

KING EDWARD VII SCHOOL POLICY



Confidentiality Policy

Document Adopted by Governing Body

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The School has developed a Confidentiality Policy to protect the interests of students and staff. Confidentiality can be a sensitive and complex area.

The Policy attached here sets out the details of how staff are required to respect confidentiality and how they should deal with information. The Policy should be read in conjunction with the Safeguarding and Child Protection Policy.

All members of staff are reminded that parents/carers and in some circumstances students 18 have a right of access to their own personal file, held by the School.

Members of staff also have a right of access to their files.

The Confidentiality Policy should be read in conjunction with the ICT Acceptable Use Policy and the Social Media Policy.

Introduction

- The safety, well-being and protection of our students are the paramount consideration in all decisions staff at King Edward VII School make about Confidentiality. The appropriate sharing of information between school staff is an essential element in ensuring our students' well-being and safety.
- It is an essential part of the ethos of our school that trust is established to enable students, staff, and parents or carers to seek help and support if the need arises.
- Students, staff and parents or carers need to be aware of the policy on Confidentiality in order to feel safe and comfortable in discussing personal issues and concerns.
- Issues concerning sensitive personal information can arise at any time and without warning. This policy is an essential element in ensuring a suitable response to such issues.
- All members of the school community need to accept that there can be no guarantee of absolute confidentiality and to understand the limits of confidentiality that can be offered by individuals within the school community.
- It is essential that all staff, and those who have contact with the school, respect confidentiality and privacy but should not use it as an excuse not to take appropriate action when required.
- All staff, including those from external agencies or visitors working with students as part of the curriculum or the School's pastoral support procedures, should be aware of this policy. It is equally important that students and parents or carers are aware of it. It is of particular importance to pastoral staff and to those involved with the Personal, Social and Health Education programme. The policy sets out guidance for all staff about information about a student which they can regard as confidential and which they cannot.
- All who have contact with students at King Edward VII School, in whatever context, must abide by this policy.

Procedures for confidentiality within the school

1. Members of staff cannot offer students or their parents blanket or unconditional confidentiality. ***The law will in certain circumstances mandate disclosure of confidential information.***
2. Any information of a sensitive nature which a student discloses to a member of staff or visitor should not be passed on to other colleagues indiscriminately but should only be communicated on a "need to know" basis. This may include

information about family circumstances, other students and their families, health, bereavement, legal matters or employment.

3. "Need to know" means that another member of staff **or a professional adviser to the School (e.g. doctor or lawyer)** may need to be aware of the information in the best interests, safety and well-being of the student. The decision to pass on information requires the individual adult to make a judgement **and in passing on that information to make it clear to the recipient that this information is being passed on a "need to know basis" and is not for general circulation.** The School wishes to promote appropriate professional communication but to avoid "loose talk". Information may be communicated in spoken or written form. **In the case of spoken communication, it should be undertaken only where it can avoid being overheard. Particular care should be taken by staff using radio (walkie talkie) communications. In the case of written communication, this should be through a secure form and clearly marked 'confidential'. Members of staff should be particularly careful of e-mailing anything routed through an unsecure external server. E-mailing confidential or sensitive material to home addresses is not allowed.** . Members of staff will need to use their judgement about when further communication of information becomes essential.
4. All members of staff need to be aware that written communication (including e-mail) may be subject to scrutiny at a later date.
5. Any information concerning a student's behaviour or conduct that is likely to cause harm to themselves (for example information about self-harming or alcohol or substance abuse) or to others (for example information about the intention to assault another student or to commit a crime) should be passed on to Year Leaders in the first instance. Year Leaders will decide who also needs to be informed and advise on action to be taken.
6. Where a student discloses information about physical or sexual abuse, sexual exploitation, neglect or emotional abuse (whether about him or herself or about another student or child in the family), being exposed to domestic violence, being at risk of female genital mutilation, or if a member of staff believes that a child may be suffering, or may be at risk of suffering significant harm, the member of staff or visitor must follow the School's **Safeguarding and Child Protection Policy** available on the network.
7. When embarking on a lesson or programme of lessons that may well touch on sensitive or controversial issues teachers should clarify with their students the issue of confidentiality. These lessons will not exclusively be in PSHE but might also occur in English, Science or other subjects. An unrealistic confidentiality agreement should not be offered to students. The classroom is a public place and confidentiality cannot be offered. However, teachers should establish ground rules with their teaching groups in order to avoid inappropriate questions and answers in class or in group sessions which may lead to personal disclosures. Teachers should ensure that students understand these rules when working with other staff and external contributors and visitors. Staff are welcome to seek advice and support on ground rules and distancing techniques from Carol Perry, Curriculum Leader for PSHE. If a personal disclosure is made in a lesson, then the teacher should explain that such information can and should be kept confidential within the

classroom but that some information may need to be passed on to colleagues, and that it may well be in the best interests of the student to do so.

8. If a personal disclosure is made in a private situation then the member of staff should follow the guidance contained in this policy. This may involve deciding whether there is a Child Protection dimension, in which case the Safeguarding and Child Protection Policy and Integrated Practice Policy must be followed. As stated above, complete confidentiality cannot be guaranteed. This should be explained to the student if the information being disclosed or which may be disclosed touches on areas where someone else may need to know. If such disclosed information is to be passed on, the student should be told of this, know who the information will be passed on to and why. The student should also be reassured that they will be offered appropriate support.
9. If the disclosure involves illegal activity but is *not* of a Child Protection nature (for example, information about dealing in drugs), the School will act in the best interests of the student and the wider school community. Members of staff should avoid being compromised by such disclosures and make clear to the student that the information will have to be discussed with the Key Stage Leader or Pastoral Manager.
10. Where an external agency or support worker is working in the School offering specific advice and support directly to individual students, then their professional code of confidentiality will be shared with the School; any deviation from the School's policy will be agreed formally with the School and shared with the students concerned. In all Child Protection matters, the School's policy will prevail. Parents will be informed if such agencies are working in the School, or using the school's premises to make contact with students at lunch-times or after school, to offer them professional advice and support on a range of issues if such agencies are not bound by the School's confidentiality policy but by their own professional codes on confidentiality, for example on health and medical matters.
11. If such a visitor is working in the School and following a different code of confidentiality in line with their professional protocols, members of staff may wish to refer pupils to them. Students and parents will be informed of any referral procedures related to this within the School.
12. Members of staff are ***only legally obliged to pass information about students to their parents when a parent with parental responsibility makes a formal application under the relevant Data Protection legislation and even in such a case, an exemption to this disclosure may exist in circumstances where the release of the personal data will harm the child or any other person.*** It is our policy to encourage an open exchange of information between parents and their children and to avoid a culture of secrecy wherever possible. However, there are circumstances in which the School may have to deal with sensitive information without parental knowledge, for example, where a student has confided information about their sexual activity. If a member of staff believes a student to be in moral or physical risk, or in breach of the law, they must ensure that the student is aware of the risks and encourage him or her to tell his or her parents and seek support from them. Members of staff should be aware that there may be occasions when informing parents exposes students to great risk and this always needs to

be considered. In difficult situations such as these a senior member of staff should always be consulted before parents are contacted.

13. Students should also be informed about sources of confidential help e.g. the school nurse, other local advice and support services, the Youth Service Counselling Unit, their GP.

Conclusion

A number of considerations inform this policy. The over-riding concern is the well-being of our students. However, the Data Protection legislation and the Human Rights Act also influence confidentiality policies. ***The Freedom of Information Act 2000 allows for wider third party access to personal data subject to tests set out in the Act.*** In the normal life of the School a vast amount of information is communicated to aid the day-to-day operation of the School. This policy addresses those areas where a judgement has to be made and a balance struck about the nature and significance of the information in question and the implications of preserving maximum confidentiality whilst ensuring the proper safeguarding of the individual. It is the responsibility of each member of staff to ensure that the discourse about students and the communication of information follows this policy and represents the best professional practice.

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