



Confidentiality Policy

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Higham Primary School

Confidentiality Policy



(This policy to be read alongside the school's GDPR policy)

INTRODUCTION

Working in the school environment means having access, in a variety of ways, to information that must be regarded as confidential.

The Confidentiality Policy outlines:

- the various types of confidential information which exist
- the potential recipients of information
- the form confidential information can take
- individual responsibilities of staff in possession of confidential information
- the potential problems that can arise and how to deal with them
- the consequences of revealing confidential information without authority.

This policy applies to **all staff** employed by the school and includes temporary, voluntary and agency staff, governing body and the Governance Professional.

RATIONALE

- The safety, well-being and protection of our pupils are the paramount considerations 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. Therefore, we minimise information sharing to those occasions which are appropriate to ensure pupils and staff are supported and safe.
- Pupils, parents/carers and staff need to know the boundaries of confidentiality to feel safe and comfortable in discussing personal issues and concerns.
- 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.
- Everyone in the school community needs to know that no one can offer absolute confidentiality and that there are 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.

DEFINITION OF 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. We have 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 procedures and good practice are followed.

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 at the beginning of the conversation that there are limits to confidentiality. These limits relate to ensuring children's safety and well-being. The pupil will be informed when confidence has to be broken for this reason and will be encouraged to do this for themselves whenever this is possible.



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Everybody must treat information they receive about children in a discreet and confidential manner. If anyone is in doubt about sharing information they hold, they should seek advice from the Head Teacher or other senior staff. (If abuse is alleged or suspected, then staff have a duty to speak to the Head Teacher). All staff, volunteers, governors and PTA members will sign the confidentiality policy upon commencing work at the school and upon any updates being made to the policy. A signed register of all who have read the policy is stored securely in the school office.

Staff Confidentiality

Staff members will:

- Be aware of their responsibilities as laid out in the school Data Protection Policy and in line with the core principles of the UK GDPR and the Data Protection Act 2018
- Not disclose sensitive information about the school, its employees, or the LA to other parties. The only exception to this being when the confidential information gives rise to concerns about the safety or welfare of a pupil.
- Any breaches of confidentiality will be managed in-line with the school's disciplinary procedure.

Governor Confidentiality

All governors will:

- Maintain complete confidentiality both inside and outside the school when matters discussed between governors are deemed confidential, or where they concern specific members of staff or pupils.
- Not reveal details of a governing board vote.
- Operate in line with the Data Protection Act 2018 and UK GDPR.
- Maintain confidentiality even after they leave the governing board.
- Any breaches of confidentiality will be managed by the Chair of Governors and/or Head Teacher appropriately.



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Different levels of confidentiality are appropriate for different circumstances:

In the classroom during 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 health education programme in a classroom setting, s/he is working with the same boundaries of confidentiality as a teacher.

One to one disclosures to members of school staff (including voluntary staff).

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

Note: when concerns for a child or young person come to the attention of staff, for example through observation of behaviour, injuries or disclosure, however insignificant this might appear to be, the member of staff should discuss this with one of the Designated Safeguarding Leads as soon as possible and be reported on-Bromcom, along with any information that parents/another adult may report. All concerns must be reported immediately to ensure that any intervention necessary to protect the child is accessed as early as possible. Please see the school Safeguarding Policy.

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 16s). 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.

Contraceptive advice and pregnancy:

The DoH 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 advice to under-16s. The duty of care and confidentiality applies to all under-16s. 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. 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 would be referred on using child protection procedures.

Note: It is the view of Kent Police that they should be informed of cases where a person under the age of 16 discloses sexual activity, which includes sexual intercourse. This is not for the purpose of prosecution, unless that course of action was appropriate, but to enable the Police to share information concerning the parties concerned. The Police are of the view that this information sharing would enable a better assessment as to whether a child was being abused or exploited.

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 Higham 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 DSL (Designated Safeguarding Lead).



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Teachers, counsellor and health professionals:

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.

All staff at Higham Primary School receive safeguarding training annually and it is also part of their induction to the school. They are expected to follow the Safeguarding Policy and procedures. Any concerns should be discussed with the Designated Safeguarding Lead.

Counsellors and Health Professionals:

At Higham Primary School we offer pupils support through Project Salus, the Dog Mentor programme and Early help along with other services when needed organized by the SEN team. In addition, the school nursing service operate a service for parents/pupils. These services are confidential between the counsellor or health professional and the individual pupil. Information is only shared with school staff as defined in the school's child protection policy, and guidance from the Kent Child Protection Committee and Child Protection law. This is essential to maintain the trust needed for these services to meet the needs of our pupils.

Visitors and non-teaching staff:

At Higham Primary School, we expect all non-teaching staff, including voluntary staff, to report any disclosures by pupils or parents/carers, of a concerning personal nature to the Designated Safeguarding Lead 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. This information should also be put on Bromcom, if the person has access to it. The Designated Safeguarding Lead 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. Visitors are given information about these procedures when they sign-in at reception.

Parents/carers:

Higham Primary School believes that it is essential to work in partnership with parents and carers. 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 with staff at school, they will be encouraged to also 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.

Complex cases:

Where there are areas of doubt about the sharing of information, a consultation should be sought with the local KCC Children's Safeguards Service Child Protection Co-ordinator (information in the staffroom or through the Designated Safeguarding Lead).

Links to other school policies and procedures:

This policy is intended to be used in conjunction with our:

PSHE
Relationships and Health Education
Safeguarding
Behaviour
Whistleblowing
KCSIE
GDPR

TYPES OF CONFIDENTIAL INFORMATION

Information that is regarded as confidential can relate to a variety of people, for example:



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- pupil
- parents
- staff/colleagues
- volunteers
- governors
- councillors
- agency staff
- contractors
- job applicants.

And a variety of matters, for example:

- home addresses, telephone numbers, email addresses
- conduct and performance
- performance and development review/performance management
- health/medical
- pay and contracts
- references
- internal minutes, memos etc
- confidential budgetary or policy information
- confidential governing body matters
- other personal information.

These lists are by no means exhaustive but will extend to cover any other information of a sensitive nature relating to employees, pupils, governors and others connected with the school and to the work of the school itself.

POTENTIAL RECIPIENTS OF INFORMATION

Within the course of daily operation, information related to the business or those connected with it, may be requested by, supplied by, or passed to a range of people. This might include:

- internal colleagues (own teachers, support staff, governors)
- colleagues in other schools
- management teams
- pupils
- governors
- clerk to the governors
- councillors
- trade unions/professional associations
- parents
- volunteers
- partner organisations (LA, DfE, Teachers' Pensions, STLS, Take Pride, Project Salus)
- other external organisations
- the public
- the press
- contractors/potential contractors.

Clearly, the sensitivity of the information will be partly dependent upon the recipient/supplier and the manner in which it is transferred.

Particular responsibilities



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- If someone requesting information is not known to staff or governors, particularly in the case of telephone calls, his/her identity and the legitimacy of his/her request should be verified by calling them back. A person with genuine reasons for seeking information will not mind this safety measure.
- It is a requirement under the Data Protection Act and GDPR that action is taken to ensure the validity of any caller even if they state they have a statutory right to the information requested.
- Wherever possible, requests for information should be made in writing e.g. employee references.
- The same principle applies when sending E-mails. Staff should always check that the information is going to the correct person and is marked confidential where appropriate.
- Being known as an employee or governor of the school may mean being asked for information, for instance, by parents about a member of staff or pupil who is off sick. Although this can be awkward, parents must be informed that employees and governors are unable to discuss confidential school matters. Persistent enquiries can be referred to the Headteacher.
- The Data Protection Act refers to the principle of third-party confidentiality. Information relating to, or provided by, a third party should not be released without the written consent of the third party or unless an 'order for disclosure' is made by a court of competent jurisdiction.

Where they are unsure what to do, staff should refer the matter to the Headteacher or line manager for guidance. If governors have any concerns they should speak to the Chair of Governors and/or contact Kent Governor Services for advice.

THE FORM CONFIDENTIAL INFORMATION CAN TAKE

Confidential information can take various forms (mainly electronic) and be held and transmitted in a variety of ways, for example:

- manual records (files)
- computerised records stored on school systems and school back-up systems
- written reports/minutes/agendas/file notes etc
- letters, messages
- telephone calls
- face-to-face
- Email
- Intranet/Internet.

The methods of acquiring information can also vary. Individuals and groups may become aware of confidential information in the following ways:

- access is gained as part of the employee's day to day work
- information is supplied openly by an external third party
- employees may inadvertently become aware of information
- information may be disclosed.

Responsibilities

- Employees and governors should be aware that they may have disclosed to them sensitive information in the course of their work or outside. In some circumstances the individual may request that the information remains confidential.
- Staff and governors will also need to be aware that they may be obliged to disclose certain information e.g. relating to child protection issues and should make it clear to the individual either that confidentiality cannot be guaranteed and/or direct them to a more appropriate officer or decline to receive the information.



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Employees should use their discretion regarding these matters, should refer to appropriate procedures and, if in doubt, should seek advice from the Headteacher or line manager.

If the governors or the clerk have any concerns, they should speak to the Headteacher and/or the Chair of Governors or contact Kent Governor Services for advice.

RESPONSIBILITY OF INDIVIDUALS IN POSSESSION OF SENSITIVE INFORMATION

Generally, all information received in the course of employment, or whilst being a governor, no matter how it is received, should be regarded as sensitive and confidential.

While it is often necessary to share such information, in doing so, employees and governors should consider the following key points.

- The nature of the information:
 - how sensitive is the information?
 - how did it come to your attention?
- The appropriate audience:
 - who does the information need to be shared with?
 - for what purpose?
 - who is the information being copied to? Why?
 - does restriction of access need to be passed on to your audience?
 - Should the information being passed on by email be password protected?
- The most appropriate method of communication:
 - verbal
 - written
 - email
 - in person.
- The potential consequences of inappropriate communication.

It is also an individual employee's responsibility, as well as individual governors and the clerk, to safeguard sensitive information in their possession.

Particular Responsibilities:

- Sensitive information should be kept secure.
 - Filing cabinets should be kept locked when unattended.
 - Sensitive information should not be left on desks or the photocopier/printer.
 - Papers should not be left lying around at home or in the car. If confidential materials or paperwork are taken out of the office, precautions must be taken to ensure they are not accessible to third parties.
 - Laptops must not be left unattended in the car overnight or for long periods of time.
 - Staff are responsible for the information stored on laptops and should take the necessary measures to do all they can to keep that information safe.
 - Appropriate steps should be taken to keep track of files which are being worked on i.e. a record of the date sent and the recipient's name and position.
 - If it is necessary to supply personal files through the external mail, this must be effected by recorded delivery.
 - Copies of emails (where required) should be stored securely.
 - Steps should be taken to ensure that private/confidential telephone calls/conversations are not overheard.
 - Meetings where sensitive or confidential information is being discussed should be held in a secure environment.
 - Confidential paperwork should be disposed of correctly either by shredding it or using the confidential waste facility.
 - Personal data should not be used for training or demonstration purposes where fictional data can be used.



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- Information kept off the school site (e.g. by governors or the clerk) must be given the same measure of security as if it were on the school site.
- If a change of role or an employee ceases employment at the school all information kept at home must be returned to the school by the date of termination of employment.
- Staff should report breach of confidentiality immediately to the Finance Officer who in turn will take advice from the DPO.
- Computer data should not be left exposed to others' view when unattended.
 - Screen savers should be used when computers are unattended.
 - All staff should log out when leaving their laptop/desktop computer unattended.
 - Desktop computers should be switched off when leaving the office.
 - If laptops are to remain in school overnight, they will be stored in a locked cupboard and the key safely secured.
- Computer files should be kept securely.
 - Passwords should be used, and these should not be disclosed to colleagues unless absolutely necessary.
 - Sensitive data should not be stored on public folders.
 - Staff should be familiar with the security of email/internet systems.
 - Access to individual's computers should be restricted.
 - Any user IDs and passwords used for the Internet should remain confidential.
 - All work carried out on a computer should be stored safely
 - Desktop computers and laptops should be backed up regularly and not solely saved to the hard disk.
- A variety of phrases may be used on correspondence to denote confidentiality. As a general rule:
 - Post marked '**personal**' or '**for the attention of the addressee only**' should only be opened by the addressee personally;
 - Post marked '**private**' and/or '**confidential**' may be opened by those responsible for distributing post within the school.
- Confidential mail which is then forwarded internally should continue to carry a confidential tag.

Particular Responsibilities

- Employees and governors should have regard to potential difficulties which may arise as a result of discussions outside school. While it is natural (and indeed can be therapeutic) to talk about work at home or socially, staff and governors should be cautious about discussing specific and sensitive matters and should take steps to ensure that information is not passed on. Staff and governors should be particularly aware that many people will have a direct interest in education and schools and even the closest of friends may inadvertently use information gleaned through casual discussion.
- Personal (e.g. home addresses, telephone numbers, email addresses) and work-related information (e.g. salary details, medical details) relating to individuals, should not be disclosed to third parties except where the individual has given their express permission (e.g. where they are key holders) or where this is necessary to the particular work being undertaken, e.g. it is necessary for an individual to be written to.
- Line Managers should comply with the procedures for the storage and sharing of information relating to individuals' Performance Management Appraisal Reviews.
- Personal and case files should not normally be shared with third parties other than line managers and those responsible for writing references. Exceptions may apply in the case of legal proceedings.

Employees should use their discretion in these matters and if in doubt, should seek advice from their Headteacher.

THE CONSEQUENCES OF REVEALING CONFIDENTIAL INFORMATION WITHOUT AUTHORITY



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Staff and governors should ensure that they are familiar with the Confidentiality Policy and related policies. While there is an expectation that staff will use their professional discretion in applying the Policy, they should always seek advice from the Headteacher and other line managers where they are unsure.

Staff should be aware that serious breaches of the Policy may result in disciplinary action being taken. The severity of the sanction will be assessed with regard to the potential harm the disclosure will have caused to the individual concerned. Some breaches of confidentiality could be regarded as potential serious or gross misconduct, which could result in dismissal.

Governors should be aware that serious breaches of the Policy may result in disciplinary action being taken. Some breaches of confidentiality could be regarded as very serious if the governor is in breach of his/her duty of confidentiality or to the staff or to the pupils. The governing body, under these circumstances, may suspend the governor for a period of up to six months.

Name _____

I certify that I have read, understood and agree to comply with this confidentiality policy.

Signed _____ Date _____