

THE SHROPSHIRE GATEWAY EDUCATIONAL TRUST
Confidentiality Policy

Consultation	Local Governing Bodies
Review Cycle	3 Years
Date Approved	July 2016
Approved By	SGET Board of Directors
Next Review Date	July 2019

1.0 Introduction

The Trust recognises that it has a legal duty under section 175 Education Act 2002 to work with other agencies in safeguarding children and protecting them from “*significant harm*”.

It recognises that a clear confidentiality policy will support the school in meeting the Every Child Matters outcomes of “be healthy” and “stay safe”.

2.0 Aim

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.

3.0 Principles

Staff seek to adopt an open and accepting attitude towards children and young people as part of their general responsibility for pastoral care.

Staff hope that parents and children will feel free to talk about any concerns or worries which may affect educational progress and that they will see the school as a safe place if there are any difficulties at home.

All children have a right to the same level of confidentiality irrespective of gender, race, religion, medical concerns and special educational needs.

The Trust recognises the following benefits of working to a confidentiality policy:

- It highlights the importance of pupils being able to talk to adults in a school and 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 pupils and staff.
- It empowers each pupil to exercise control over the choices that will affect their life.
- Sharing information unnecessarily is an erosion of trust.
- It prevents the need to deal with each disclosure as a crisis in isolation. (See guidance on school specific information 1 – Appendix 1)

4.0 Definition

Confidentiality is an understanding that any information shared with someone in trust can only be passed on to a third party with the agreement of the person disclosing it. **Please note, in this policy, a 'disclosure' is the sharing of any private/personal information. It is a general term and does not just relate to child protection issues.**

5.0 Limits of confidentiality

Staff, pupils, parents/carers will be informed about the limits of confidentiality. Some issues have to be shared with other people/agencies e.g. child protection.

Pupils 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.

The Trust recognises that confidential discussions need to take place in a confidential environment. Public places such as the staffroom, the classroom and the playground are not, in general confidential environments.

Parents/carers and pupils have the right to view educational records upon written request. It is therefore not possible to guarantee the confidentiality of recorded information (see – Recording of information in Supporting Information).

6.0 Staff are required to pass on confidential information in the following circumstances:

- Child protection
- Where there is risk of serious harm or threat to life
- Where a pupil needs urgent medical treatment
- Where potential or actual serious crime (e.g. murder, rape) is involved

7.0 Responsibilities to parents/carers

- Members of staff are not legally obliged to inform parents/carers in many instances when personal information has been disclosed. (See Guidance on school specific information 3 – Appendix 1).
- Where it is believed that the pupil may be at emotional or physical risk, or in breach of the law, staff will ensure that the pupil is aware of the risks they face.
- Staff will encourage the pupil to inform and seek support from their parents/carers.
- In most cases information provided by a pupil will only be passed to their parents/carers with the pupil's consent.
- When the school chooses to inform parents/carers it will only be done if it is in the best interests of the child.

8.0 Illegal activity

- Members of staff are not obliged to inform the police on most matters relating to illegal activity e.g. illegal drugs activity, assaults
- In the case of illegal activity, the school will discuss the possible consequences with the pupil and seek the course of action with the most positive outcomes for the pupil.

9.0 Staff Roles and Responsibilities

All staff (teaching and non-teaching staff) will be made aware of the confidentiality policy and their entitlement to training and support in its implementation.

Staff will be made aware of the policy through the Induction process.

Staff can seek advice and support for themselves when dealing with a disclosure whilst keeping the individual's identity anonymous. Schools will maintain an up-to-date list of appropriate contacts for staff so that they can seek support. This will be available from the designated members of staff for child protection at each school.

It will include the following external agencies and LEA support:

LEA area teams	
Child protection	- lead officer for child protection in Local Authority
Drugs and alcohol	- Schools drugs advisor,
Pregnancy	- Teenage Pregnancy Unit
Sexual health	- SRE Advisor, - School Nursing Service
Crime/anti-social behaviour	- Police Young Persons Officer, Enhance.

10. Working with External Agencies

Anyone working with pupils from one of the Trust's schools on particularly sensitive areas of the curriculum needs to be made aware of the school's confidentiality policy.

School staff and staff from external agencies will establish at the beginning of lessons, when dealing with potentially sensitive topics, that it is inappropriate to disclose personal information during the lesson. Ground rules need to be agreed which ensure individuals do not pressure one another to answer questions about their own experiences.

Staff will outline the sources of support available to any pupil who may wish to discuss the topics and/or their feelings further on a one-to-one basis.

This Trust acknowledges and supports the differences between the role of any non-school staff as educators, and as providers of information and support to pupils. The boundaries between these roles will be clarified and agreed prior to involvement. Any distinctions in terms of confidentiality need to be made clear to pupils.

11. Recording Information (See Supporting Information)

Pupils and their parents/carers have a right to gain access to processed information upon written request.

Agencies such as the Police and Social Services Dept. may be able to get a court order to gain access to processed information, which the school deems confidential. This can also include the Local Authority's legal department and insurers, as well as other solicitors e.g. in custody cases.

Any information recorded about a pupil will be written in a way that assumes it will be read by either the subject or their parents/carers.

In order to comply with the Lord Chancellor's Code of Practice on the Management of Records (issued under section 46 of the Freedom of Information Act 2000), any processed information will be stored in accordance with the Schools Record Management Systems.

12. Monitoring and Evaluation

The policy will be reviewed after each significant disclosure to ensure that the policy and procedures work appropriately.

Schools will ensure that pupils will be consulted with during the review process.

13. Communicating the Policy

The policy will be communicated to all school staff, trustees, parents/carers, partner agencies and relevant visitors.

The policy will be listed on the school's publication scheme (Freedom of Information Act 2000).

Appendix I – Cleve Hill Community Academy

Appendix ii – Cleobury Mortimer Primary School

Appendix iii – Lacon Childe School

This school will provide opportunities for its pupils to access confidential support on school premises by the use of the weekly CHAT service and through liaison with external agencies as necessary. This will generally be organised by a designated member of staff for child protection.

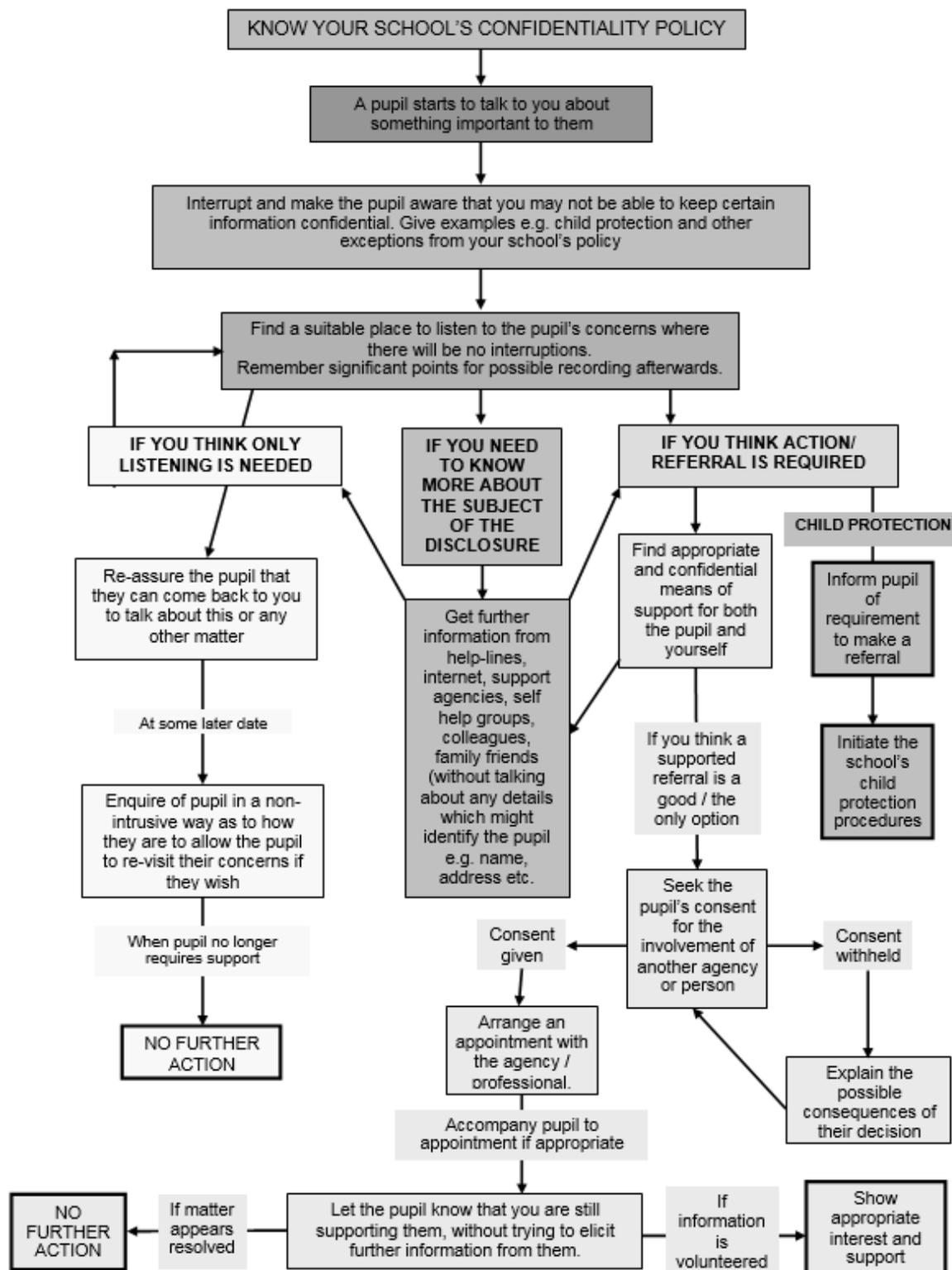
The policy will be included in the staff handbook.

The flow chart for how to deal with confidential disclosures will be displayed on appropriate staff room notice board(s).

A pupil friendly version of the policy will be produced with the help of pupils and made available to pupils. All students will be made aware of its existence, its content and how it might affect them.

Appendix iv - Stottesdon

Appendix v – Disclosure of Confidential Information Flow Chart



Appendix vi - Six Key Points on Information Sharing

You should explain to children, young people and families at the outset, openly and honestly, what and how information will, or could be shared and why, and seek their agreement. The exception to this is where to do so would put that child, young person or others at increased risk of significant harm or an adult at risk of serious harm, or if it would undermine the prevention, detection or prosecution of a serious crime (see glossary for definition) including where seeking consent might lead to interference with any potential investigation.

You must always consider the safety and welfare of a child or young person when making decisions on whether to share information about them. Where there is concern that the child may be suffering or is at risk of suffering significant harm, the child's safety and welfare must be the overriding consideration.

You should, where possible, respect the wishes of children, young people or families who do not consent to share confidential information. You may still share information, if in your judgement on the facts of the case, there is sufficient need to override that lack of consent.

You should seek advice where you are in doubt, especially where your doubt relates to a concern about possible significant harm to a child or serious harm to others.

You should ensure that the information you share is accurate and up-to-date, necessary for the purpose for which you are sharing it, shared only with those people who need to see it and shared securely.

You should always record the reasons for your decision – whether it is to share information or not.

Appendix vii - Guidance on School Specific Information

Examples of where a confidentiality policy might be of use:

- a pupil knows someone who is bullying others at the school but is unsure about whether or not to tell
- a pupil starts sharing something very personal in a classroom situation
- a school uses staff or peers as a support system for pupils e.g. listening, befriending
- a pupil tells a member of staff that they are pregnant or sexually active
- a pupil informs a lunchtime supervisor that their Dad is hitting their Mum
- a pupil talks to a member of staff about their knowledge of a crime e.g. shoplifting, assault

Exceptions to confidentiality

Likely exceptions requiring consideration by the school might include:-

- where there is risk of serious harm or threat to life
- where a pupil needs urgent medical treatment
- where potential or actual serious crime (e.g. murder, rape) is involved
- where safeguarding national security is involved e.g. terrorism

This must be consistent with other policies e.g. managing drug related incidents.

Age-related considerations

Confidentiality issues need to take into consideration the differing abilities of pupils to understand the consequences of their choices. This understanding depends on the level of maturity of each individual, but there may be some correlation to their age.

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/her life depends on him/her having "sufficient understanding and intelligence to be capable of making up his/her own mind".

Before sharing any disclosed information with parents/carers, schools need to either obtain the consent of the pupil or consider the possible consequences of sharing the information, taking into account knowledge of family circumstances. This will need to be done on a case by case basis.

Appendix viii - Equality impact assessment screening form

Section one: screening for impact				
Name of policy		SGET Confidentiality Policy		
Project lead completing assessment:		Matt Hayes		
Position:		Business Manager		
1. What is the main purpose of the strategy/project/policy?				
2. Who will be the main stakeholders/users of the policy? Please consider the impact of the policy on the different groups of stakeholder /users.				
3. Use the table to show:				
<ul style="list-style-type: none"> ■ Where you think that the policy could have a negative impact on any of the equality strands, that is, it could disadvantage them – if no impact please note the evidence for this. ■ Where you think that the strategy/project/policy could have a positive impact on any of the groups or contribute to promoting equality, equal opportunities or improving relationships within equality characteristics. 				
	Positive impact	Negative impact	No impact	Reason and evidence (provide details of specific groups affected even for no impact)
Age				
Disability				



Gender				
Gender identity				
Sexual orientation				
Race				
Religion or belief				

4. If you have indicated there is a negative impact on any group, is that impact:		
Legal? (not discriminatory under anti-discriminatory legislation)	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Intended?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Level of impact?	High <input type="checkbox"/>	Low <input type="checkbox"/>
If the negative impact is possibly discriminatory and not intended and/or of high impact you must complete a full equality impact assessment. If not, complete the rest of section one below.		
5. Could you minimise or remove any negative impact that is of low significance? Could you add any additional action to have a positive impact rather than no impact?		
Policy can be available in large print or different language if required; however, it is not considered that this will make any material difference.		
6. If there is no evidence that the strategy, project or policy promotes equality, equal opportunities or improved relations – could it be adapted so that it does? If so, explain how.		
7. Please list the outcome following this equality impact assessment (this could be no changes, some changes, further work needed around particular groups or cease development of the policy).		
Policy can be available in large print or different language if required; however, it is not considered that this will make any material difference.		
Signed:	Date:	