



Confidentiality Policy Statement 2022-23

(based on Keeping Children Safe In Education DfE guidance September 2022, Staff Code of Conduct/Staff Handbook)

Member of Staff Responsible	Mrs E Pateman - DSL
Position	Interim Headteacher
Designated Safeguarding Leads	Mrs R Evans – Interim DHT -DSL Miss S Chastney – EYFS safeguarding Lead-DSL Mrs C Chaudry – Interim AHT - DSL
Safeguarding Governors	Sue Jackson / Lirette Mill
Dated	September 2022
Date of next review	September 2023 (interim revisions as necessary)

This policy will be reviewed **at least** annually. It will also be revised following any changes and/or updates to national and local legislation, guidance, or procedures.

1. Policy Statement

- 1.1 The Thurnham C of E Infant School confidentiality policy has been written to reflect the current guidance and legislation issued in relation to safeguarding children and promoting their welfare, whilst also taking into account data protection legislation.
 - This includes but is not limited to the principles of the Human Rights Act 1998, The Data Protection Act 2018, the Freedom of Information Act 2000, Crime and Disorder Act 1998 S17, Children Act 1989 S17 and 47, Children Act 2004 S10, 11 and 12 and the welfare regulations required by Section 40 of the Child Care Act 2006.
- 1.2 This policy should be accessed in conjunction with other school policies, including
 - Allegations against staff
 - Anti-bullying policy
 - Behaviour and Relationships
 - Child protection policy
 - Data protection
 - Staff Code of conduct
- 1.3 The member of staff who is responsible for implementation, monitoring and review of this confidentiality policy is (E Pateman – Interim Headteacher).

2. Definition of Confidentiality

- 2.1 For the purpose of this policy the following definition of confidentiality will apply: “discretion in keeping private information”.
- 2.2 In practice there are few situations where absolute confidentiality is offered in Thurnham C of E Infant School. We must strike a balance between ensuring the safety, well-being and protection of our pupils and staff, developing an ethos of trust where pupils, parents/carers and staff can ask for help when they need it and making sure that when it is essential to share personal information, good practice is followed.
- 2.3 In most cases we provide 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.

3. Policy Monitoring Compliance and Review

- 3.1 This policy forms part of our suite of safeguarding policies and will be reviewed at least annually.
- 3.2 All staff, including volunteers, will have access to a copy of this policy and will have the opportunity to read and discuss the contents of this policy prior to starting their employment or placement.

- 3.3 As part of the ethos of our school, we take our responsibility to ensure the protection, health, safety and well-being of pupils entrusted to our care seriously. We expect all staff, including visitors and volunteers, to comply with this policy and will treat any breaches of confidentiality as a serious matter. Concerns will be managed in line with existing policies, including but not limited to our behaviour and complaints policy.

4. Rationale

4.1 We aim to ensure that all members of our community can share information in the confidence that it will only be used to enhance the education and welfare of children. At Thurnham C of E Infant School we believe that:

- The safety, wellbeing and protection of children are of paramount consideration in all decisions about confidentiality. The appropriate sharing of information between staff is an essential element of ensuring the well-being of pupils in our care and any issues will be referred to the school Designated Safeguarding Lead (DSL): Elizabeth Pateman - Interim Headteacher.
- Our confidentiality policy is implemented to ensure the number of situations when personal information is shared are minimised to enable our whole community to feel supported and safe to seek help both within and outside the school.
- Everyone in the school needs to know that no one can offer absolute confidentiality; our community needs to know the boundaries of confidentiality in order to feel safe and comfortable in discussing personal issues.
- The schools' approach and attitude to confidentiality is open and easily understood; everyone should be able to trust the boundaries of confidentiality operating within the school.

5. Key Guidelines and Principles

5.1 All information about individual pupils, their families and our staff, are private and will only be shared with those that need to know. In the case of confidential information relating to illegal activity, the school will take action in line with existing policies, including our child protection and allegations policy. The school will act in the best interests of children at all times whilst adhering to the law.

5.2 The school actively promotes a positive ethos and respect for the individual:

- All pupils have a right to the same level of confidentiality irrespective of gender, race, religion, medical concerns and special educational needs.
- There is clear guidance for the handling of child protection concerns and all staff have regular training on safeguarding and child protection.

- There is clear guidance for procedures to follow if a member of staff is accused of abuse or inappropriate conduct.
- Staff are aware of the need to handle all issues about different types of families in a sensitive manner.
- Any intolerance about gender, faith, race, culture or sexuality is unacceptable and will be responded to in line with the school's policies.
- Information collected for one purpose should not be used for another.
- Staff induction includes an awareness of the importance of confidentiality.

5.3 The school prides itself on good communication and staff are always available to talk to pupils and/or parents/carers about issues that are causing concern.

- Parents/carers, pupils and staff need to be aware that the school has a duty to report and respond to child protection issues. When appropriate, staff will make clear that there are limits to confidentiality and parents/carers and pupils should feel reassured that only in exceptional circumstances will confidentiality be broken. An example of this is if a pupil asks if a member of staff can keep information secret.
- Pupils will be informed when there is a need to tell someone else about a concern and they will be encouraged to do this for themselves when appropriate, for example, discussing an issue with a parent or carer. In some cases the school will support pupils to talk to their parent/carers within an agreed timescale, following advice from the DSL and/or member of senior leadership staff, as appropriate to the individual concern or circumstances.
- The school will share any child protection concerns with parents/carers before going on to inform the correct authorities, unless by doing this a child or a parent could be placed in danger, or a criminal offence has taken place.

5.4 Confidentiality is a whole school issue. Staff are aware that effective relationships education (PSHRE) that brings an understanding of what is and is not acceptable behaviour may lead to pupils reporting child protection concerns. Staff will follow the child protection policy if this occurs.

5.5 Clear ground rules will be set for and classroom work; this reduces anxiety to pupils and staff and minimises unconsidered, unintended personal disclosures. At the beginning of PSHRE sessions, pupils will be reminded of the ground rules. Example of ground rules may include:

- *We won't ask each other or staff any personal questions.*
- *If we are worried about someone else's safety we will talk to a member of staff.*
- *We will listen to others views and opinion and will respect each other.*
- *If we find out things about other pupils/staff/parents which are personal and private, we won't talk about it, but if we are worried about someone's safety, we will tell a trusted adult.*
- *We can pass or opt out of something if it makes us feel uncomfortable.*

- 5.6 The principles we follow at Thurnham C of E Infant School are that in all cases where a pupil raises a concern, we:
- Ensure the time and place to speak about confidential issues are appropriate. When they are not, we reassure individuals that we understand they need to discuss something very important and that it warrants time, space and privacy.
 - See the pupil before the end of the school day. More serious concerns, for example where there is a potential child protection concern, will be reported immediately to the DSL to ensure that any necessary interventions to protect the pupil are accessed as early as possible.
 - Tell the pupil we cannot guarantee confidentiality if we think it will impact on theirs or someone else safety.
 - Do not interrogate pupils or ask leading questions that could jeopardise an investigation.
 - Seek advice when there is a child protection concern, so that pupils are not put in the position of having to repeat distressing matters to several people.
 - Encourage the pupil, whenever possible to confide in their parents/carers.
- 5.7 Information about pupils will be shared with parents, *but only about their child*. Parents should not have access to other children's books, photographs, and progress/outcomes. Parents should be aware that information about their child will be shared with the receiving school if/when they transfer. Addresses and telephone numbers of parents and pupils will not be passed on except in exceptional circumstances or to a receiving school.
- 5.8 All personal information about pupils will be regarded as confidential. Staff will be made aware of children with medical needs and class information will be accessible to staff who need that information but not on general view to others. Information regarding health and SEND reports will only be shared as necessary and will be kept securely. Logs of administration of medication will be kept secure and each pupil will have their own individual records. In all other notes, briefing sheets etc. pupils will not be identified.

6. Staff and Visitor Responsibilities

- 6.1 All staff (including non-teaching staff, students and volunteers) and visitors, including professionals engaged in commissioned services on behalf of the school, will:
- Be advised of our confidentiality policy and be required to respect and follow it.
 - Always remember that the interest and welfare of the child is paramount.
 - At all times abide by our child protection and staff Code of Conduct policy.
 - Not discuss personal information given by parents with other members of staff except where it affects planning for a pupil's needs.

- Inform pupils/parents/carers at the outset, that they cannot offer complete confidentiality in circumstances when they are concerns for a child, parents or staff members safety and/or well-being.
 - Explain to pupils/parent/carers openly and honestly what and how information will or could be shared and why and seek their agreement the exception being when to do so would place a child or others at risk of significant harm or if it would undermine the prevention, detection or prosecution of a serious crime.
 - Inform any pupil/parent/carer/staff member that they may need to share safeguarding and/or well-being information with the DSL and/or headteacher if the concern relates to the behaviour of a member of staff.
 - Ensure that the information they share is accurate, up to date, necessary for the purpose for which they are sharing it, shared only with those people who need to see it and shared securely.
 - Unless they are already known, ensure any requests to share information from a professional are verified before information is divulged. This may include contacting the organisation they represent, for example police or Children's Social Care, directly rather than via a mobile phone number.
 - Be duty bound to act appropriately upon information given to them directly as well as information not shared directly and consult with the school DSL and/or headteacher if they are unsure at any time.
 - Seek advice, for example via the school data protection officer (Ali Vant) or the local authority, where there is doubt about the sharing of information.
- 6.2 Visitors and external contractors, for example health professionals, may have their own code of practice dealing with confidentiality. Where this is the case, the information that can and cannot be shared will be discussed and agreed.
- 6.3 Governors, staff, and volunteers need to be mindful that if they spend time in school, they may have access to information that is not general knowledge. It is essential that information, including things heard in a less formal manner, are not discussed outside of the school, as gossip of any kind is potentially damaging to all stakeholders.
- 6.4 Governors will be mindful that confidential issues about staff and pupils may be discussed or brought to their attention.
- Confidential papers will be destroyed (shredded) appropriately.
 - Governors will 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 will be regarded as confidential.

- Governors will exercise the highest degree of prudence when discussion of potentially contentious issues arises outside the governing body.

6.5 Staff may have support needs themselves in dealing with some of the personal issues of our pupils. At Thurnham C of E Infant School we encourage staff to ask for help rather than possibly making poor decisions because they don't have all the facts and we do not want staff taking worries about pupils' home with them. There are many agencies we can refer pupils to if there is a need for additional support and we have procedures to ensure this happens. Working together as part of a team to support our pupils and asking for help is a way we ensure Thurnham C of E Infant School is a happy and safe learning environment.

6.6 Thurnham C of E Infant School staff should discuss any concerns with their EYFS or KS 1 Lead, Interim Deputy Headteacher or Interim Headteacher. Any unresolved issues should respond to in line with school policies including our child protection, complaints, staff behaviour and whistleblowing policy.

7. Record Keeping and Access to Information

7.1 We keep many kinds of records within our school, including:

Developmental/Educational Records

- This includes observations of pupils, samples of their work, summary developmental reports and records of their achievements. These records are kept list as appropriate e.g. in a locked cupboard and can be accessed and contributed to by staff, pupils and their parents/carers. They are also in Learning Journeys and on Seasaw.

Pupil's personal records

- This includes registration and admission forms, medical information, signed consents and correspondence concerning the pupil or family, reports or minutes concerning the child from other agencies, observations by staff on any confidential matter involving the pupil, such as developmental concerns or child protection welfare/matters.
- Personal and confidential records are stored list as appropriate e.g. in a lockable file or cabinet, secure/password protected/encrypted electronic system (CPOMS) and cannot be accessed by individuals other than relevant staff.
- Parents have access to the files and records of their own children in line with our data protection policy, but do not have access to information about any other child. Parents do not, however, have an automatic right of access to child protection records.

Other records

- Issues to do with the employment of staff, whether paid or unpaid will remain confidential to the people directly involved with making personnel decisions.

7.2 The school acknowledges that:

- Pupils and their parents/carers have a right to gain access to processed information upon written request.
- Agencies such as the police and Children's Social Work Services 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, for example in custody cases.

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

7.4 Any processed information will be stored in accordance with Data Protection legislation and as outlined in our data protection policy.

8. When confidentiality should be broken and procedures for doing this

- 8.1 The school recognises that all matters relating to child protection are confidential. The DSL will decide what information needs to be shared, with whom, how when and whether consent needs to be gained for this process. The DSL will share information about a pupil to other members of staff on a need to know basis only.
- 8.2 Members of the school community will be expected to follow our child protection policy and allegations policy where there are concerns about a pupil and/or member of staff.
- 8.3 If there are concerns and any member of the community is unsure of whether the information should be passed on or if other action should be taken, they should seek advice from the DSL, Interim Headteacher or the local authority.
- 8.4 If the Interim Headteacher and DSL issues instructions that they should be kept informed of a concern, staff must comply. There is always a good reason for this, which staff may not know about.
- 8.5 Likely exceptions to confidentiality might include:
- where there is a risk of harm or abuse, or where there is a threat to life.

- where a pupil needs urgent medical treatment.
- where a crime has been committed.
- where safeguarding national security is involved e.g. terrorism.

Appendix A: Key Legislation

Human Rights Act 1998

Gives everyone the right to “respect for his private and family life, his home and his correspondence”, unless this is overridden by the “public interest”, e.g. for reasons of child protection, for the protection of public safety, public order, health or morals or for the rights and freedoms of others.

General Data Protection Regulations (GDPR) and Data Protection Act 2018

Applies to personal data of living, identifiable individuals, not anonymised data in manual and electronic records. Organisations who process personal data must comply with the data protection principles laid down in the Act.

Schools need to be clear, when collecting personal data, what purposes it will be used for and should have policies to clarify this to staff, pupils and parents.

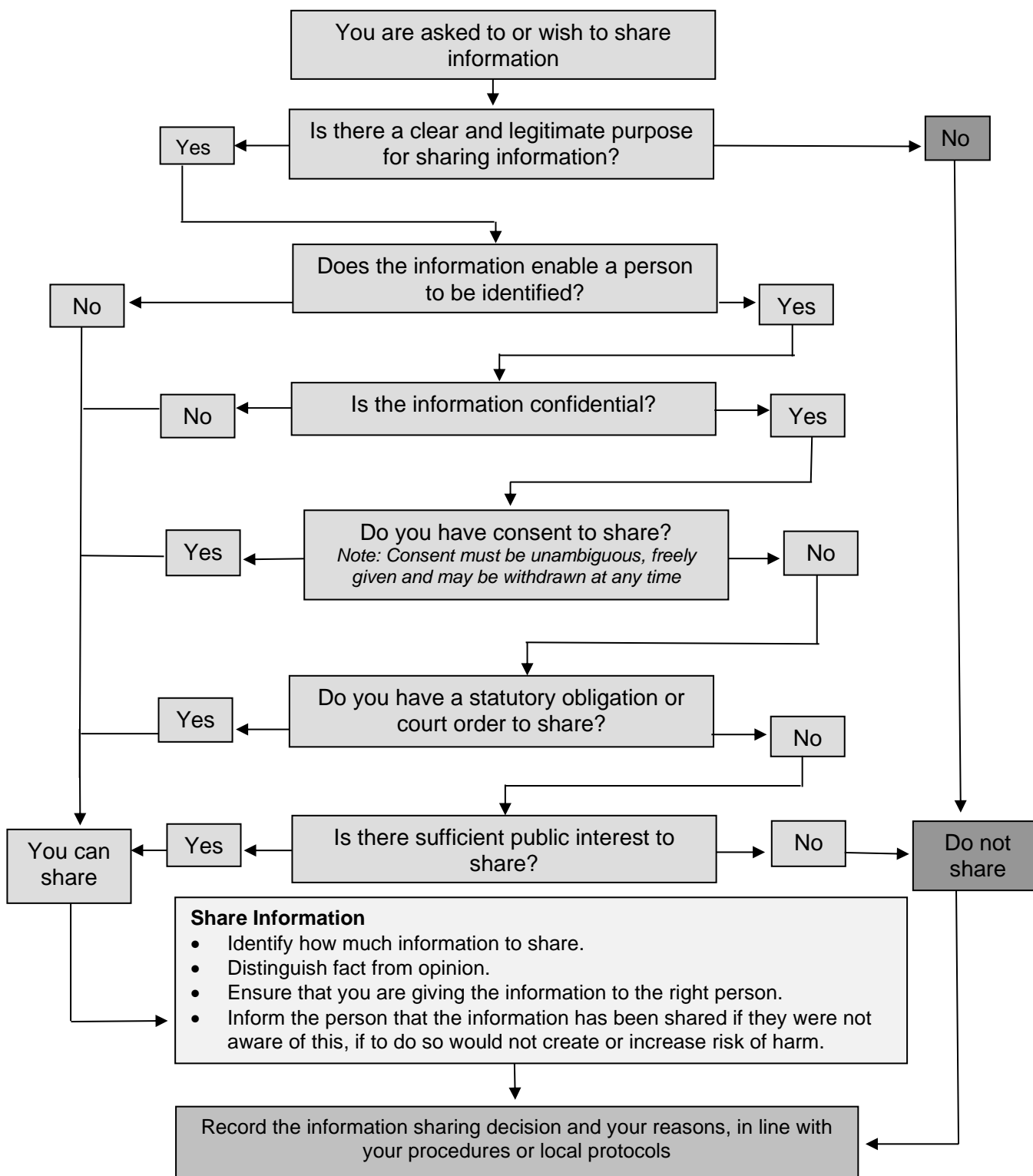
General Data Protection Regulation (GDPR), Data Protection Act 2018 and human rights law are not barriers to justified information sharing but provide a framework to ensure that personal information about living individuals is shared appropriately.

Freedom of Information Act 2000

Gives everyone the right to request any records from a public body, including settings, holds about them. A setting may withhold information it has if it is considered the information may damage the recipient, if disclosed. Settings data or record keeping policy should also cover the requirements of this Act.

Appendix B: Flowchart of Key Principles for Information Sharing

Adapted from ['Information sharing advice for safeguarding practitioners'](#)



Seek advice from your line manager, Designated Safeguarding Lead, Data Protection Officer, and/or Local Authority if you are not sure what to do at any stage. Ensure that the outcome of the discussion is recorded.

Appendix C: Access to Personal Records Guidance

Please note schools should seek advice from their Data Protection Officer and/or local authority before following the below suggested guidance.

Parents may request access to any records held on their child and family following the procedure below.

Information shared will be in line with our child protection and data protection policy.

- Any request to see a pupils personal file by a parent or person with parental responsibility must be made in writing to the school.
- If the school declines an application, reasons will be provided, for example where the application must be balanced against the public interest in disclosure.
- Legal advice may be sought before sharing a file, especially where the parent has possible grounds for litigation against the school or another (third party) agency.
- All the undertakings are subject to the paramount commitment of the school, which is to the safety and well-being of children.
- The school will commit to providing access in line with current data protection requirements and will prepare the file for viewing.
 - All third parties will be written to, stating that a request for disclosure has been received and asking for their permission to disclose to the person requesting it. A copy of these letters will be retained on the file. “Third Parties” include family members who may be referred to in the records and workers from any other agency, including Social Services, the Health Authority etc. Note: It is usual for agencies to refuse consent to disclose, preferring the individual to go directly to them.
 - When all the consents/refusals to disclose have been reviewed these will be attached to the copy of the request letter.
- Where access is appropriate, a photocopy of the complete file will be taken. The school will remove any information which a third party has refused consent to disclose or which relates to another child. What remains will be the information recorded by the school, detailing the work initiated and followed in relation to confidential matters. This version will then be photocopied for parents. The file will not be given straight over but will be discussed together with the headteacher or other senior member of staff, so that it can be explained.

Appendix D: Fraser Guidelines and Caldicott Principles

Fraser Guidelines

The case of Gillick v West Norfolk and Wisbeach Area Health Authority in 1985 settled the legal position for those working with children aged under 16 years old. During the Gillick case Lord Fraser stated that young people could receive advice or treatment without parental consent, but that key factors should be taken into account when assessing the young person's maturity to give consent. These are now referred to as the Fraser Guidelines.

The Fraser Guidelines:

1. The young person understands the advice being given.
2. The young person cannot be convinced to involve parents/carers or allow the medical practitioner to do so on their behalf.
3. It is likely that the young person will begin or continue having intercourse with or without treatment/contraception.
4. Unless they receive treatment/contraception their physical or mental health (or both) is likely to suffer.
5. The young person's best interests require contraceptive advice, treatment or supplies to be given without parental consent.

The 1985 Fraser guidelines identified doctors as key to this process, but it now accepted practice that the guidelines extend to other health care professionals.

Caldicott Principles

The Caldicott report was developed in 1977 and made recommendations relating to patient confidentiality. The Caldicott Report set out key principles that health and social care organisations should use when reviewing its use of client information and the handling of client data.

Principle 1: Justify the purpose(s)

- Every proposed use of transfer of personally identifiable information within or from an organisation should be clearly defined and scrutinised, with continuing uses regularly reviewed by the appropriate guardian.

Principle 2: Do not use personally identifiable information unless it is absolutely necessary

- Where the use of personally identifiable information is considered to be essential, each individual item of information should be justified with the aim of reducing the ability to identify a person.

Principle 4: Access to personally identifiable information should be on a strict need to know basis

- Only those individuals who need access to personally identifiable information should have access to it.

Principle 5: Everyone should be aware of their responsibilities

- Action should be taken to ensure that those handling personally identifiable information are aware of their responsibilities and obligations to respect patient/client confidentiality.

Principle 6: Understand and comply with the law

- Every use of personally identifiable information must be lawful. Someone in each organisation should be responsible for ensuring that the organisation complies with legal requirements.

Appendix E: Staff Training Activity - To share or not to share?

Scenario 1

Over the last two weeks you have noticed one of your pupils, Ali, has become increasingly quiet and withdrawn and you have noticed a number of recurring bruises on their arms and face. Today you see what looks like a cigarette burn on their hand. Ali's parent insists that everything is fine when you have spoken to them on previous occasions about the bruises and they say that Ali is just clumsy and must have fallen over whilst riding their bike.

Q: Should you share the information you have with your DSL and/or other relevant professionals? Do you need consent to share this information?

Answer: Staff members should share information about Ali even without consent. In this case sharing confidential information without consent can be justified in the public interest as there is reasonable cause to believe that Ali may be suffering abuse or be at risk of significant harm. The need to keep Ali safe must override the lack of consent.

Scenario 2

At the end of the school day, you are speaking with a group of parents who are collecting their child. One of the parents tells you that they are worried that their child, Sam, is not sleeping or eating properly at home and doesn't seem to talk much about what happens at school. They ask you if everything is okay in the classroom and if there is anything they need to know about?

Q: Should you share the information you have with your DSL and/or other relevant professionals? Do you need consent to share this information?

Answer: Staff can share information about Sam with the DSL. It would be good practice to discuss any concerns with Sam's parents before proceeding, explaining what you would like to share, with whom and why, and seeking to gain consent, however this information is not confidential. Though it may be sensitive, it was shared in a way that implies that Sam's parents did not intend to it to be confidential. Staff should however be cautious about sharing information relating to other pupils as other parents are present.