Lady Joanna Thornhill (Endowed) Primary School

Confidentiality Policy

Learning for the Head, Heart and Hand

We want to ensure your needs are met. If you would like this document in any other format, please contact us: office@ladyj.kent.sch.uk

Reviewed	**November 2024**
Date of next review	**November 2026**
Reviewed by	**Rachael Foster**
Co-chairs of Governors	**Ellie Brown & James Coumbe**

(This policy will be reviewed every two years or following any updates to national and local guidance and procedures).

Article 16 – 'Every child has the right to privacy'
Article 3 – 'Adults must do what is best for me'

Rationale

The safety, well-being and protection of our children 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 children's well-being and safety. It is an essential part of the ethos of our school that trust is established to enable children, 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 children and staff are supported and safe.

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 around Safeguarding concerns. This means that 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. The school's Child Protection Policy clearly states protocol relating to safeguarding.

Aims

- To foster an ethos of trust within the school.
- To reassure pupils that their best interests will be maintained.
- To encourage children to talk to their parents and carers.
- To ensure that confidentiality is a whole school issue and that ground rules are set for the protection of all.
- To provide consistent messages in school about handling information about children and their families once it has been received.
- To ensure that staff, parents and pupils are aware of the school's confidentiality policy and procedures.
- To ensure that pupils and parents/carers know that school staff cannot offer unconditional confidentiality.
- To ensure that there is equality of provision and access for all including rigorous monitoring of cultural, gender and special educational needs.
- To ensure that if there are child protection issues then the correct procedure is followed.
- To understand that health professionals have their own code of conduct.
- To ensure that parents have a right of access to any records the school may hold on their child - but not of any child for whom they have no parental responsibility.

Introduction

Working or volunteering 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, including temporary, voluntary, and agency staff.

Staff should also have regard to relevant aspects of the following policies where these have been adopted by the Governing Body and to the requirements of the Data Protection Act and Child Protection Procedures including:

- Code of Conduct.
- Child Protection Policy
- Public Information Disclosure Act (Whistleblowers).
- Online Safety Policy.
- Acceptable Use Policy.
- RSE policy
- GDPR

Confidentiality at Lady Joanna Thornhill (Endowed) Primary School

In practice at Lady Joanna Thornhill (Endowed) Primary School, there are few situations where absolute confidentiality is offered. We have tried to strike a balance between ensuring the safety, well-being and protection of our children and staff, ensuring there is an ethos of trust where children and staff can ask for help when they need it and ensuring that when it is essential to share personal information child protection issues and good practice is 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 that there are limits to confidentiality, at the beginning of the conversation. These limits relate to ensuring children's safety and well-being.
The child 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.

Different levels of confidentiality are appropriate for different circumstances.

1. **In the classroom in the course of 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 children 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.

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2. **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 children and parents/carers (see note below) 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 and from other agencies, where appropriate. All staff at this school encourage children 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. That is, that when concerns for a child or young person come to the attention of staff, for example through observation of behaviour or injuries or disclosure, however insignificant this might appear to be, the member of staff should discuss this with the Designated Safeguarding Lead as soon as is practically possible. More serious 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 Child Protection Policy.

The legal position for school staff:

School staff (including non-teaching and voluntary staff) should never promise confidentiality. Children 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 are the paramount consideration in all decisions staff at this school make about confidentiality.

School staff are NOT obliged to break confidentiality except where safeguarding issues arise; at Lady Joanna Thornhill (Endowed) Primary School we believe it is important staff are able to share their concerns about children 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 children's safety and wellbeing is maintained.

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 safeguarding issues.

All teachers at this school receive basic training in child protection and safeguarding as part of their induction to this school and are expected to follow the schools' safeguarding policies and procedures and external agencies have their own procedures for confidentiality which are shared in contracting.

Governors

Governors need to be mindful that from time to time issues are discussed or brought to their attention about staff and children. Governors must observe complete confidentiality, especially in relation to

matters concerning individual staff, pupils or parents. Expectations are set out in the Governor Code of Conduct, which is reviewed and signed by Governors annually.

Although decisions reached at Governors' meetings are normally made public through the minutes available from the school office, 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. Confidential items are recorded separately and when needed for checking are emailed by the Clerk through the secure school email system.

Visitors and non-teaching staff:

At Lady Joanna Thornhill (Endowed) Primary School, we expect all support staff, including voluntary staff, to report any disclosures by children or parents/carers, of a concerning personal nature, to the Designated Child Protection Officer as soon as possible after the disclosure and on the appropriate forms. This is to ensure the safety, protection and well-being of all our children and staff. The Designated Safeguarding Lead will decide what, if any, further action needs to be taken, both to ensure the children get the help and support they need and that the member of staff also gets the support and supervision they need.

Parents/carers:

Lady Joanna Thornhill (Endowed) 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 children can share any concerns and ask for help when they need it. Where a pupil does discuss a difficult personal matter with staff at Lady Joanna Thornhill (Endowed) Primary School, they will be encouraged to also discuss the matter with their Parent or Carer themselves.

Complex cases:

Where there are areas of doubt about the sharing of information, staff can seek a consultation with the Front Door for safeguarding. 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.

Types of confidential information

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

- pupils;
- parents/carers;
- staff/colleagues;
- governors;
- job applicants.

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And a variety of matters, for example:

- home addresses and telephone numbers;
- conduct and performance;
- performance and development review/performance management;
- health/medical;
- pay and contracts;
- references;
- internal minutes, memos etc;
- confidential budgetary or policy information;
- 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 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;
- trade unions/professional associations;
- parents;
- partner organisations (LA, DfE, Teachers' Pensions);
- 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.

Electronic Transfer of data

Appropriate procedures and protocols are always followed to ensure safe and secure transfer of pupil, staff, family, and school data between Lady Joanna and agencies and other schools.

Database transfer software is password-protected or CPOMS is used to transfer safeguarding files from school to school.

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Ground rules to be used in lessons

We adopt ground rules to ensure a safe environment for teaching, in particular in PSHE lessons, RSE and Science. This reduces anxiety to pupils and staff and minimises unconsidered, unintended personal disclosures. At the beginning of each PSHE lesson/circle time, pupils are reminded of the ground rules by the teacher or outside visitor.

- We won't ask each other or the teacher any personal questions
- We will respect each other and not laugh, tease or hurt others
- We won't say things we want to keep confidential
- We can pass or opt out of something if it makes us feel uncomfortable
- If we do find out things about other pupils, which are personal and private, we won't talk about it outside the lesson, but if we are worried about someone else's safety we tell a teacher

When confidentiality should be broken and procedures for doing this:

- See the Child Protection Policy – generally any situation where the health, well-being or safety of a child are in question.
- Where this does not apply and you are still concerned and unsure of whether the information should be passed on or other action taken you should speak to a member of the Senior Leader Team.
- If the Headteacher/other Designated Safeguarding Lead issues instructions that s/he should be kept informed, all staff must comply. There is always a good reason for this, which you may not know about.

Principles of confidential discussion:

- Ensure the time and place for a discussion are appropriate. When they are not, we reassure the child that we understand that they need to discuss something very important and that it warrants time, space and privacy. See the child normally (and always in cases of neglect, or abuse) before the end of the school day. More serious concerns must be reported immediately to ensure that any intervention necessary to protect the child is accessed as early as possible.

  Tell the child we cannot guarantee confidentiality if we think they will:
- hurt themselves
- hurt someone else or they tell us that someone is hurting them or others
- Do not interrogate the child or ask leading questions.
- Do not put children in the position of having to repeat distressing matters to several people but we will inform the pupil first before any confidential information is shared, with the reasons for this.
- Encourage the pupil, whenever possible and appropriate, to confide in his/her own parents/carers

Support for staff

Staff may have support needs themselves in dealing with some of the personal issues of our pupils. At Lady Joanna Thornhill (Endowed) Primary School we prefer you to ask for help rather than possibly making a poor decision because you don't have all the facts or the necessary training, or taking worries

about pupils home with you. There are many agencies we can refer pupils to who need additional support and we have procedures to ensure this happens. We all work together as part of a team to support our pupils and asking for help is a way we ensure certain staff have supervision sessions (Parent Pupil Mentor, EYFS team) to support them.

Onward referral

The Inclusion Manager, the Parent Pupil Mentor or any Designated Safeguarding Lead (DSL) is normally responsible for referring pupils to the school counselling services and to outside agencies from the school. If there is an emergency safeguarding concern, following a discussion, and either she or the other DSLs are unavailable, advice should be sort from the Area Safeguarding Officer and/or the Central Duty Team (contact details in the staffroom/toilet).

Dissemination and implementation:

- This policy has been distributed to all staff.
- All visitors are given summarised information when signing-in in reception.
- This policy forms part of the induction process of new staff.