

Manor Junior School
Information Sharing and Confidentiality Policy

Reviewed: 01.02.23
Review by: 30.03.26
Lead Persons: Headteacher, SBM, DSLs

Related School Policies:

- PSHE /RSE,
- Child Protection / Safeguarding,
- Data Protection,
- SEN (special educational needs),
- Equal Opportunities,
- Anti-Bullying,
- Behaviour Policy,
- Staff Employment

Introduction

Manor Junior School recognises its legal duty under section 175 Education Act 2002 to work with other agencies in safeguarding children and protecting them from “*significant harm*”. The issue of confidentiality is significant here as children have a right to expect schools to provide a safe and secure environment and are encouraged to share any concerns or worries they have with staff they trust. In order to maintain this trust and confidence, it is essential a child is informed of any need to disclose their information further, and possibly encouraged and supported to do this themselves. Pupils need to be assured their best interests will be maintained and understand staff cannot offer unconditional confidentiality.

Our school seeks to adopt an open and accepting attitude towards people of all ages within its community. It encourages parents and children to discuss any concerns or worries which may affect emotional health/well-being and educational progress; and to see the school as a safe place.

Development and dissemination

The original policy was developed through discussion between the headteacher, governors, staff, parents and outside agencies. Communication with pupils has involved the student council.

Aims

- To highlight the importance of pupils being able to talk to adults in the school to share their problems in a safe and supportive environment.
- To build trust between pupils and staff.
- To provide opportunities for our pupils to access confidential support on school premises in the following ways:
 - counselling / ELSA;
 - display support lines such as Childline,
 - peer support particularly through student council and buddy systems
- To ensure the well being of those involved in the disclosure of confidential information is safeguarded
- To prevent the need to deal with each disclosure as a crisis in isolation. (See guidance on school specific information – Appendix 2).

Objectives

In order to achieve our aims we will:

- empower each pupil to exercise control over the choices that will affect their life.
- encourage communication between pupils, staff, parents and other relevant parties to take place freely in an environment of mutual trust and respect.
- enable confidential discussions to take place in a confidential environment. Public places such as the staff room, the classroom and the playground are not, in general confidential environments.
- inform staff, pupils, parents/carers and partners about confidentiality, and its limitations in this school. Some issues have to be shared with other people/agencies, e.g. child protection, and the differences in requirements of confidentiality between professionals should be recognised.

Desired outcomes

- Staff are trained in dealing with issues of confidentiality and feel confident doing so;
- Pupils feel safe and have an understanding of safeguarding practices within the school;
- Pupils feel they have control over their own lives and actions;
- Communication between staff, pupils, parents and other members of the school community is successful and effective;
- Pupils know who they can talk to and when situations are treated as confidential. They also recognise why some disclosures cannot be treated this way;
- Pupils can understand their own feelings and opinions and are confident expressing them;
- Pupils and staff know where they can access relevant support when they need it;
- Referrals to outside specialist services are made more easily and are appropriate to needs.

Management and co-ordination

The Headteacher will oversee all aspects of confidentiality within school. Their role is to ensure the following:

- An effective structure to oversee the development, implementation, monitoring and review of this policy and to encourage a participatory approach to achieving the objectives
- Staff are aware that they are required to pass on confidential information in the following circumstances:
 - Child protection
 - Circumstances where confidentiality will not be guaranteed by this policy (see guidance on school specific information 2 and 3 – Appendix 2)
- Members of staff are aware of whom (if anyone) to inform in the event of different types of disclosures of a personal nature
- Parents'/carers' and pupils' right to view their own educational records upon written request is facilitated by the school (it is therefore not possible to guarantee the confidentiality of recorded information).

Staffing and staff development

- All staff, including support staff and lunchtime supervisors, are entitled to support and training relating to confidentiality.
- A range of provision will need to be identified that meets staff needs across a range of roles and responsibilities.
- Areas of staff expertise and individual staff development needs will be identified through existing staff development systems. This will be ascertained through the performance management processes adopted by the school.
- Staff can seek advice and support for themselves when dealing with a disclosure whilst keeping the individual's identity anonymous. The school will maintain an up-to-date list of appropriate contacts for staff so that they can seek support. This will include the members of staff identified in Appendix 4.

Partnerships

Manor Junior school values working in partnership with parents/carers and with the wider school community and sees it as an essential part of promoting healthy lifestyles. Partnership working will be promoted through (e.g. policy development, home-school contracts, working with outside agencies, health professionals, Healthy Schools staff, work with parents, etc.).

Responsibilities to parents / carers / pupils

- Staff will encourage pupils to inform and seek support from their parents/carers.
- When the school chooses to inform parents/carers it will only be done if it is in the best interests of the child. Members of staff are not legally obliged to inform parents/carers in many instances when personal information has been disclosed. (See Guidance on school specific information 3 – Appendix 1).
- Where it is believed that the pupil may be at emotional or physical risk, or in breach of the law, staff will ensure that the pupil is aware of the risks they face.
- In most cases information provided by a pupil will only be passed to their parents/carers with the pupil's consent.
- Any information recorded about a pupil will be written in a way that assumes it will be read by either the subject or their parents/carers.
- Pupils will be advised (wherever possible prior to a disclosure) what kinds of disclosure will require information to be shared, what will be done with the information and who else will have access to it.

External agencies

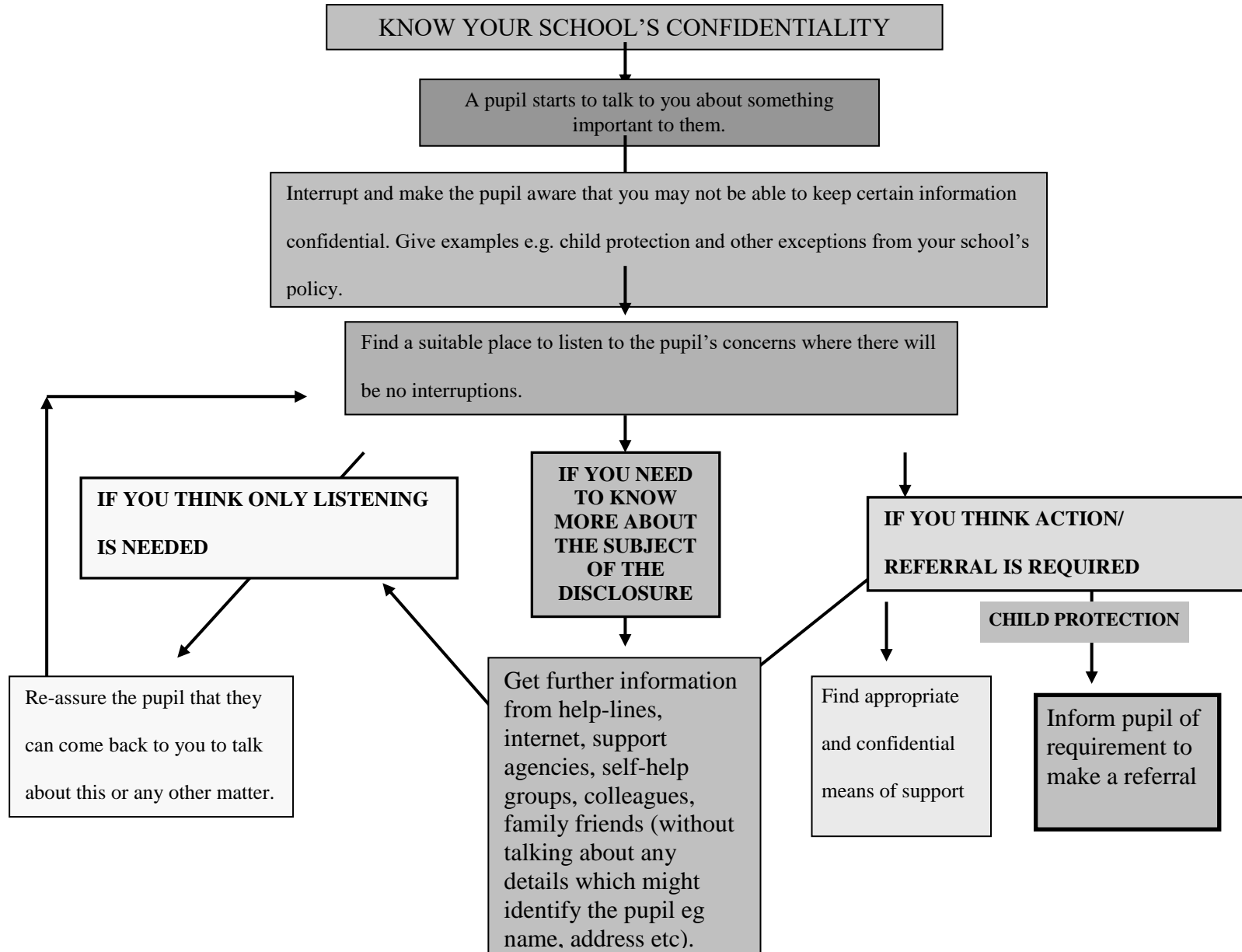
- Anyone working with pupils from the school, particularly on sensitive areas of the curriculum, will be made aware of the school's confidentiality policy.
- Our school acknowledges and supports the differences between the role of any non-school staff as educators, and as providers of information and support to pupils. The boundaries between these roles will be clarified and agreed prior to involvement. Any distinctions in terms of confidentiality need to be made clear to pupils. (See Appendix 2).
- In reference to recorded information, agencies such as the Police and Children and Young People's 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, e.g. in custody cases.
- Members of staff are not obliged to inform the police on most matters relating to illegal activity, e.g. illegal drugs activity, assaults. In the case of illegal activity, the school will discuss the possible consequences with the pupil and seek the course of action with the most positive outcomes for the pupil.

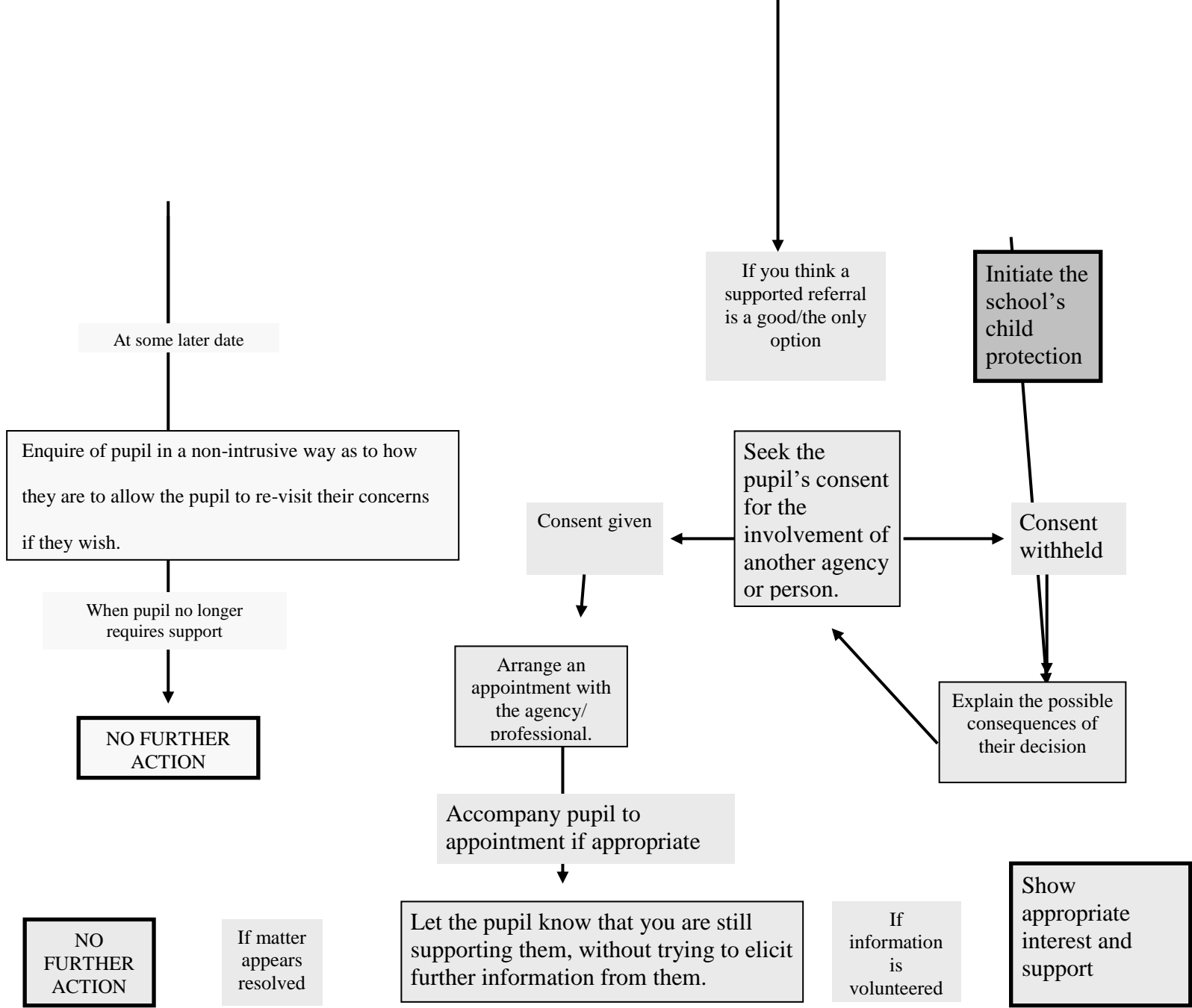
Information Recording and Sharing

- Information about pupils and parents will not be shared about them without this first being explained to them, except in certain limited circumstances where they or another person is at risk of harm, or for the prevention or detection of crime.
- The decision to release *confidential* information should be recorded as follows:
 - What information was provided and to whom
 - The reasons why it was shared
 - Evidence that a thorough risk assessment was undertaken
 - Who authorised the disclosure
- Staff have a duty to record information about meetings, telephone calls, interviews, correspondence received etc. (when a child is *looked after*, staff are obliged to keep more detailed information). All records should be signed, dated and time linked.
- Staff must explain to the child and, if appropriate, any adult with parental responsibility:
 - The purpose for which the information is being recorded
 - Where and for how long the record will be kept
 - The circumstances in which it may be shared with other people
 - Any other people and agencies which may have or may be given access to the information
- Recorded information should not be kept any longer than necessary for the purpose for which the information was originally obtained.
- Staff need to explain to children that they have a right to see their files subject to other people's rights to keep information private (for example: letters of complaint).
- The principles from the Caldicott Guardian should be applied:
 - 1) Justify the purpose(s) for using confidential information
 - 2) Only use it when absolutely necessary
 - 3) Use the minimum that is required
 - 4) Access should be on a strict need-to-know basis
 - 5) Everyone must understand his or her responsibilities
 - 6) Understand and comply with the law

If required, more detailed guidance is given in 'Hampshire Children's Trust: Information sharing and confidentiality policy May 2010', which is kept by the headteacher.

Appendix 1 - Flowchart to Show the Process for Handling a Disclosure of Confidential Information





Appendix 2 - Guidance on School Specific Information

1. Examples of where a confidentiality policy might be of use:

- A pupil knows someone who is bullying others at the school but is unsure about whether or not to tell.
- A pupil starts sharing something very personal in a classroom situation.
- A school uses staff or peers as a support system for pupils, eg listening, befriending.
- A pupil tells a member of staff that they are pregnant or sexually active.
- A pupil informs a lunchtime supervisor that their Dad is hitting their Mum.
- A pupil talks to a member of staff about their knowledge of a crime, eg shoplifting, assault.

2. Exceptions to Confidentiality

Likely exceptions requiring consideration by the school might include:

- where there is risk of serious harm or threat to life
- where a pupil needs urgent medical treatment
- where potential or actual serious crime (eg murder, rape) is involved
- where safeguarding national security is involved eg terrorism.

This must be consistent with other policies eg managing drug related incidents.

3. Age-related Considerations

Confidentiality issues need to take into consideration the differing abilities of pupils to understand the consequences of their choices. This understanding depends on the level of maturity of each individual, but there may be some correlation to their age.

The judge in the Victoria Gillick case (**Gillick v West Norfolk and Wisbech Area Health Authority [1985]**) gave the following general advice:

"It is suggested that a child or young person's ability to make decisions about his/her life depends on him/her having "sufficient understanding and intelligence to be capable of making up his/her own mind".

Before sharing any disclosed information with parents/carers, schools need to either obtain the consent of the pupil or consider the possible consequences of sharing the information, taking into account knowledge of family circumstances. This will need to be done on a case-by-case basis.

Each school will need to consider issues relating to confidentiality and the age/ maturity of their pupils.

Appendix 3 - Confidentiality

Information about pupils will not be passed on indiscriminately. The Headteacher may wish to be informed in all or some circumstances; staff have a contractual obligation to comply.

Teachers will make it clear to pupils that although most information can be kept confidential, some may need to be passed on in the young person's best interest. However, the pupil will know when this has to happen, what will be done with the information and who will have access to it.

In the case of illegal activity, action will be taken in the best interests of the pupil. This does not necessarily involve informing the police. Teachers are not obliged to inform the police about illegal drug activity.

Teachers are not obliged to pass on information about pupils to their parents, although where the teacher believes the pupil to be at moral or physical risk, or in breach of the law, they will ensure that the pupil is aware of the risks and encourage them to seek support from their parents.

In lessons, teachers will establish from the beginning that it is inappropriate to disclose personal information. Ground rules, which ensure pupils agree not to pressure one another to answer questions about their own experiences, also apply to staff.

Handling sensitive and controversial issues

Teachers will:

- Ensure pupils establish ground rules about how they will behave towards each other and how the issue will be dealt with
- Judge when to allow pupils to discuss issues on their own in small groups and when to join in and offer support
- Ensure that pupils are clear about the difference between fact, opinion and belief, and that they have access to balanced information and views against which they can clarify their own opinions and views, including contributions made by visitors to the classroom
- Decide how far they are prepared to express their own views, bearing in mind that they are in an influential position and that they have to work within the school's values framework
- Provide appropriate support after a session for any pupil who may be troubled by an issue raised

Adapted from: "Passport – A framework for personal and social development", commissioned by the Gulbenkian Foundation, written by Jane Lees and Sue Plant.

Appendix 4 – Staff Contacts

Mark Sammes	- DSL
Caroline Findlay	- DSL
Lucy Hoggan	- DSL
Caroline Dakin	- DSL
Caroline Findlay	- Inclusion
Caroline Dakin	- Special Educational Needs
Stephanie Torbet	- Able pupils
Caroline La-Garde	- Personnel Issues
Louise Neve	- Health and Safety concerns
Adam Gunn	- Drugs, RSE, PSHCE
Julia Hastings	- RE