



CONFIDENTIALITY POLICY

The duty of confidentiality is the same for ALL pupils and reflects our equal opportunities policy. The following statements need to be read in conjunction with our school policy on Safeguarding Children, which is based on the current Guidelines from Somerset's Area Child Protection Committee. Mr Adrian Jones is our Designated Child Protection Officer.

What is confidentiality?

The essence of a confidential relationship is openness and agreement about what, if anything, will happen to information disclosed between the two people. It need not always take the form of a promise of secrecy.

Confidentiality and the law

Though the law does not define when a confidential relationship arises between two people, it is generally accepted that a duty of secrecy arises where confidential information comes to the knowledge of a person (the confidant) in circumstances where that person has noticed, or has agreed, that the information is confidential. This has the effect that it would be just in all circumstances that he or she be stopped from disclosing the information to others. Therefore, as a general rule, the confidant should not disclose confidential information to anyone else. 'Confidential information' means information which is not trivial, and not in the public domain.

The law provides considerable protection for those confiding information. With the exception of cases of terrorism, there is no general duty in criminal law to disclose information that criminal offences have been committed. Confidential information should never be used against a pupil. Where for instance a pupil reveals to a school counsellor that he or she has infringed the school rules, this information should *not* be passed on. School counsellors who are also teachers must ensure that the confidentiality of the pupils they work with as clients is safeguarded.

The importance of confidentiality – for young people

Young people say that confidentiality is an issue of real concern for them and can stop them from accessing help and support. Teachers and health professionals may see it as primarily a legal or professional issue, but for pupils it is mostly to do with trust and respect.

The importance of confidentiality – for teachers

Difficulties can arise when there seems a need for a teacher to break confidentiality by further disclosing information received, *against the wishes of the pupil*, in particular to protect the safety of the pupil. Although there is no *statutory* duty to pass on confidential information (eg to social services) even in circumstances where a child appears in need of immediate protection, there may be a *moral and professional* duty to pass on information where significant harm may otherwise result. Teachers do not have to break a confidence if, in their professional judgement, it is in the best interest of the student. They are not legally bound to inform parents or the headteacher of any disclosure unless the headteacher has



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requested them to do so. Teachers should only break confidentiality if they believe that a student is at risk of physical or sexual abuse. In such cases the member of staff responsible for child protection issues should be contacted and the school's procedures followed.

A vital safeguard is never to promise secrecy when it is not appropriate. It would be quite indefensible to promise secrecy and then to break such an undertaking. The need to protect children from significant harm means that no adult should guarantee a child absolute secrecy and the boundaries of confidentiality should be made clear to young people before they are encouraged to disclose information. However, if further disclosure is considered necessary it can be constructive to work with a pupil to help them see the value of such disclosure, *and agree to it*.

Professionals' codes of conduct

In our school there may be a range of professionals from external agencies working to support our pupils (*counsellor, school nurse, school health adviser*). These professionals, when working on a one-to-one basis, are bound by professional codes of conduct which uphold confidentiality. In a classroom situation they should work within the school policy. It is vital that everybody working in school is clear about the boundaries of their legal and professional role and responsibilities especially to know when a breach of confidentiality (that is, disclosure of confidential information against the wish of the confider) may be justified.

Child protection and the best interests of the child

A confidant who is given information which indicates that a child or young person is at risk of serious harm will have to consider whether it is in the child's best interests to disclose the information to other agencies or individuals. Each case should be judged on its individual merits, though most professionals interpret their moral and professional duty as indicating two situations where a breach of confidence is justified:

- Where there is a child protection issue
- Where the life of the person is at risk.

Involving members of the school community

In all issues relating to confidentiality the safety and well-being of the young person is of paramount importance. However in line with our ethos, we will always try to encourage pupils to involve their parents and carers wherever possible. To ensure that all members of the school community are supportive of our confidentiality policy, we ensure that representatives of all sections of the community are involved in its writing, dissemination and monitoring of the implementation. This will help to reassure individuals that the way in which we work has the best interests of the student as its focus.

Confidentiality – how we make it work in practice

- we have a clear confidentiality policy which is explicit and properly advertised
- ground rules are used in lessons
- the limits of confidentiality are communicated to pupils



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if confidentiality has to be broken, we reassure pupils that they will be informed first and then supported as appropriate

- pupils are informed of sources of confidential help, for example the school nurse, counsellor, GP or local young person's advice service
- pupils are encouraged and supported to talk with their parents and carers
- pupils and parents are aware of the policy and how it works in practice.

Our clear and explicit policies and good practice in confidentiality help teachers and pupils feel safe and confident.

Confidentiality is an essential element of the success of our school. This policy aims to tie together information for all groups working within the school.

All Staff (Teaching, Non-teaching and Students)

There are three main points for all staff to bear in mind:

- Details of children are not to be disclosed to any parents other than those of the child concerned
- Information regarding a child's progress and behaviour, good or bad, is passed on only by the staff working with that child, or the headteacher (Deputy Head in their absence), to the parent
- Staff should feel that they can talk freely about children in the staffroom, safe in the knowledge that what they say will not be repeated elsewhere.

Parents and Volunteers

As parents and volunteers involve themselves with the school they become members of a professional team. Parents and volunteers in this situation will see and hear a great deal in the classroom but must leave it there and not discuss anything inappropriate in the wider community.

Parents and volunteers need to acknowledge the fact that some circumstances may not be fully understood by them because the teacher may not be at liberty to discuss them, e.g. confidential aspects of the children's lives which may affect their behaviour or progress.

We expect parents and volunteers to understand this and respect the position in which they find themselves.



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Governors

The important role of the Governing body ensures it has to be informed of highly personal and confidential matters at each meeting. The Governors' Guide to the law states: "how individual governors vote, and opinions by governors involving a named person which are in a way sensitive or critical, should always be regarded as confidential."

To help Governors understand the fragility of their role and the tightrope they walk between damaging and helping the school, the following points should be considered:

- No information re children's assessment and test results, other than that legally required, should be passed on to others. Percentage reports can easily give away individual results, as it is easy mathematics to calculate who represents 11%.
- Secure filing of confidential papers
- Passing information to partners
- Headteacher performance review details
- Paperwork containing individual salaries remain confidential to the Finance Group.

It is also important to label minutes of meetings as "draft" before they have been approved by the group.

If governors receive complaints re governors, headteacher or staff it is important that they first ascertain that the complainant has first attempted to resolve differences with the person concerned. On those rare occasions when complaints need to be made formal, written complaints should be passed directly to the chair (complaints re headteacher and governors) or head (complaints re staff), so all governors are available to act impartially as panel members at complaint hearings. It is for the complainant to decide whether or not their concern should become a formal complaint. The complaints procedure states, "Governors approached by parents need to steer them in the direction of the School staff rather than becoming involved in direct discussions".

I have read and agree to follow this policy:

Signed.....

Print Name.....

Date.....