

# ST MICHAEL IN THE HAMLET PRIMARY SCHOOL

Our school is a Rights Respecting School whereby all respect the United Nations Convention on the rights of the child and the responsibilities that come with those rights.

## CONFIDENTIALITY POLICY

**This policy is intended to be used in conjunction with the following school policies:**

- ▶ PSHE/Citizenship
- ▶ Drugs
- ▶ Sex and Relationship
- ▶ Child Protection
- ▶ Anti - Bullying
- ▶ Behaviour and Relationships
- ▶ Whistle-Blowing
- ▶ Looked After Children

### **Introduction:**

The DfES 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'.***

The Data Protection, Freedom of Information and Human Rights Acts all need to be taken into consideration.

Confidentiality can mean very different things to different people or groups of people. In the context of a large organisation like our school it is important for everyone to know and understand what is meant by confidentiality.

The dictionary definition of confidential is:

***"something which is spoken or given in confidence; private, entrusted with another's secret affairs"***

When speaking confidentially to someone the confider has the belief that the confidant will not discuss the content of the conversation with another. 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.

In practice there are few situations where absolute confidentiality is offered in school. There must be an ethos of trust where pupils and staff can ask for help when they need it and that good practice is followed when it is essential to share personal information child protection issues.

This means that in most cases what is on offer 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.

**The general rule is that staff should make clear that there are limits to confidentiality, at the beginning of the 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 will be encouraged to do this for themselves whenever this is possible.**

Given the potential for uncertainty and ambiguity, it is vital that everyone working in our school is aware of the boundaries of their legal and professional roles and responsibilities so that they can all work together to ensure the best interests of the pupils.

Even if some of those working in our school are unable to offer absolute confidentiality to a young person, they can and should be open and honest about the terms of the relationship they can offer, and understand those of other professionals.

Ofsted have reported on the matter of confidentiality:

***"Another issue of concern arising from the study of school policies is confidentiality. Most school policies offer adequate general advice to teachers on this issue, based on DfES guidance. What is less secure is the quality of the schools' guidance to teachers on how to respond to individual pupils' questions: this is a weakness in two fifths of secondary schools. For example, it is not always clear to pupils that, although most information can be kept confidential, some may need to be passed on in the young person's best interests. Pupils do not always know what will be done with the information and who will have access to it."***

(Ofsted 2002:16)

This policy on confidentiality makes particular reference to giving support and advice to children on issues relating to sex and relationships.

We will promote our established procedure for dealing with confidentiality, to ensure it is understood by pupils, staff, parents, carers and visitors. The procedures will be consistent and protect the interests of both pupils and staff. This policy will help to ensure there is a shared understanding of how confidentiality operates in our school community. A consistent, shared ethos and practice will help pupils, staff, parents, carers and visitors deal with and know where they stand with confidential issues and will help us to deal with disclosure of information and establish ways of working (for example in PSHE) which respect privacy and avoid unnecessary personal disclosure.

This document does not suggest that all members of the school community should offer the same levels of confidentiality. Steps will be taken to ensure that confidential disclosures are made to the appropriate person at the appropriate time. In order to ensure this, all members of our school community will need to be aware of the limits of confidentiality available in different circumstances and by different individuals.

This policy will consider other aspects of school life where confidentiality may be pertinent, such as handling pupil data.

We will also consider the professional support and supervision that teaching and non-teaching staff, including volunteers, such as mentors, need to ensure the protection, health, safety and well being of both the pupils and staff and practical considerations which require school staff to share information in the best interests of individual pupils and all pupils collectively.

**The following Acts of Parliament have informed this policy:**

- ▶ **The Human Rights Act 1998:** Gives everyone the right to "respect for his private and family life, his home and his correspondence", unless this is overridden by the 'public interest', e.g. for reasons of Child Protection, for the protection of public safety, public order, health or morals or for the rights and freedoms of others.
  
- ▶ **The Data Protection Act 1998:** Applies to personal data of living, identifiable individuals, not anonymised data; manual and electronic records.
  
- ▶ **Freedom of Information Act 2000:** Amends the Data Protection Act. 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 is considered the information may damage the recipient, if disclosed.

**At St Michael in the Hamlet Primary School we believe that:**

- ▶ 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.
- ▶ 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 and minimise the number of situations when personal information is shared to ensure pupils, staff are supported and safe
- ▶ Pupils, parents/carers and staff need to know the boundaries of confidentiality in order to feel safe and comfortable in discussing personal issues and concerns, including sex and relationships.
- ▶ The school's attitude to confidentiality is open and easily understood and everyone should be able to trust the boundaries of confidentiality operating within the school.
- ▶ Issues concerning personal information including sex and relationships and other personal matters can arise at any time.
- ▶ Everyone in the school community needs to know that no one can offer absolute confidentiality.
- ▶ 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.

**Aims of this Policy:**

To protect the child at all times and to give all staff involved clear, unambiguous guidance as to their legal and professional roles and to ensure good practice throughout the school which is understood by pupils, parents/carers and staff.

**Objectives:**

1. To provide consistent messages in school about handling information about children once it has been received.
2. To foster an ethos of trust within the school.
3. To ensure that staff, parents and pupils are aware of the school's confidentiality, policy and procedures.
4. To reassure pupils that their best interests will be maintained.
5. To encourage children to talk to their parents and carers.
6. To ensure that pupils and parents/carers know that school staff cannot offer unconditional confidentiality.
7. To ensure that there is equality of provision and access for all including rigorous monitoring of cultural, gender and special educational needs.
8. To ensure that if there is child protection issues then the correct procedure is followed.
9. To ensure that confidentiality is a whole school issue and that in lessons ground rules are set for the protection of all.
10. To understand that health professionals are bound by different code of conduct.
11. To ensure that parents have a right of access to any records the school may hold on their child but not to any other child that they do not have parental responsibility for.

## **Disclosures:**

### **▶ Personal Disclosures**

Disclosures from pupils may take place at an inappropriate place or time. If this happens, the teacher should talk again individually to the pupil before the end of the school day. The teacher may be able to discuss the issue with an appropriate colleague without giving the name of the pupil. If not, the teacher should follow this confidentiality policy.

There may be rare occasions when a primary school teacher is directly approached by a primary age child who is sexually active or is contemplating

sexual activity. This should be viewed as a child protection issue and referred to the Designated Child Protection Teacher.

In such cases this pathway should be taken to deal with situation:

- ▶ The teacher should approach the designated member of staff:
- ▶ The designated member of staff should make sensitive arrangements, in discussion with the child, to ensure that parents or carers are informed; and
- ▶ The designated member of staff should address child protection issues and ensure that help is provided for the child and family.

▶ **Head teachers and Governors**

The Head teacher and governors will monitor the frequency of such cases in school. If they are frequent this points to deficiencies in young people's awareness of, or confidence in, sources of confidential medical advice and this should be addressed in the school's sex and relationship education programme.

▶ **Health Professionals**

Health professionals are bound by their professional codes of conduct to maintain confidentiality. When working in classroom situation, they are also bound by relevant school policies. In line with the best practice guidance outlined later in this policy, they will seek to protect privacy and prevent inappropriate personal disclosures in a classroom setting, by negotiating ground rules and using distancing techniques.

Outside the teaching situation, health professionals such as school nurses can:

- ▶ Give one - to - one advice or information to a pupil on a health - related matter including contraception; and
- ▶ Exercise their own professional judgement as to whether a young person has the maturity to consent to medical treatment including contraceptive treatment.

(The criteria for making such a decision are based on the 'Fraser guidelines' ... Any competent young person, regardless of age, can independently seek medical advice and give valid consent to treatment.)

(See Appendix)

## Guidelines for Staff:

1. All information about individual children is private and should only be shared with those staff that have a need to know.
2. All social services, medical and personal information about a child should be held in a safe and secure place which cannot be accessed by individuals other than school staff.
3. The school continues to actively promotes a positive ethos and respect for the individual:
  - a) The school has appointed a senior lead teacher for child protection who receives regular training.
  - b) There is clear guidance for the handling of child protection incidents. All staff have regular training on child protection issues.
  - c) There is clear guidance for procedures if a member of staff is accused of abuse.
  - d) Staff are aware that effective sex and relationship education which brings an understanding of what is and is not acceptable in a relationship, can lead to disclosure of a child protection issue.
  - e) Staff are aware of the need to handle all issues about different types of families in a sensitive manner.
  - f) Any intolerance about gender, faith, race, culture or sexuality is unacceptable and should follow the schools discipline policy.
  - g) Information collected for one purpose should not be used for another.
4. Parents/carers and children need to be aware that the school cannot guarantee total confidentiality and the school has a duty to report child protection issues.
5. The school prides itself on good communication with parents and carers and staff are always available to talk to both children and parents/carers about issues that are causing concern. The school encourages children to talk to

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parents/carers about issues causing them concern and may in some support the children to talk to their parents. The school would share parents any child protection disclosure before going on to inform the authorities.

6. Parents/carers and children should feel reassured that in exceptional circumstances confidentiality will be broken.
7. All children have a right to the same level of confidentiality irrespective of gender, race, religion, medical concerns and special educational needs. A lot of data is generated in schools by these categories but individual children should not be able to be identified.
8. The school has appointed a senior member of staff as Child Protection Officer. Child protection procedures are understood by staff and training is undertaken every two years for all staff.
9. Confidentiality is a whole school issue. Clear ground rules must be set for any classroom work such as circle time and other PSHE/Citizenship session dealing with sensitive issues such as sex and relationship and drugs. Strategies are in place and all children are aware of them for dealing with sensitive information which may fall outside the boundaries of child protection procedures. School needs to be proactive so children feel supported but information is not unnecessarily revealed in a public arena.

Even when sensitive information appears to be widely known it should not be assumed by those immediately involved that it is appropriate to discuss or share this information further.

10. Health professionals have their own code of practice dealing with confidentiality. Staff should be aware of children with medical needs and the class information sheet should be accessible to staff who need that information but not on general view to other parents/carers and children.

11. Photographs of children should not be used without parents/carers permission especially in the press and internet. This is often a cultural issue that the school needs to be aware. At no time should the child's name be used with a photograph so that they can be identified. Children photograph should not be used in a medical room identifying their medical need. The school gives clear guidance to parents about the use of cameras and videos during public school events.

12. Information about children will be shared with parents but only about their

child. Parents should not have access to any other child's books, marks and progress grades at any time especially at parents evening. However parents should be aware that information about their child will be

shared

with the receiving school when they change school.

All personal information about children including social services

records

should be regarded as confidential. It should be clearly understood by those who have access to it, and whether those concerned have access to all, or only some of the information.

Information regarding health reports such as speech therapy, medical reports, SEN reports, SEN minutes of meetings and social services minutes of meetings and reports will be circulated in envelopes and

once

read should be returned for secure filing.

Logs of administration of medication to children should be kept

secure.

In all other notes, briefing sheets etc a child should not be able to be identified. Addresses and telephone numbers of parents and children

will

not be passed on except in exceptional circumstances or to a receiving school.

13. Governors need to be mindful that from time to time issues are discussed or brought to their attention about staff and children. All such

papers should be marked as confidential, and destroyed after reading.

Although decisions reached at governors' meetings are normally made

public through the minutes or otherwise, the discussions on which decisions are based should be regarded as confidential. Governors should exercise the highest degree of prudence when discussion of potentially contentious issues arises outside the governing body.

### **Ground Rules**

We adopt ground rules to ensure a safe environment for teaching in particular in PSHE and Circle time. This reduces anxiety to pupils and staff and minimises unconsidered, unintended personal disclosures.

At the beginning of each PSHE lesson and Circle time, pupils are reminded of the ground rules by the teacher or outside visitor. The teacher establishes the ground rules together with the pupils at the beginning of each half term of teaching PSHE and Circle time.

### **Referrals:**

The Designated Child Protection Teacher is responsible for referring pupils to outside agencies from the school. Please do not make referrals yourself unless you believe a child protection referral to the police or Safeguard Service Child Protection Teacher is necessary and the designated person does not agree.

(See 'What to do if you're worried a child is being abused', DfES, HO, etc., 2003).

## **APPENDICES**

### **Appendix 1**

### **Confidentiality and the Law**

Although there are laws relating generally to sex education and a general legal requirement for sex education to encourage 'due regard to moral considerations and the value of family life', there is no legislation relating specifically to confidentiality in schools.

There is government guidance on confidentiality but this is not legally binding.

### What does the law say?

#### Section 241 of the Education Act 1993

- ▶ Governors of **primary schools** must provide the sex education contained within the National Curriculum. Governors are responsible for deciding whether and how to provide any sex education in addition to that.
- ▶ Governors of all schools - primary, secondary and special - must have a written and up - to - date policy explaining how and where sex education will be taught. They must make that policy available to parents.
- ▶ Programmes of study for National Curriculum Science must not include AIDS and HIV, any sexually transmitted disease or aspects of sexual behaviour other than biological aspects.
- ▶ All parents have an absolute right to withdraw heir children from all or part of a sex education programme except for lessons taught as part of the statutory National Curriculum.

### **Section 46 of the Education Act (No 2) 1986**

Requires the LEA, Governing body and Head teacher to 'take such steps as are reasonably practicable to secure that where sex education is given to any registered pupil at the school it is given in such a manner as to encourage those pupils to have due regard to moral considerations and the value of family life'.

### **Section 1 (2) of the Education Reform Act 1988**

Requires schools to offer a curriculum which:

- ▶ Promotes the spiritual, moral, cultural, mental and physical development of pupils at the school and of society.
- ▶ Prepares such pupils for the opportunities, responsibilities and experiences of adult life.

### **The Education (Schools Information) Regulations 1993**

Require schools to publish in their prospectus a summary of the content and organisation of any sex education they provide.

### **Extracts from Sex and Relationship Education Guidance 2000**

**Ref: DfES 0116/2000**

Paragraphs which relate to confidentiality are reproduced below. The Guidance itself can be obtained from Department for Education and Skills, PO Box 5050, Annesley, Nottingham NG15 0DJ Tel: 0845 6022260

## **Appendix 2**

### **The Legal Position for School Staff:**

School staff (including non-teaching and voluntary staff) should not promise confidentiality. Pupils do not have the right to expect that incidents will not be reported to his/her parents/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.

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

School staff are **NOT** obliged to break confidentiality except where child protection is or may be an issue, however, at St Michael in the Hamlet Primary School we believe it is important staff are able to share their concerns about pupils with colleagues in a professional and supportive way, on a need to know basis, to ensure staff receive the guidance and support they need and the pupils' safety and well being is maintained. School staff should discuss such concerns with the Child Protection Designated Teacher.

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

### **Visitors and Non-Teaching Staff:**

At St Michael in the Hamlet Primary School, we expect all non teaching staff, including voluntary staff, except those identified in the paragraph above, to report any disclosures by pupils or parents/carers, of a concerning personal nature to the Designated Child Protection Officer as soon as possible after the disclosure and in an appropriate setting, so others cannot overhear. This is to ensure the safety, protection and well-being of all our pupils and staff. The Designated Child Protection Officer will decide what, if any, further action needs to be taken, both to ensure the pupil gets the help and support they need and that the member of staff also gets the support and supervision they need.

### **Parents/Carers:**

St Michael in the Hamlet Primary School believes 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 matter staff at school, they will be encouraged to discuss the matter with their parent or carer themselves.

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

## **Appendix 3**

### **Confidentiality:**

Schools must be absolutely clear about the boundaries of their legal and professional roles and responsibilities. A clear and explicit confidentiality policy should ensure good practice throughout the school which both pupils and parents understand. Teachers cannot offer or guarantee absolute confidentiality.

It is only in the most exceptional circumstances that schools should be in the position of having to handle information without parental knowledge. Where younger pupils are involved this will be grounds for serious concern and child protection issues should be addressed.

Children cannot learn effectively if they are concerned or frightened about being abused or being the victims of violence in the home. They have a right to expect schools to provide a safe and secure environment. Any fears or worries they bring into the classroom should not go unnoticed by staff. Teachers need to be aware that effective sex and relationship education, which brings an understanding of what is and is not acceptable in a relationship, can lead to disclosure of a child protection issue.

If a member of a school's staff (teaching or non-teaching) suspects that a child is a victim of abuse or they have reason to believe that he/she is at risk of abuse, they should be aware of the procedures for reporting their concerns and to whom they should do so. The main recommendations of Circular 10/95 are that:

- ▶ All staff should be alert to signs of abuse and know to whom they should report their concerns or suspicions;
- ▶ All schools and colleges should have child protection policies, which should include procedures to be followed if a member of staff is accused of abuse; and
- ▶ All schools and colleges should have a senior member of staff with designated responsibility for child protection, who should receive appropriate training.

Joint guidance by DfES and the Department of Health Published in 1999 - *Working Together to Safeguard Children* - sets out how all agencies and professionals should work together to promote children's welfare and protect them from abuse and neglect.

### **Review:**

This policy is reviewed every two years or whenever deemed necessary by the Head teacher and Governors in the light of events and changes in the law.

**Reviewed October 2018**

**Next review date: Autumn 2020**