

# Acorn Trust Confidentiality Policy



Written by:	J Buckley, Trust Business Manager
Date agreed:	24 <sup>th</sup> May 2016
Next Review Date:	Spring 2019
Chairs Signature	

## **Mission Statement**

The Acorn Trust is a Multi-Academy Trust established with the aim of providing outstanding learning and opportunities for the children within its care.

Children are our nation's most precious resource. Their school life and learning experience will shape them for the whole of their lives

## **Safeguarding Statement**

At the Acorn Trust we recognise our moral and statutory responsibility to safeguard and promote the welfare of all children.

We work to provide a safe and welcoming environment where children are respected and valued. We are alert to the signs of abuse and neglect and follow our procedures to ensure that children receive effective support, protection and justice.

The procedures contained in the Safeguarding Policy apply to all staff, volunteers and governors

**Contents:**

## Statement of Intent

1. Legal Framework
2. Definitions
3. Policy Application
4. Personal Disclosures
5. The Limits of Confidentiality
6. Classroom Confidentiality
7. One to One Disclosures
8. Disclosures to a Health professional
9. Breaking Confidentiality
10. Guidance for Staff
11. Guidance for Governors & Volunteers
12. External Visitors
13. Support for School Staff
14. Informing Parents & Carers
15. Onward Referral
16. Records & Processed Data
17. Dissemination of Policy
18. Monitoring & Review

**Appendices:**

1. Information Sharing Flowchart

## **Statement of intent**

The Acorn Trust understands that the safety, wellbeing and protection of pupils is of paramount importance. We seeks to put the child at the heart of the learning process and to provide a safe and secure learning environment and are committed to developing creative and positive ways for the child's voice to be heard whilst recognising the responsibility to use hold and safeguard information received.

Pupils need to know that they can seek help from the school in a safe and confidential manner.

This policy guides staff and visitors on the policy and procedures surrounding confidentiality.

Staff members take a supportive and accepting attitude towards pupils as part of their general responsibility for pastoral care. It is our hope that both pupils and parents/carers feel free to discuss concerns and worries that may affect educational progress with members of the school team.

The Confidentiality Policy aims to:

- Promote a supportive and accepting ethos within the school.
- Safeguards the wellbeing of pupils.
- Provide consistent messages in school about handling information about children once it has been received.
- Reassure pupils that their best interests will be maintained
- Ensure that if there are child protection issues then the correct procedure is followed.
- Ensure that confidentiality is a whole school issue and that in lessons ground rules are set for the protection of all.
- Ensure that parents have a right of access to any records (with the exception of the Child Protection Records) the school may hold on their child but not to any other child that they do not have parental responsibility for.
- Prevent the school dealing with each disclosure in isolation.
- Ensure all children have a right to the same level of confidentiality irrespective of gender, race, religion, medical concerns and special educational needs.

## **1. Legal framework**

1.1. This policy will have consideration for and be in compliance with the following legislation:

- The Education Act 2002 Section 175
- The Crime and Disorder Act 1998 Section 115
- Data Protection Act 1998
- The Human Rights Act 1998 Article 8
- The Common Law Duty of Confidentiality
- The Freedom of Information Act 2000
- The Equality Act 2010

1.2. This policy is intended to be used in conjunction with the following school policies:

- Data Protection
- Child Safeguarding
- Anti-bullying
- Whistleblowing
- Freedom of Information
- E-Safety
- Social Media
- Prevent
- Female Genital Mutilation
- Allegations against Staff
- Data and E-Security
- Intimate Care
- Medication in school

## **2. Definitions**

2.1. For the purpose of this policy “confidentiality” is an understanding that any information shared with someone in trust will only be passed on to a third party with the prior agreement of the person disclosing it.

2.2. Within this policy, a ‘disclosure’ is the sharing of any private information. It does not solely relate to child protection issues.

2.3. The term “limited confidentiality” refers to the disclosure of the content of a conversation may be discussed with professional colleagues, but the confider would not be identified except in pre-determined circumstances.

2.4. The designated Child Protection Co-ordinator is a designated staff member responsible for ensuring the school’s Child Protection Policy is implemented by the entire school community and ensures the wellbeing and protection of pupils. In this school, the Headteacher is the Designated Child Protection Co-ordinator.

### **3. Policy application**

- 3.1. The policy deals with personal information that may be divulged during the course of a school day. It is not meant to deal with certain extreme situations where there is an urgent need for the disclosure of information to relevant bodies.
- 3.2. In extreme situations, such as medical emergencies, staff members should pass on information as necessary for the wellbeing of the child.

### **4. Personal disclosures**

- 4.1. Fundamentally, all information about individual children is private and should only be shared with staff members who have a legitimate need to know.

### **5. The limits of confidentiality**

- 5.1. In practice, there are few situations where absolute confidentiality can be offered. The Trust aims to strike a balance between confidentiality and trust, and ensuring the safety, wellbeing and protection of our pupils.
- 5.2. In almost all cases of disclosure, limited confidentiality is on offer.
- 5.3. The professional judgement of a teacher, counsellor or health professional is vital when considering whether to inform a child that a disclosure may be made in confidence and whether such confidence could remain having heard the information.

### **6. Classroom confidentiality**

- 6.1. It should be made clear to pupils that the classroom is not a place to disclose confidential, personal information. Pupils should be aware that a member of staff is always available to talk to in private when needed.
- 6.2. If a visitor to the classroom is contributing to the lesson, such as an education programme or healthcare professional, they must work within the same boundaries of confidentiality as the teacher.

### **7. One-to-one disclosures**

- 7.1. Staff members should make it clear that they may have to pass on some information if they believe the child is at risk.
- 7.2. The following introduction should be used to make the situation clear to the pupil:  
"You will be supported with any problems you may share with me but if, in my opinion, you have been or are at risk from yourself (self-harm) or from others or are involved in anything illegal, we may have to share this information with others who can help."
- 7.3. 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 Child Protection Co-ordinator as soon as possible.

- 7.4. 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 for further information regarding safeguarding.

## **8. Disclosures to a health professional**

- 8.1. Health professionals, such as the school nurse, may give confidential information to pupils, provided they are competent to do so and follow the Fraser Guidelines (a set of guidelines on giving medical advice to under 16s).
- 8.2. The school nurse is skilled in discussing issues and possible actions with young people. On a need to know basis, the school nurse may share information with appropriate staff in school to enable improved support for pupils.

## **9. Breaking confidentiality**

- 9.1. When confidentiality must be broken because a child may be at risk of harm, in accordance with our Child Protection Policy, the school will ensure the following:
- Children are told when the information has been passed on.
  - Children are kept informed about what will be done with the information.
  - To alleviate their fears about everyone knowing, children are told exactly who their information has been passed on to
- 9.2. The Headteacher is to be informed of all incidents regarding child protection concerns. Staff members are contractually obliged to immediately inform the Headteacher.
- 9.3. Staff members are not obliged to inform the police on most matters relating to illegal activity such as illegal drugs or assaults. These should be assessed on a case-by-case basis by the Senior Leadership Team.
- 9.4. Staff members are not permitted to pass on personal information about pupils indiscriminately.

## **10. Guidance for staff**

- 10.1. School staff must not promise confidentiality. Pupils do not have the right to expect that incidents will not be reported to parents or carers and may not, unless made an explicit promise, assume that the information will not be passed on to a relevant body. No member of the school staff should give such a promise.
- 10.2. The safety and protection of the pupil is the paramount consideration in all confidentiality decisions.

- 10.3. Staff members are not obliged to break confidentiality unless there is a child protection concern.
- 10.4. Staff members are encouraged to share their concerns about pupils, in a professional and supportive way with relevant colleagues.
- 10.5. Staff Members that effective sex and relationship education which brings an understanding of what is and is not acceptable in a relationship, can lead to disclosure of a child protection issue.
- 10.6. Staff should use the information sharing flowchart (appendix 1) as a guide to whether information should be shared.
- 10.7. In extreme cases, staff in breach of this policy may face disciplinary action, if it is deemed that confidential information was passed on to a third party without reasonable cause.
- 10.8. The following principles will be adhered to:
- Personal matters are discussed in an appropriate time and place.
  - A child with concerns is spoken to in confidence as soon as possible.
  - Where there are child protection concerns, the child is always spoken to in confidence before the end of the school day.
  - A child is told, prior to disclosures, that a staff member cannot guarantee confidentiality if they think a child may hurt themselves, hurt someone else or is being hurt by others.
  - The child will not be interrogated or asked leading questions.
  - A child will not be placed in the position of having to repeat the disclosure to several people.
  - The child will be informed before information is shared.
  - Where possible, the child is told to confide in their parents or carers.

## **11. Guidance for Governors and Volunteers**

- 11.1. All governors and volunteers are expected to report disclosures of a concerning personal nature to the designated Child Protection Co-ordinator as soon as possible and in an appropriate setting.
- 11.2. The designated Child Protection Co-ordinator will then decide on what further action to take.
- 11.3. Governors need to be mindful that from time to time issues are discussed or brought to their attention about staff and children. All such papers should be marked as confidential and should be copied onto different coloured paper and distributed at the meeting. These confidential papers should be collected in and destroyed by the Clerk. Governors must observe complete confidentiality when asked to do so by the governing body, especially in relation to matters concerning individual staff, pupils or parents. Although decisions reached at governors' meetings are normally made public through the minutes or otherwise, 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.

## **12. External visitors**

- 12.1. All external visitors are made aware of the Confidentiality Policy and work within its limits when interacting with pupils.
- 12.2. Healthcare professionals will work within their own codes of confidentiality when they deliver their services within the school. Staff should be aware of children with medical needs and the class information sheet should be accessible to staff who need that information but not on general view to other parents/carers and children.

## **13. Support for school staff**

- 13.1. Staff members may find themselves dealing with highly personal issues and potentially upsetting disclosures. Staff members are encouraged to ask for help if they are unsure what to do in any situation. The school has access to several agencies that can provide advice and support. As a team, the school community can ensure the wellbeing, happiness and protection of our pupils.

## **14. Informing parents and carers**

- 14.1. The school will work with parents and carers to create a partnership of trust. We endeavour to inform parents and carers of their child's progress at school and any concerns regarding progress and behaviour.
- 14.2. Parents should be aware that some information about their child will be shared with the receiving school when they change school.
- 14.3. Where a child discusses a personal matter with staff, they will be encouraged to share the information with their parents, unless there is a child protection risk associated.
- 14.4. Where a member of staff believes a child protection risk is posed in regards to the family of the child, following a disclosure, the member of staff will talk to the Child Protection Co-ordinator and LADO immediately.

## **15. Onward referral**

- 15.1. The designated Child Protection Co-ordinator is responsible for referring pupils to the School Counsellor and multi-agency support. Staff members may not make referrals unless they believe a child protection referral to the police or Social Services is necessary and the designated Child Protection Co-ordinator does not agree.

## **16. Records and processed data**

- 16.1. All data will be processed and held in line with the school's Data Protection Policy.

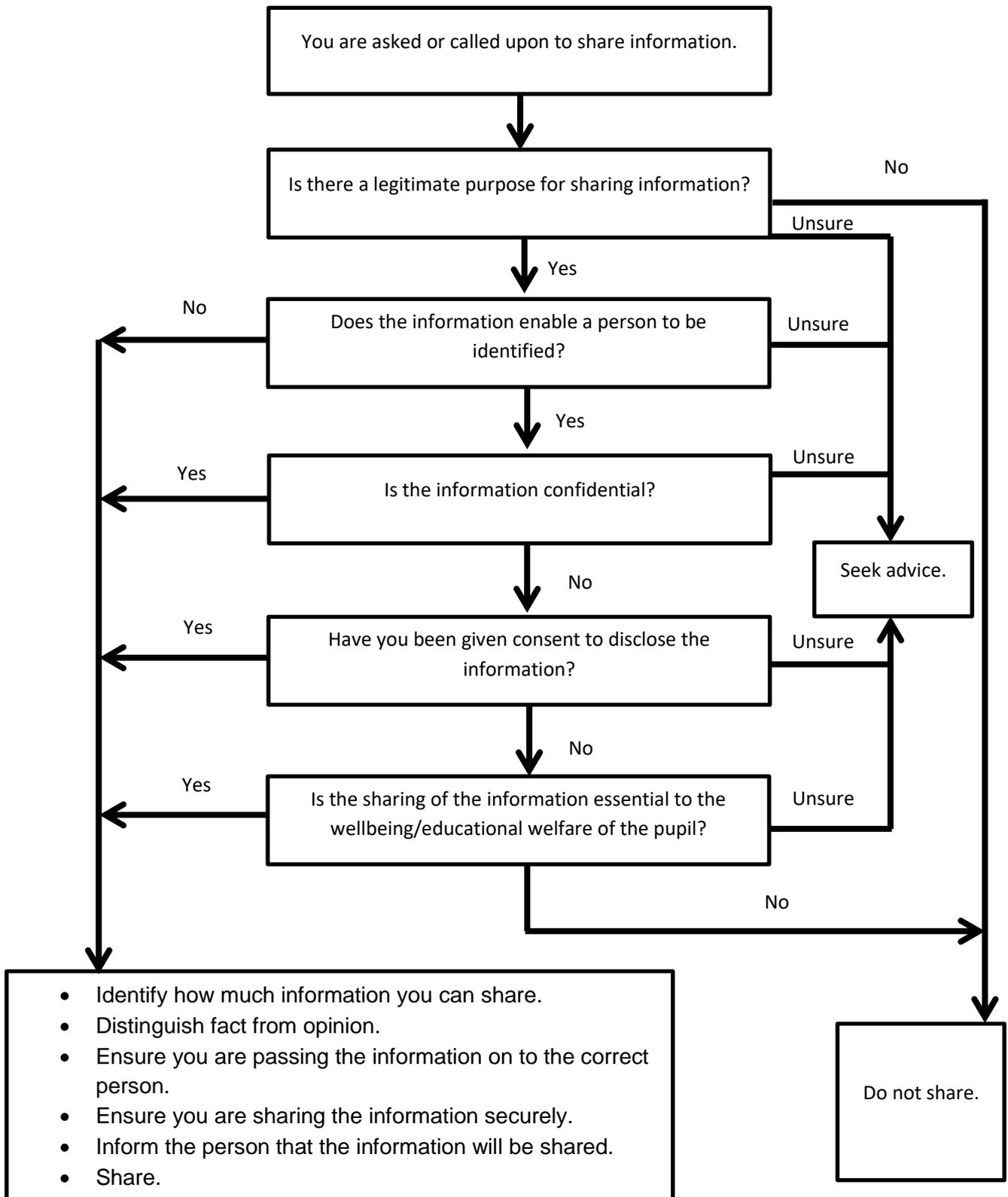
## **17. Dissemination of policy**

- 17.1. All parents and carers are made aware of the school's Confidentiality Policy and informed that a copy can be requested from school or viewed on the school website.
- 17.2. Parents and carers are made aware that the school cannot offer complete confidentiality if they deem a child is at risk from harm.

## **18. Monitoring and review**

- 18.1. This policy is monitored for effectiveness by the Trust Business Manager and is reviewed every 2 years or where necessary in light of changes to the law or statutory guidance.

# Appendix 1 – Information Sharing Flowchart



- Notes**
- If there are child protection concerns, follow the relevant procedures without delay.
  - Always seek advice if you are unsure whether to share information.