



## ***Confidentiality Policy***

**Recommended by:**

**Teaching, Learning & Achievement Committee: Date: 5 October 2016**

**Adopted at Full Governing Body Meeting Date: 30 November 2016**

**Signed by R J Collis DL, Chair of Governors:**

**Review date: Autumn Term 2020 (earlier if any legislative change)**



## **CONFIDENTIALITY POLICY – SEPTEMBER 2016**

Reviewed at Teaching, Learning & Achievement Committee: 5 October 2016

Adopted at Full Governing Body Meeting: 30 November 2016

### **1. Aims**

This policy clarifies what is meant by confidentiality and its limits throughout the School. It sets out the issues surrounding the personal information which may be given or received by staff, visiting professionals, students and parents/carers.

We recognise the following benefits of working to a confidentiality policy:

- It highlights the importance of students being able to talk to adults in the school to share their problems in a safe and supportive environment.
- It safeguards the wellbeing of those involved in the disclosure of confidential information.
- It builds trust between parents, visiting professionals, students and staff.
- It empowers each student 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.
- It removes uncertainty and inconsistency in how different disclosures of information are handled.

### **2. Definition of confidential information**

For the purposes of this policy, confidential information is classed as information shared with someone on the understanding that it can only be passed on to a third party with the agreement of the person disclosing it.

### **3. Disclosures of confidential information to staff by students and parents/carers**

Students and parents often wish to talk to school staff about confidential matters. Staff will follow the school's flowchart (see Appendix A) in dealing with any such information.

Students and parents 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. This will be done routinely at the start of lessons where disclosures are more likely, for example, some PSHCE lessons. After the disclosure, the student or parent will be consulted on how any information will be shared. For example, if parents need to be contacted, staff may give a student the option of telling his/her parents themselves if circumstances permit. Parents will be asked which members of staff they wish to be informed about their disclosure.

Students' and parents' wishes about the extent of any sharing of information will be acted upon, apart from in circumstances outlined in paragraph 7 (Exceptions to Confidentiality).

In the event of the disclosure of a pregnancy or suspected pregnancy, the Bucks County Council Guidance 'Provision of Education, Support and Reintegration of Pregnant Students and Young Parents' (2012) will be followed.

If a member of staff is unsure of how to proceed when faced with a disclosure, they must discuss the case (without disclosing the person's identity in the first instance) with a senior member of staff, if possible, the Designated or Deputy Designated Person for Child Protection.

#### **4. Disclosures of confidential information to staff by other staff**

The Cottesloe School recognises that confidential discussions need to take place in a confidential environment. Public places such as reception, the staffroom, the classroom (other than when teaching students, see para 5) and the school grounds are not, in general, confidential environments.

Confidential information about parents, students or other members of staff will only be shared with colleagues on a 'need to know' basis with the disclosing party having given agreement for the information to be shared beforehand, unless exempted under paragraph 7.

Staff wishes about the extent of any sharing of confidential information they have disclosed will be acted upon, apart from in circumstances outlined in paragraph 7.

#### **5. Confidentiality in the classroom**

All teaching will be done in a way that reaffirms respect for everyone in the school and associated with it. The following strategies for maintaining confidentiality in a class situation will be used in this school:

5.1 Teaching staff will work with students to develop 'ground rules' for lessons and discussions and show why these need to be agreed and respected by everybody. For example:

- No-one - teachers or students - will have to answer a personal question or disclose any personal details; we explain that this is a basic way of protecting ourselves and is not negotiable.
- Everyone has the right to 'pass' on a personal question if they want to.
- No-one will be forced to take part in a discussion.
- Everyone has the right to be listened to and have their views respected.
- Teasing, jeering or bullying of any kind will not be ignored and will be corrected.
- Sexual harassment will not be tolerated.
- If a student does not want anyone to know something, they should either talk about it as though it was someone else, or not mention it.

5.2 Teaching staff will protect students' privacy in the class by always depersonalising discussions. Students can then explore the issues being raised without having their personal lives or those of their families implicated or invaded and 'used' inappropriately by other students. For example:

- Use the 'third person' to allow students to keep a distance ('If you were Jamie/Sarah what would you do?' rather than 'What would you do?').
- Collect answers anonymously on pieces of paper so that students can express their feelings without risking exposure.

- Collect 'group' ideas without identifying individuals.
- Use sensitive role play to help identify students 'act out' situations and people they can identify within a 'contained' and safe way (always 'de-role' afterwards).
- Provide appropriate videos and written scenarios with invented characters to encourage students to imagine how the people would feel, and discuss what they would do in their shoes.
- Organise planned visits with theatre in education groups - they provide a vehicle for probing sensitive issues, with actors expressing the emotions which students may be experiencing and answering questions 'in role'.
- Encourage students to speak to the Designated or Deputy Designated Person or Pastoral Manager if they require confidential help.

## **6. How behavioural issues will be dealt with in school - the limits of a student's confidentiality**

Behavioural issues are dealt with according to the School's Behaviour Management Policy. It is not always possible or desirable to deal with such issues in a confidential manner. However, as a guide, witnesses to any incidents who are interviewed by staff will have their confidentiality protected wherever possible, but staff will explain the circumstances in which information will need to be shared.

## **7. Exceptions to confidentiality**

It will not always be possible to follow the wishes of the person disclosing confidential information if they do not wish for the information to be shared. Likely exceptions include:

- Where there is a risk of serious harm or threat to life.
- Where the information forms or might form part of a Child Protection case which comes under Section 47 of the Children Act (1989).
- Where a student needs urgent medical treatment.
- Where potential or actual serious crime (eg. murder, rape) is involved.
- Where safeguarding national security is involved (eg. terrorism).

## **8. Students' rights to confidentiality - legal guidelines**

There is no statutory requirement for schools to always inform parents/carers of confidential disclosures made by students. Disclosures will be dealt with on a case by case basis, and advice will be sought from County agencies, such as School Health or the Safeguarding in Education team, where a difficult judgement has to be made. The student's welfare will be paramount in any decisions made surrounding information sharing.

## **9. Awareness and training**

This policy will be publicised on the School's website and staff T: drive. A copy of the flowchart at Appendix A will be displayed in the staffroom and in the new staff handbook. Reference to the Policy will be made during the School's Child Protection training sessions for staff.

## 10. The use of external support

External agencies and professionals working in the School will be made aware of the School's Confidentiality Policy. The School recognises that some professionals, for example the Nurse running the Health Drop-in and School Counsellor, may work according to a confidentiality policy covered in their own professional code of conduct (see Appendix B).

## 11. Governors

The role of the governors is such that they may be privy to confidential information in meetings. If the Governing Body decides that any matter is confidential, the minutes of that part of the meeting should be kept separate and not made available for inspection with the other papers mentioned above. Governors should respect the confidentiality of items of business that the Governing Body has decided are confidential.

As far as any other discussions and decisions of the Governing Body:

- how individual governors vote (unless specifically requested to be recorded in the minutes)
- individual opinions
- details of the deliberations involved in making decisions

should always be regarded as confidential. Governors should be comfortable in the knowledge that the processes leading to any decision should stay within the meeting and not be communicated outside.

## 12. Data protection

Confidentiality does not just relate to disclosure of information which could have legal implications such as abuse. Staff members should not handle any confidential information carelessly as students and other members of staff may regard this as the norm and respond in a similar manner if a confidence is passed to them.

The following measures are in place to ensure confidential information is dealt with appropriately:

- Current student records are kept in a locked storage area in Meeting Room 1. Most student files are retained for 'DOB + 25 years' and then destroyed, following Buckinghamshire County Council's Records Management in Schools.
- Child Protection records are kept in a locked cabinet in the Deputy Designated Person's office, which is locked when unoccupied. A red dot on the main student record indicates that a separate record is being kept. When a student leaves the school before age 18 the additional record is copied and sent under separate cover to the new school; where a child is removed from roll to be home educated the file will be copied to the Local Authority. The original record will be retained by The Cottesloe School for 'DOB + 25 years' and then destroyed.
- E-mails can often replace telephone and paper discussions but should be treated as information and records retained on file appropriately. Great care should be taken when e-mailing confidential information as sending to an unauthorised person could result in a fine of up to £500,000 from the Information Commissioner's Office.

- Classrooms and offices will be locked whenever unoccupied if they contain student records or reports that cannot be locked away (eg. in a filing cabinet).
- Sensitive personal student information is not stored in the staffroom and is not displayed on noticeboards.
- Staff Active Files containing student data and photographs should be kept securely at all times and staff must ensure that students are not able to view them.
- School staff must use a private room to make personal telephone calls.
- Discussing student, family or other staff members' personal matters in a general way is discouraged.
- Conversations of a personal nature involving a third party must take place in a private space and not in a public area.
- School staff are likely to have access to a considerable amount of sensitive and confidential information. All staff are expected to respect the confidentiality of details held and information they have access to in the course of their work. Breaches of confidentiality may lead to disciplinary action, which could include dismissal. Staff will receive regular training on data protection issues.
- All matters relating to students whose parent(s) are employed at The Cottesloe School should be directed through those channels available to all parents/carers. The parent/carer should not be expected to address issues relating to their child during their working day (unless a mutually agreed meeting time has been arranged). Parents/carers should, if they choose, be able to direct all disciplinary matters through the parent who does not work at the school.
- Staff should respect the need for a child to develop at The Cottesloe School independently of their parent/carer who works at the school. The student should not feel that their achievements/behaviour will be reported more rapidly/more frequently than any other student.
- Where possible, the parent/carer who works at the school should not teach his/her child, or cover classes in which he/she is a student.
- Governors visiting the school to observe students should respect the confidentiality of matters relating to all students and staff.

### **13. How this policy relates to other policies**

This policy should be read in conjunction with the following documents and School Policies:

- Department for Education 'Keeping Children Safe in Education' (September 2016)
- Bucks County Council Guidance 'Provision of Education, Support and Reintegration of Pregnant Students and Young Parents' (2012)
- Child Protection Policy
- Behaviour Management (Attitude to Learning) Policy
- Data Protection Policy
- Counselling Policy
- Drug Education and Incident Management Policy
- Sex and Relationships Education Policy
- Anti-bullying Policy
- Whistleblowing Policy

#### **14. Breach Of Confidentiality**

If an individual believes that confidentiality has been breached, they should raise a grievance in writing, addressed to the Headteacher, within 10 days of the incident. Where appropriate the school's Grievance Policy will be followed.

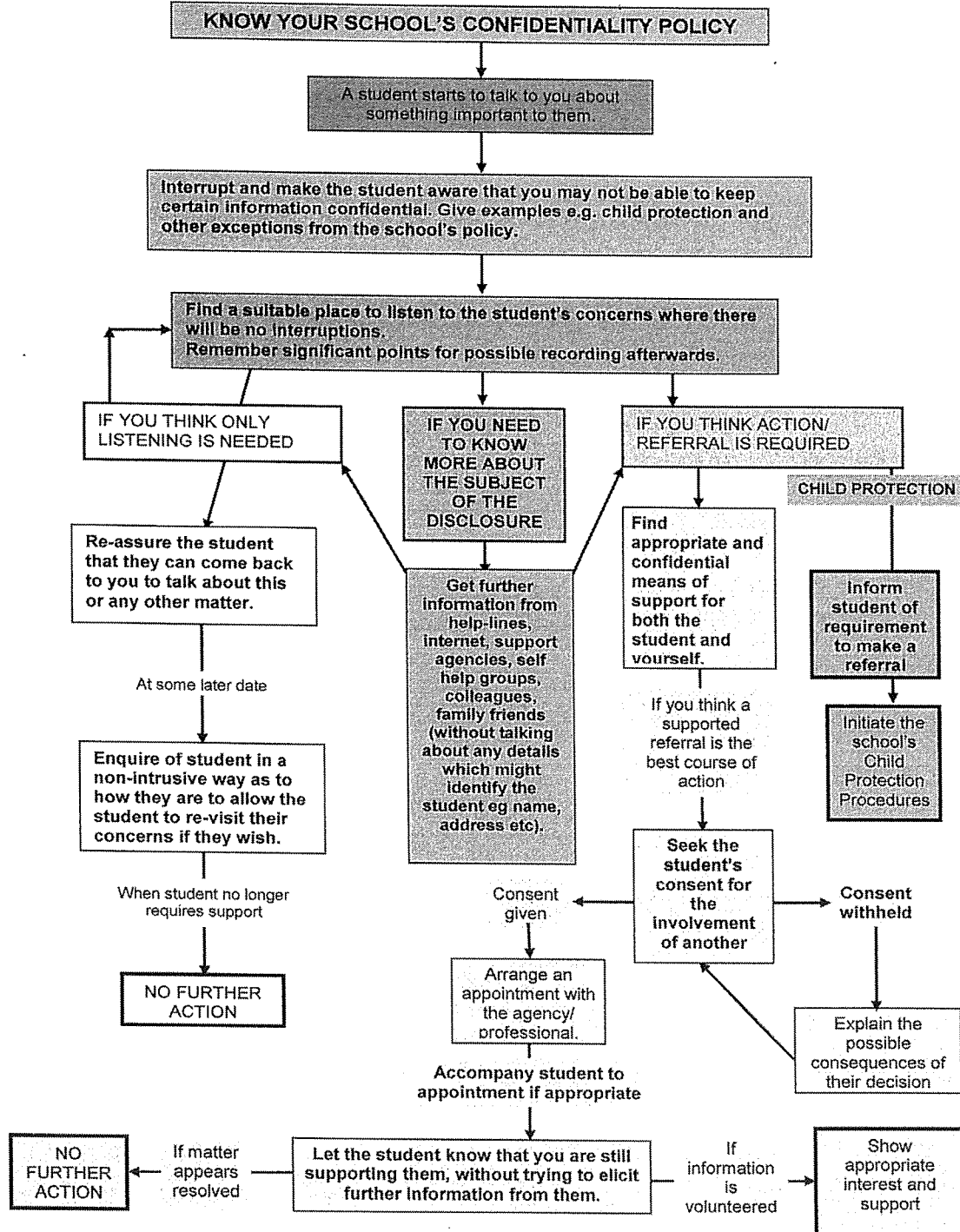
#### **15. Review**

This policy will be reviewed every four years (earlier any legislative change).

September 2016



**APPENDIX A**



**Fraser Guidelines** refer to a House of Lords' Judgement (following the case of Victoria Gillick 1985). 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 or her life depends on him or her having "sufficient understanding and intelligence to be capable of making up his or her own mind".*

These are commonly known as the **Fraser Guidelines**:

They are framed around the provision of contraception advice but they apply generally in cases where a young person who is 'Gillick Competent' (ie. of 'sufficient understanding and intelligence to be capable of making up his or her own mind') cannot be persuaded to share confidential information with his or her parents.