



# The Linden Centre

## Pupil Confidentiality Policy

Signed by:		
	Headteacher	Date:
	Chair of Management Committee	Date

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## **Statement of intent**

The Linden Centre understands that the safety, wellbeing and protection of pupils is of paramount importance. With this in mind, all pupils must be able to expect certain levels of trust when sharing personal information with school staff.

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

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

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

### **The Pupil Confidentiality Policy aims to:**

- Promote a supportive and accepting ethos within the school.
- Safeguard the wellbeing of pupils.
- Build trust between pupils and staff.
- Empower pupils to exercise control over their situation and voice their concerns.
- Prevent the school dealing with each disclosure in isolation.

## **1. Legal framework**

1.1. This policy has due regard to legislation, including, but not limited to, the following:

- The Education Act 2011
- The Data Protection Act 2018
- The Human Rights Act 1998
- The Freedom of Information Act 2000

1.2. This policy will be implemented in conjunction with the following school policies:

- Data Protection Policy
- Child Protection and Safeguarding Policy
- Anti-Bullying Policy
- Whistleblowing Policy

## **2. Definitions**

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

2.2. For the purpose of this policy, 'disclosure' is the sharing of any private information, but which is not solely in relation to child protection issues.

2.3. Disclosure of the contents of a conversation may be discussed with professional colleagues, but the confider is not identified except in pre-determined circumstances.

2.4. The Designated Safeguarding Lead (DSL) is the colleague responsible for ensuring the school's Child Protection and Safeguarding Policy is implemented by the entire school community, which ensures the wellbeing and protection of pupils.

### **3. Policy application**

- 3.1. Attention is paid at all times to the confidentiality, integrity and availability of data to ensure none of the three elements is compromised and there is a robust information security system in place at all times.
- 3.2. This 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.
- 3.3. In extreme situations, such as medical emergencies, colleagues will pass on information as necessary for the wellbeing of the pupil.
- 3.4. All information about an individual pupil is private and will only be shared with colleagues and external agencies who have a legitimate need to know.
- 3.5. All data is processed and held in line with the school's Data Protection Policy.
- 3.6. The DSL is responsible for referring the pupil's confidential information to multi-agency support services.
- 3.7. Colleagues may not pass on confidential information unless they believe a child protection referral to the police or social services is necessary and the DSL does not agree.

### **4. Limits of confidentiality**

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

## **5. Classroom confidentiality**

- 5.1. It is made clear to pupils that the classroom is not a place to disclose confidential, personal information.
- 5.2. Pupils are made aware that a colleague is always available to talk to them in private when needed.
- 5.3. If a visitor to the classroom is contributing to the lesson, they will work within the same boundaries of confidentiality as the teacher.

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

- 6.1. Where it is possible and reasonable and safeguarding concerns do not apply, consent will be sought for data processing as outlined in the school's privacy notice where an individual may not expect their information to be passed on. Consent will be explicit and freely given, and the pupil will be told as to why, what, how and with whom their information will be shared.
- 6.2. Colleagues will never promise a child that they will not tell anyone about a report of abuse, and will make it clear to pupils that they may have to pass on some information if they believe the pupil is at risk.
- 6.3. When concerns for a pupil come to the attention of staff, e.g. through observation of behaviour, injuries or disclosure (however insignificant these might appear), the member of staff always discusses the issue with the DSL as soon as possible.
- 6.4. In accordance with the school's Child Protection and Safeguarding Policy, more serious concerns, such as those involving potential abuse, are immediately reported to ensure that any intervention necessary to protect the pupil is accessed as early as possible.

## **7. Disclosures to health professionals**

- 7.1. Health professionals, such as the school nurse, may give confidential medical advice to pupils, provided the information is in regard to the pupil's wellbeing, and they are competent to do so and follow the correct procedures.
- 7.2. 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 to enable improved support for pupils.

## **8. Breaking confidentiality**

- 8.1. When confidentiality must be broken because a pupil may be at risk of harm, in accordance with our Child Protection and Safeguarding Policy, the school will ensure the following:
  - Pupils are told when the information has been passed on
  - Pupils are kept informed about what will be done with the information
  - To alleviate their fears about who else may be aware of the information, pupils are told exactly who their information has been passed on to
- 8.2. The headteacher is to be informed of any child protection concerns.
- 8.3. Colleagues are contractually obliged to immediately inform the headteacher.
- 8.4. Colleagues are not obliged to inform the police on most matters relating to illegal activity, such as illegal drugs or assaults; instead, these are assessed on a case-by-case basis with the support of the senior leadership team.
- 8.5. Colleagues are not permitted to pass on personal information about pupils indiscriminately.

## 9. Guidance for teaching staff

- 9.1. The safety and protection of the pupil is the paramount consideration in all confidentiality decisions.
- 9.2. Colleagues are not obliged to break confidentiality unless there is a child protection concern.
- 9.3. Colleagues are encouraged to share their concerns about pupils in a professional and supportive way.
- 9.4. 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.
- 9.5. The following principles are adhered to when supporting pupils:
  - Personal matters are discussed in an appropriate time and place
  - Pupils with concerns are spoken to in confidence as soon as possible
  - Where there are child protection concerns, the pupil is always spoken to in confidence before the end of the school day
  - Pupils are told, prior to disclosures, that a colleague cannot guarantee confidentiality if they think a pupil is being hurt by others, hurt themselves, or hurt someone else
  - Pupils are listened to carefully without judgement and it is made clear how the report will be progressed
  - Pupils are not interrogated or asked leading questions
  - Pupils are only prompted where necessary with open questions, e.g. where, when, what
  - Pupils are not placed in the position of having to repeat the disclosure to several people
  - A written record is made of the report
  - Pupils will be informed before any information is shared, provided it is determined that this would not risk the child's safety
  - Where appropriate, pupils are told to confide in their parents/carers

- 9.6. Colleagues may find themselves dealing with highly personal issues and potentially upsetting disclosures. With this in mind, colleagues are encouraged to seek help from the DSL if they are unsure about how to respond to a situation.
- 9.7. The school has access to several external agencies that specialise in providing advice and support.

## **10. External visitors**

- 10.1. All external visitors are made aware of the Pupil Confidentiality Policy and work within its limits when interacting with pupils.
- 10.2. Healthcare professionals work within their codes of confidentiality when delivering their services within the school.

## **11. Informing parents**

- 11.1. The school works with parents to create a partnership of trust. It endeavours to inform parents/carers of their child's progress and behaviour.
- 11.2. When a pupil discusses a personal matter with a colleague, they are encouraged to share the information with their parents/carers, unless there is an identifiable child protection risk associated.
- 11.3. Where a colleague believes a child protection risk is posed in regard to the family of the pupil, following a disclosure, the colleague will immediately contact the DSL and local safeguarding officer.

## **12. Safeguarding**

- 12.1. The school will act in accordance with its Safeguarding Policy at all times when dealing with safeguarding issues.
- 12.2. All child protection and safeguarding concerns will be treated in the strictest of confidence in accordance with school data protection policies.
- 12.3. The school will do all it can to protect the anonymity of pupils involved in any report of sexual violence or sexual harassment.

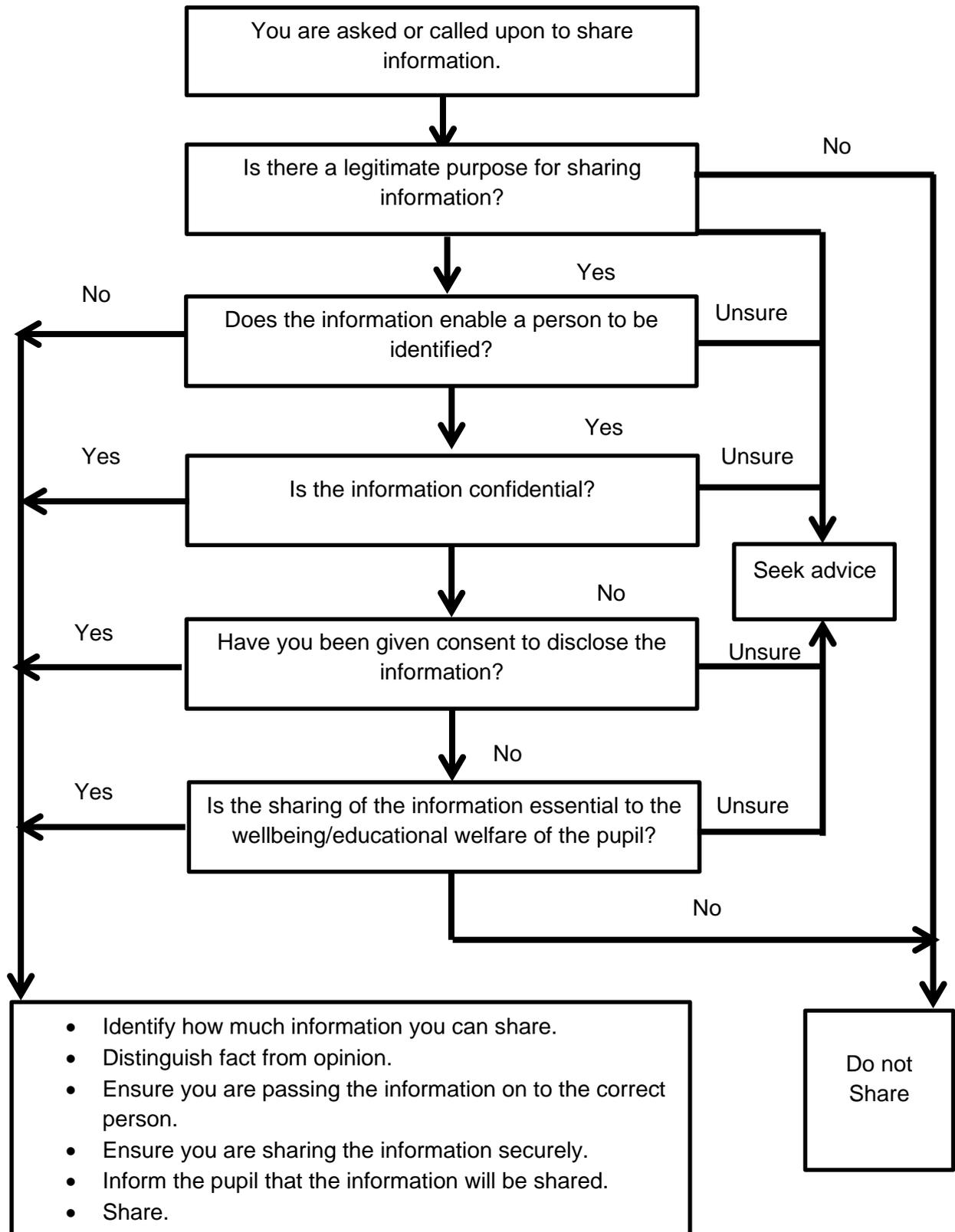
### **13. Dissemination**

- 13.1. All parents/carers are made aware of the school's Pupil Confidentiality Policy and are informed that a copy can be viewed at the school office and on the school website.
- 13.2. Parents/carers are made aware that the school cannot offer complete confidentiality if they deem a pupil is at risk from harm.

### **14. Policy review**

- 14.1. This policy is reviewed every two years by the DSL and the headteacher.

## Appendix 1 - Staff 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.