

# **SHELTON INFANT SCHOOL**

## **CONFIDENTIALITY POLICY**

### **Introduction and Context**

The school recognises its legal duty under Section 175 Education Act 2002 to work with other agencies in safeguarding children and protecting them from “*significant harm*” and to adhere to the statutory guidance contained in the document ‘Keeping Children Safe in Education (September 2024) DfE and the provisions of the following:-

- *Data Protection Act 2018 and the UK General Data Protection Regulation (UK-GDPR).*
- *Children Act 1989 and 2004*
- *Human Rights Act 1998, especially Article 8 – the right to respect for private and family life.*

The school recognises that a clear confidentiality policy will support the school in achieving this duty.

The staff seek to adopt an open and accepting attitude towards children 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, well-being and educational progress.

The school 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.

### **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, eg child protection.

Pupils will be advised (wherever possible prior to a disclosure and appropriate to the age of the pupils) 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.

The 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 confidential environments.

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.

### **Staff are required to pass on confidential information in the following circumstances:**

Staff must make it clear to pupils at the outset of sensitive discussions that they may need to share information with other to help keep them or others safe.

- Where there is a child protection/safeguarding issue
- Where there is risk of serious harm or threat to life
- Where a pupil needs urgent medical treatment
- Where potential or actual serious crime (eg. murder, rape) is involved
- Where safeguarding national security is involved, (eg. terrorism)

### **Responsibilities to parents/carers**

- 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.

## **Staff Roles and Responsibilities**

All staff will be made aware of the confidentiality policy and their entitlement to training and support in its implementation

Staff will:-

- Keep anything seen or heard within school confidential to the school.
- Not divulge any child's personal details over the phone until the validity of the request has been verified, via a return call if necessary.

- Will not enter into detailed discussion about a child's behaviour or progress with other children or parents.
- In all cases where staff feel that they have to break confidentiality with the pupil, they will inform the pupil, (unless there is a good reason not to inform them e.g. risk of harm) and reassure them that their best interests will be maintained.
- In talking with pupils, staff may need to encourage them to talk to their parents/carers about the issue that may be troubling them and support in doing this should be offered where appropriate.

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.

Staff can seek advice and support for themselves when dealing with a disclosure whilst keeping the individual's identity anonymous. This will usually be from the school's Designated Safeguarding Leads or from external agencies and professionals who may be supporting the school eg. Children's Social Care Services.

### **Working with External Agencies**

Anyone working with pupils in the school, particularly on sensitive areas of the curriculum, will be made aware of the school's confidentiality policy.

### **Recording Information**

The school acknowledges that:

- Children 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 obtain 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, eg in custody cases.

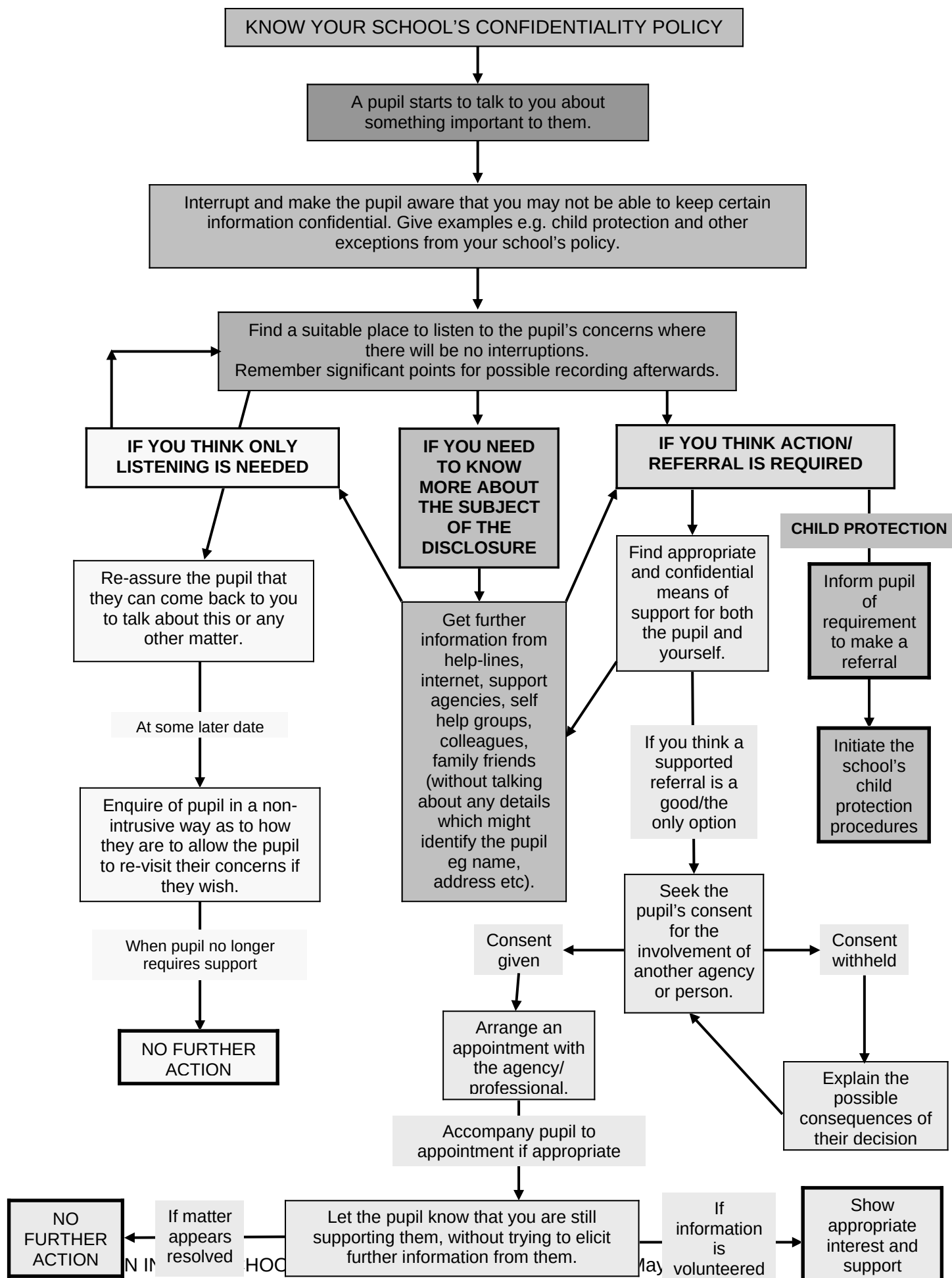
Any information recorded about a pupil will be written in a way that assumes it will be read by either the subject or their parents/carers.

The school may take legal advice when requests for confidential information are received.

### **Monitoring and Evaluation**

This policy will be reviewed after each significant disclosure to ensure that the policy and procedures work appropriately and at least every two years.

## Flowchart to Show the Process for Handling a Disclosure of Confidential Information



## **Guidance on School Specific Information (issued by Derby City Council)**

### **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, eg 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, eg shoplifting, assault.

### **2. 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.