attitude to confidentiality is open and easily understood and everyone should be able to trust the boundaries of confidentiality operating within the Academy.
- Everyone in the Academy community needs to know that no one can offer absolute confidentiality.
- This policy sits in conjunction with the Academy's policies on Child Protection, Anti Bullying, Sex and Relationships Education and Drugs Education.

Aims:

- To give clear guidance to all members of the Academy about confidentiality
- To encourage young people to talk to a trusted adult if they are having problems
- To give staff confidence to deal with sensitive issues

In lessons:

- Ground rules should be used where sensitive issues are to be addressed
- Staff should not put pressure on pupils to disclose personal information and should discourage fellow pupils from applying any such pressure

Personal disclosures:

Disclosures from pupils may take place at an inappropriate place or time. If this happens, the member of staff should talk again individually to the pupil before the end of the Academy day. The member of staff may be able to discuss the issue with an appropriate colleague, to decide on suitable action, without giving the name of the pupil.

Key Points:

- Pupils should know that staff cannot offer unconditional confidentiality
- Pupils should be reassured that, if confidentiality has to be broken, they will be informed first and then supported appropriately
- Pupils should be informed of sources of confidential help, for example, Academy Nurse, Drama therapist, GP or local young person's advice service
- Any personal information should be regarded as private and not passed on indiscriminately (for example in the staff room)
- If a member of staff receives information that leads them to believe that there is a child protection issue, they should refer the case directly to the Designated Person for Child Protection following a discussion with the young person involved
- Pupils should be encouraged to talk to their parents and be given support to do so where-ever possible

Further Guidance

For all pupils, staff members and governors to enjoy privacy from gossip, for the Academy to be fair to all its community, and for children and adults to have disciplinary matters dealt with according to the Academy's own procedures and out of the eye of the wider Academy community, it is important that:

- Staff do not discuss details of individual cases arising in staff meetings to any person without direct professional connection to and interest in the welfare and education of the individual concerned. Also this should cover areas where free association of staff and pupils is likely.
- No member of staff discusses an individual child's behaviour or learning in the presence of another child in the Academy.
- Staff do not enter into detailed discussion about a child's behaviour or learning with other children or their parents.
- Governors, do not divulge details about individuals (be they staff, families or individual children) to any person outside of the meeting.
- Parents in the Academy, working as volunteers, or as part of the PTA, do not report cases of poor behaviour or pupil discipline to other parents in the Academy. This allows teachers to deal with such matters in line with Academy policy.
- At full Governing body meetings matters such as pupil suspension and exclusion, personnel issues and personal details of any member of the Academy community will be dealt within the Principal's Report. This is not for the knowledge of persons outside the Governing body meeting.
- It is important that class teachers and support staff are aware of some confidential matters in order to support individuals. These staff will respect the sensitivity of such cases and not divulge information to people unconnected professionally with the individual concerned.
- When volunteers, such as parents and friends of the Academy are working in classes, they do not discuss educational matters outside the classroom.

- Staff, Volunteers, students and supply teachers are asked to read this policy before working in the Academy. Also the Academy will decide how staff are to be made aware of the Confidentiality Policy and how all within the Academy community become confident in its use.

Record Keeping

It is important for staff to keep concise and up date records. It is recommended that the leaflet for record keeping as approved by the Safeguarding Children Board be followed as a model of good practice.

Equal Opportunities

Staff may wish to discuss an individual pupil with a class or group. For instance it can support the inclusion of a child with social integration problems, if their peers are made aware of the condition and so have some idea of what to expect. Similarly a child with SEN, visual or auditory impairment can be supported if his friends know how to support them.

Health professionals

All employees working in the NHS are bound by a legal duty to protect any personal information they may come into contact with during the course of their work. This is not just a requirement of their contractual responsibilities but also a requirement within the Data protection Act 1989 and in addition for health and other professionals through their own professions code/s of conduct.

The Nursing and Midwifery Council states:

- You must treat information about patients and clients as confidential and use it only for the purpose for which it was give. You should ensure that patients and clients understand that some information may be made available to other members of the team involved in the delivery of care. You must guard against breaches of confidentiality by protecting information from improper disclosure at all times.
- You should seek patients' and clients' wishes regarding the sharing of information with their family and others. When a patient or client is considered incapable of giving permission, you should consult relevant colleagues.
- If you are required to disclose information outside the team that will have personal consequences for patients or clients, you must obtain their consent. If the patient or client withholds consent, or if consent cannot be obtained for whatever reason, disclosures may be made only where:

- They can be justified in the public interest (usually where disclosure is essential to protect the patient or client or someone else from the risk of significant harm)
 - They are required by law or by order of a court.
- Where there is an issue of child protection, you must act at all times in accordance with national and local policies.

(The NMC code of professional conduct: standards for conduct, performance and ethics. Nursing & Midwifery Council 2004)

Allegations against staff

Allegations whether made against staff, pupils, parents or anyone within the Academy community, will be dealt with within the Academy's normal disciplinary operating procedures. If these allegations are of such a nature that represents Child Protection concerns, and the risk of harm becomes of paramount issue then information will be shared on a "need to know" basis. Delay in this is unacceptable and normal Safeguarding Procedures should be followed. These can be found on www.telfordsafeguardingboard.org.uk

Requests for confidential information

The Data Protection Act 1998, requires that personal information is:

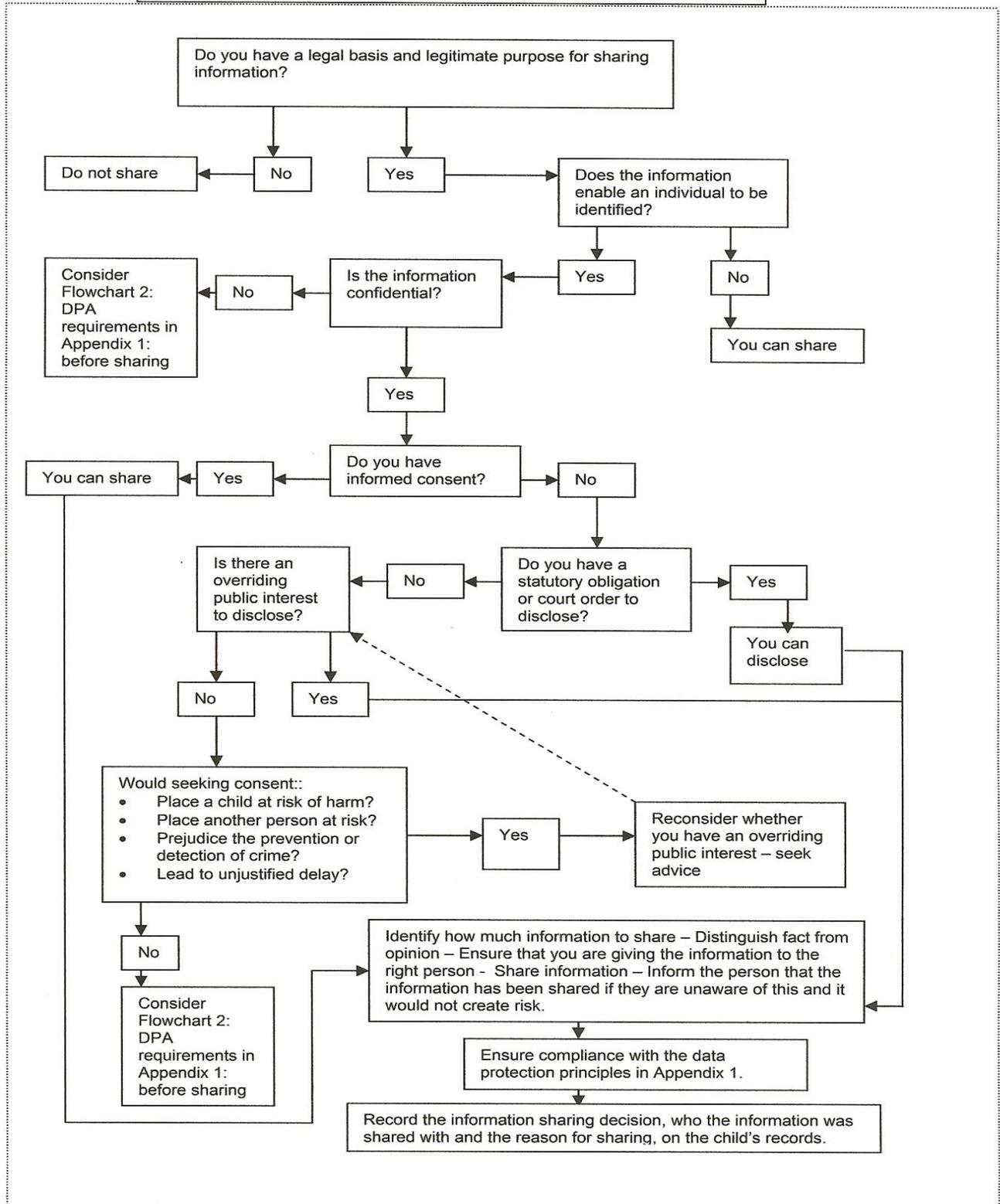
"Obtained and processed fairly and lawfully; only disclosed in appropriate circumstances; is accurate, relevant, not held longer than necessary and is kept securely".

There may be occasions when a request for confidential information regarding a particular pupil is made, from an individual, an agency or an organisation. The usual course of action would be to seek advice from the Principal. However, there are specific circumstances where exceptions may have to be made:

1. Where the student has agreed to the sharing of specific, relevant information with a particular individual, agency or organisation.
2. Where the request is part of Child Protection procedures.
3. Where information is required as part of legal proceedings.

Where information is released, this should usually be in the form of a written report, limited to relevant information only. Where possible the report should be shared with the pupil, except where doing so may compromise the safety and welfare of the pupil.

FLOWCHART 1: CONFIDENTIALITY



FLOWCHART 2: This flowchart is not comprehensive but gives an overview of the main relevant provisions of the Data Protection Act 1998, for the purposes of this guidance

