

Confidentiality Policy

Aims and Objectives

Aim

To ensure that all members of the school community understand their respective roles in relation to confidentiality and the level of confidentiality they can expect themselves.

Objectives

- for everyone to understand the varying levels of confidentiality which might be offered in different circumstances
- To provide a clear and consistent message for pupils, staff, parents & carers and visitors about confidentiality in school.
- To provide guidance about who needs to know what – in particular instances.
- To respect every individuals right to privacy
- To be transparent about the process for developing and reviewing this policy

Context

In light of recent developments such as The Children’s Act (2004), Ofsted Self Evaluation, School based Health Services, Information sharing, the Common Assessment Framework for vulnerable young people and the Healthy Schools status, it is becoming increasingly important for schools and educational settings to have a comprehensive confidentiality policy.

Definition

For the purpose of this document, confidentiality may be defined as

“when a person(s) receives information, that information is kept private and not shared or disclosed without the consent of the person(s) they have received it from”

The term information may be used to refer to any form of information; such as personal information, data or knowledge, (this includes names, addresses or images from which an individual can be identified) and applies to all children, young people and adults within the school.

Sensitive information relates to a person’s racial or ethnic group, political opinion, religious or other beliefs, trade union membership, physical or mental health, sexuality, criminal convictions or proceedings.

Common Law Duty of Confidentiality

The common law duty of confidentiality is explained in more detail in the Government guidance *Sharing information: practitioners’ guide* (refer to sections 3.6 to 3.12). The common law provides that where there is a confidential relationship, the person receiving the confidential information is under a duty not to pass on the information to a third party. However, the duty is not absolute and information can be shared without breaching the common law duty if:

- the information is not confidential in nature; or
- the person to whom the duty is owed has given explicit consent; or
- there is an overriding public interest in disclosure; or
- sharing is required by a court order or other legal obligation.

Information sharing: Further guidance on legal Issues (Crown copyright 2006)

Policy Development and Communication

National guidance

This policy has been written building upon work earlier work developed in The Learning Trust's (The Schools Plus Team) Pulling it Together (Feb 2007) guidance booklet.

Consultation of the Policy

The wider school community were consulted prior to the release of the policy. The following groups were consulted:

- Pupils (via the school shura council)
- Teachers
- Governors

Parents are encouraged to comment on the policy, by leaving feedback at the school office or by emailing the school directly.

Where and to Whom Policy Applies

The policy refers to:

- all members of the school community; teaching and non-teaching staff employed by the school and pupils
- school governors
- all visiting staff working with children and young people on the school site during the day staff from external agencies on the school site, e.g. school nurses, Connexions, Voluntary organisations. The Key points of the Confidentiality Policy for External visitors will be attached at the front on the Visitors book. External staff will be expected to read and acknowledge the document before contact with the pupils.

The Trusts intention and aims is to strike a balance between encouraging openness, avoiding secrecy and bureaucracy, and ensuring that an individual's right to privacy is respected.

Unauthorised Access

The Trust and its staff will not gain or attempt to gain information that they are not authorised to have.

School staff will be under a contractual obligation to uphold the school's policy on confidentiality as with all other school policies. Failure to comply with such a policy would result in the likelihood of disciplinary procedures being instigated.

Staff Support and Training

All staff need to be familiar with the school confidentiality policy and may need support for themselves in handling sensitive information.

The following members of staff can offer support to staff.

- M S Adia (Child protection lead practitioner)
- Usman Mapara (Head Teacher)

- Yahya Rawat (Deputy Head)

Staff will also receive relevant training related to this policy via:

- INSET training (via staff meeting)
- Induction of new staff

Data Protection Principles

All school staff should be mindful and aware of their responsibilities under the Data Protection Act 1998 and its Data Protection Principles when dealing with individuals data:

- Process personal data fairly and lawfully
- Do not process data in a manner incompatible with the purpose for which they were obtained
- Ensure personal data are adequate, relevant and not excessive
- Ensure personal data are accurate and, where necessary, up to date
- Ensure that personal data are not kept for longer than necessary
- Process personal data in accordance with the individual's rights
- Keep personal data secure

Policy and Procedures

All School Staff Members: Confidentiality and Pupils

All school staff should:

- Understand the school's policy in relation to confidentiality and know that they can not offer unconditional confidentiality to pupils. However, they should offer confidentiality to pupils where possible
- Understand the boundaries agreed by the school in relation to sensitive issues
- Be aware that an unrealistic confidentiality agreement should not be offered to pupils. The classroom is a public place and confidentiality cannot be offered. However, teachers should establish ground rules with their teaching groups and use distancing techniques in order to avoid inappropriate questions and answers in class or in group sessions that may lead to personal disclosures.
- Know the procedure for recording and reporting disclosures and the nature of access to this information (refer also to the Child Protection Policy)

The school should ensure that pupils:

- Are made aware of the existence of this policy, its content and how it might affect them
- Know that teachers can not offer unconditional confidentiality
- Are reassured that their best interests are maintained
- Know that if confidentiality has to be broken, they will be informed before this occurs and then supported as appropriate
- Are encouraged to talk to their parents or carers
- Are informed of alternative sources of confidential help and advice. For example GP or other local support and advice services
- Are given opportunities to agree ground rules for lessons where sensitive issues may arise. Ground rules should be behaviour focused and implementation needs to be consistent.

Staff and pupils should be aware of opportunities when they are able to talk in confidence and be referred to services within or outside of school, including websites and help lines.

The School Counsellor/Welfare Officer: Confidentiality and Pupils

The school counsellor cannot offer confidentiality over a child protection/safeguarding issue, however, sometimes it is necessary for a pupil to be able to talk about deep-seated troubling issues in order to help the pupil through their situation. Therefore, we do not require our counsellor to inform senior or pastoral staff about illegal activities unless there is a child protection/safeguarding issue or other significant risk.

School based Health and Welfare Services: Confidentiality and Pupils

Health services can offer confidential health services to pupils under the age of 16 providing they follow the Fraser Guidelines which require:

- Young person understands the advice and has sufficient maturity to appreciate what is involved in terms of moral, legal social and emotional implications for themselves
- They cannot be persuaded to tell their parents/carers, or allow them to be informed
- The young person's physical or mental health is likely to suffer unless they receive advice or treatment
- It is in the young person's best interests to give advice or treatment

Peer Support and Mentoring Projects: Confidentiality between Pupils

Pupils are not allowed to promise to keep secrets but all conversations between the mentor and mentee will be kept confidential except in the following circumstances:

- the mentor must tell either the Mentoring Coordinator or a teacher if a pupil discloses either any form of abuse or anything else that would make them worry about their safety.
- Mentors must tell mentees that they can not keep this type of information secret, that they will need to take them to a member of staff, possibly as an advocate to help them
- If a mentor has a concern about the content of a mentoring meeting, they are encouraged to discuss it with the mentoring coordinator; it will not go further unless it is a child protection concern.

Parents and Families: Confidentiality and information about parents/carers and families

We recognise that sometimes there may be family issues which might affect a pupil and which the family will only disclose to us if they can be sure the information will be treated confidentially. We will respect the wishes of the family and where it is felt necessary to share the information given to us, this will be discussed with the parents/carers first unless a pupil is considered to be at immediate risk and/or there is an overriding child protection/safeguarding concern.

Staff and Governors: Confidentiality and information about staff and governors

All staff can normally expect that their personal situations and health will remain confidential unless:

- It impinges on their terms of contract or
- Endangers pupils or other members of staff or
- There is a legal obligation to disclose such information
- It is necessary for legal proceedings or

- Despite the duty of confidence, the staff member's interest or the wider public interest justifies disclosure. If this is the case, this will be discussed with the member of staff in the first instance.

Boundaries/Specific Issues

If there are any concerns related to child protection, the school's child protection procedure should be followed.

If a pupil discloses information at an inappropriate time or place, the teacher should talk again individually to the pupil before the end of the school day.

If a teacher learns from a young person under sixteen that he is having, or considering having a relationship, relevant staff need to ensure that:

- Wherever possible, the young person is encouraged to talk to their parent or carer
- Any child protection issues are addressed.

Data and Information

Pupil information is kept securely on the School MIS (SIMs.net). Pupil data is collected by the administrative staff. All staff have access to pupil data on SIMs. Teaching staff have access to assessment data. Personal details of staff members are also kept on SIMs. Only members of the SMT have access to this information.

Data Protection Act 1998: The school is registered under the Data Protection Act for holding personal data. The school has a duty to protect this information and to keep it up to date. The school is required to share some of the data with the Local Authority and with the DoE.

We will ensure that data be:

- fairly and lawfully processed
- processed for limited specified purposes
- adequate, relevant and not excessive for those purposes
- accurate and up to date
- kept for no longer than necessary
- processed in accordance with individuals' rights
- kept secure.

This relates to all data kept by Tawhid Boys School relating to both pupils and staff.

Recording disclosures

The child protection lead (M S Adia) will record disclosures when a decision has been taken not to share them, this data will only be available to him on his network area. The SMT will have access to disclosures that are available for sharing. This will be available on the secure SMT area of the network.

Linked Policies

The confidentiality policy complements other relevant school policies, namely: PSHCE, SRE, Drugs Education and procedures for dealing with Incidents, Child Protection, Anti-Bullying, Inclusion, Guidance for Visitors and Data Protection.

Monitoring and Review

This policy will be reviewed every two years and if/when relevant legislation or guidance is introduced. In addition, the policy will be reviewed after each significant disclosure to ensure that it is fit for purpose.

APPENDIX A

Six Key Points on Information Sharing

1. 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.
2. 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.
3. 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.
4. 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.
5. 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.
6. You should always record the reasons for your decision – whether it is to share information or not.

Information sharing: Practitioners Guide, page 5. (Crown copyright, 2006)