



New York Primary School  
*Federated with*  
Frithville Primary School

## CONFIDENTIALITY POLICY

Policy approved by Federation Governing Body

Review in Spring 2020

Signed on behalf of Committee \_\_\_\_\_ Date \_\_\_\_\_

presented to the governors for approval.

The Governing Body is committed to the safeguarding of children and young people across the Federation and the wider community.

### 1. Rationale

1.1. At New York and Frithville Primary Schools we believe that:

- a) 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 sharing of information between school staff is an essential element in ensuring our pupils' well-being and safety.
- b) 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 in order to minimise the number of situations when personal information is shared to ensure pupils and staff are supported and safe.
- c) Pupils, parents/carers and staff need to know the boundaries of confidentiality in order to feel safe and comfortable discussing personal issues and concerns, including sex and relationships.
- d) The school's attitude to confidentiality is easily understood and everyone should be able to trust the boundaries of confidentiality operating within the school.
- e) Issues concerning personal information including sex and relationships and other personal matters can arise at any time.
- f) Everyone in the school community needs to know that no-one can offer absolute confidentiality.
- g) 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.

1.2. 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'.

1.3. The Data Protection, Freedom of Information and Human Rights Acts all need to be taken into consideration. A consistent, shared ethos and practice will help pupils, staff, parents, carers and visitors deal with and understand confidential issues, to deal with disclosure information and establish ways of working which respect privacy and avoid unnecessary personal disclosure.

1.4. As part of the whole school policy on confidentiality, all pupil data is password protected.

### 2. **Data Protection Act 1998 and GDPR 2018**

2.1. 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.

2.2. Please refer to the Federation Declaration of Privacy and Data Protection Policy (To be written before May 25<sup>th</sup> 2018 when the GDPR legislation comes into force).

### 3. **Freedom of Information Act 2000**

Amends the Data Protection Act. It 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 considers the information may damage the recipient, if disclosed. Schools' data or record keeping policy should also cover the requirements of this Act.

#### 4. Definition of Confidentiality

- 4.1. Confidentiality is defined as 'something which is spoken or given in private, entrusted with another's secret affairs'.
- 4.2. 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.
- 4.3. In practice there are few circumstances where absolute confidentiality is offered in our schools. We strive 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 are followed.
- 4.4. This means that in most cases what is offered 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.
- 4.5. Staff should make it clear that there are limits to confidentiality at the beginning of a 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 be involved in the information sharing.

#### 5. Different levels of confidentiality are appropriate for different circumstances:

##### 5.1. 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. When a health professional is contributing to a school's health programme in a classroom setting, they are working with the same boundaries of confidentiality as a teacher.

##### 5.2. One-to-one disclosures to members of school staff

It is essential all members of staff know the limits of the confidentiality they can offer to both pupils and parents and carers and any required actions and sources of further support or help available both for the pupil or parent/carer, 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 the school staff will not automatically share information about the pupil with his/her parents unless it is considered to be in the child's best interests.

##### 5.3. 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 16's). 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.

##### 5.4. Contraceptive advice and pregnancy

The department of Health has issued guidance (July 2004) which clarifies and confirms that health professionals owe young people under 16 the same duty of care and confidentiality as older patients. It sets out principles of good practice in providing contraception and sexual health to under 16's. Whether a young person is competent to consent to treatment or is in serious danger is judged by the health professional on the circumstances of each individual case, not solely on the age of the patient.

- 5.5. However, the younger the patient the greater the concern that they may be being abused or exploited. The Guidance makes it clear that health professionals must make time to explore whether there may be coercion or abuse. Cases of grave concern should be referred through child protection procedures.

#### 6. The legal position for school staff

- 6.1. All school staff should not promise confidentiality. Pupils do not have the right to expect they will be reported to their parents or 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.
- 6.2. The safety, well-being and protection of the child is the paramount consideration in all decisions staff at this school make about confidentiality.
- 6.3. School staff are NOT obliged to break confidentiality except where child protection is or may be an issue, however at New York and Frithville Primary Schools we believe it is important staff are able to share their concerns about pupils' safety and well-being.

6.4. The type of disclosure which might be made including issues regarding disclosure by child protection, parents/carers, illegal activity and looked after children is recorded in the Concerns Log.

## **7. Teachers, counsellors and health professionals**

7.1. 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.

7.2. All teachers at this school should receive basic training in child protection as part of their induction to this school and are expected to follow the school's child protection policy procedures.

## **8. Counsellors and health professionals**

8.1. At New York and Frithville Primary Schools, Education Welfare Officer (EWO) and Pathways help is offered to pupils. These services are confidential between the professionals and the individual pupil. No information is shared with school staff except as defined in the school's child protection policy.

8.2. This is essential to maintain the trust needed for these services to meet the needs of our pupils.

## **9. Visitors and non-teaching staff**

At New York and Frithville Primary Schools we expect all non-teaching staff to report any disclosures by pupils or parents/carers of a concerning nature to the designated child protection co-ordinator as soon as possible after the disclosure and in an appropriate setting, so others cannot overhear. The designated child protection co-ordinator will decide what, if any, further action needs to be taken.

## **10. Parents/carers**

New York and Frithville Primary Schools 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 issue with staff at New York and Frithville Primary Schools, they will be encouraged to also discuss the matter with their parents or carers and may be supported to do so where it is appropriate.

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

## **11. Complex cases**

Where there are areas of doubt about the sharing of information, New York and Frithville Primary Schools will consult with the local area Safeguarding Board.

## **12. When confidentiality should be broken and the procedures for doing this**

See the Child Protection Policy. The school Child Protection Coordinator is Paul Bargh (Executive Headteacher).

## **13. Support for staff**

13.1. Staff may have support needs themselves in dealing with some of the personal issues of our pupils. At New York and Frithville Primary Schools we prefer staff to ask for help rather than possibly making a poor decision because they don't have all the facts or the necessary training, or taking worries about pupils home with them.

13.2. Staff should discuss any concerns with their line manager.

## **14. Links with other policies**

This policy has links with the following school policies:

- Child Protection/Safeguarding
- Declaration of Privacy
- Data Protection Policy
- SMSC
- Sex and Relationships
- Drug Education and Incident Policy
- Bullying

#### **15. Dissemination and implementation**

This policy has been distributed to all teaching and non-teaching staff as part of the whole school training on Child Protection/Safeguarding. A copy of the policy can always be found in the Headteacher's office. All new staff will receive a copy of the policy when they join the school.

NB: This policy is will be amended as necessary to conform to GDPR legislation May 2018.