

# GUSTON CHURCH OF ENGLAND PRIMARY SCHOOL



## Confidentiality Policy

September 2024

Review: September 2026

## **Vision**

### *Rooted in faith, growing in wisdom, branching into the world*

We are a diverse, vibrant learning community where everyone is welcomed, valued and encouraged. Loving relationships, rooted in the teachings of Jesus, allow children and adults to flourish together, creating wise, compassionate, respectful individuals who are ready to confidently take a productive place in an ever changing world.

## **INTRODUCTION**

This 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*”. *Keeping Children Safe in Education, September 2024* is shared with staff annually by email and forms the basis of CP training within the school.

This school recognises that a clear confidentiality policy will support the school in meeting the Every Child Matters outcomes of “be healthy” and “stay safe”.

The staff seek to adopt an open and accepting attitude towards children and young people as part of their general responsibility for pastoral care.

Staff hope that parents and children will feel free to talk about any concerns or worries which may affect educational progress and that they will see the school as a safe place if there are any difficulties at home.

Guston Church of England Primary School recognises the following benefits of working to a confidentiality policy:

- It highlights the importance of pupils being able to talk to adults in the school to share their problems in a safe and supportive environment.
- It safeguards the well being of those involved in the disclosure of confidential information.
- It builds trust between pupils and staff.
- It empowers each pupil to exercise control over the choices that will affect their life.
- It prevents the need to deal with each disclosure as a crisis in isolation.

## **1. AIM**

To protect the child and staff at all times and to give all stakeholders, involved in the school, clear, unambiguous guidance as to their legal and professional roles. In this way, ensuring good practice throughout the school which is understood by pupils, parents/carers, Governors, volunteers and staff.

## **2. PRINCIPLES**

Guston Church of England Primary School seeks to put the child at the heart of the learning process and to provide a safe and secure learning environment. It is 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.

Sharing information unnecessarily is an erosion of trust. The school is mindful that it is placed in a position of trust by all stakeholders and there is a general expectation that a professional approach will be used in all matters of confidentiality.

At Guston Church of England Primary School we believe that:

- The safety, well being and protection of our pupils are the paramount consideration in all decisions staff at this school make about confidentiality. The appropriate sharing of information between school staff is an essential element in ensuring our pupils well being and safety.
- It is an essential part of the ethos of our school that trust is established to enable pupils, staff, and parents/carers to seek help both within and outside the school and minimise the number of situations when personal information is shared to ensure pupils, staff are supported and safe.
- Pupils, parents/carers and staff need to know the boundaries of confidentiality in order to feel safe and comfortable in discussing personal issues and concerns, including sex and relationships.
- The school's attitude to confidentiality is open and easily understood and everyone should be able to trust the boundaries of confidentiality operating within the school.
- Issues concerning personal information including sex and relationships and other personal matters can arise at any time.
- Everyone in the school community needs to know that no one can offer absolute confidentiality.
- Everyone in the school community needs to know the limits of confidentiality that can be offered by individuals within the school community so they can make informed decisions about the most appropriate person to talk to about any health, sex and relationship or other personal issue they want to discuss.

### **Involvement of the staff, pupils, parents and the wider community in developing this confidentiality policy**

### **3. DEFINITION OF CONFIDENTIALITY**

The dictionary definition of confidential is "something which is spoken or given in confidence; private, entrusted with another's secret affairs."

Confidentiality is an understanding that any information shared with someone in trust can only be passed on to a third party with the agreement of the person disclosing it.

When speaking confidentially to someone the confider has the belief that the confidant will not discuss the content of the conversation with another. The confider is asking for the content of the conversation to be kept secret. Anyone offering absolute confidentiality to someone else would be offering to keep the content of his or her conversation completely secret and discuss it with no one.

In practice there are few situations where absolute confidentiality is offered in Guston Church of England Primary School. We have tried to strike a balance between ensuring the safety, well being and protection of our pupils and staff, ensuring there is an ethos

of trust where pupils and staff can ask for help when they need it and ensuring that when it is essential to share personal information child protection issues and good practice is followed.

This means that in most cases what is on offer is 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.

**The general rule is that staff should make clear that there are limits to confidentiality, at the beginning of the conversation. These limits relate to ensuring childrens' safety and well being. The pupil will be informed when a confidence has to be broken for this reason and will be encouraged to do this for themselves whenever this is possible.**

#### 4. GUIDELINES

- All information about individual children and staff is private and should only be shared with those that have a need to know.
- All social services, medical and personal information about a child should be held in a safe and secure place which cannot be accessed by individuals other than school staff.
- The school continues to actively promote a positive ethos and respect for the individual:
  - The Head teacher is responsible for child protection
  - There is clear guidance for the handling of child protection incidents. All staff have regular training on child protection issues.
  - There is clear guidance for procedures if a member of staff is accused of abuse.
  - Staff are aware that effective sex and relationship education that brings an understanding of what is and is not acceptable in a relationship, can lead to disclosure of a child protection issue.
  - 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 should follow the schools discipline policy.
  - Information collected for one purpose should not be used for another.
- Parents/carers and children need to be aware that the school cannot guarantee total confidentiality and the school has a duty to report child protection issues.
- The school prides itself on good communication with parents and carers and staff are always available to talk to both children and parents/carers about issues that are causing concern. The school encourages children to talk to parents/carers about issues causing them concern and may in some cases support the children to talk to their parents. The school would share with parents any child protection disclosure before going on to inform the correct authorities unless by doing this, the child would be placed in greater danger.
- Parents/carers and children should feel reassured that only in exceptional circumstances will confidentiality be broken.
- All children have a right to the same level of confidentiality irrespective of gender, race, religion, medical concerns and special educational needs. A lot of data is generated in schools by these categories but individual children should not be able to be identified.
- Confidentiality is a whole school issue. Clear ground rules must be set for classroom work such as circle time; this reduces anxiety to pupils and staff and

minimises unconsidered, unintended personal disclosures. The PSHE curriculum is delivered through Jigsaw and a class charter is part of the Being Me unit of work to establish respectful ground rules by the teacher at the start of each term. These charters are displayed and shared in class and with visitors that may form part of the discussions at the start of individual sessions at the start of individual sessions.

This is an example of the ground rules for a class:

- We take turns to speak
  - We use kind and positive words
  - We listen to each other
  - We have the right to pass
  - We only use names when making positive comments
  - We respect each other's privacy, we won't talk about it outside the lesson, but if we are worried about someone else's safety we tell a teacher
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- Health professionals have their own code of practice dealing with confidentiality. 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
  - Photographs of children should not be used without parents/carers permission especially in the press and internet. This is often a cultural issue that the school needs to be aware of. At no time should the child's name be used with a photograph so that they can be identified, without parental permission. The school gives clear guidance to parents about the use of cameras and videos during public school events
  - Information about children will be shared with parents but only about their child. Parents should not have access to any other child's books, marks and progress grades at any time especially at parents evening. However, parents should be aware that information about their child will be shared with the receiving school when they change school. All personal information about children including social services records should be regarded as confidential. It should be clearly understood by those who have access to it, and whether those concerned have access to all, or only some of the information. Information regarding health reports such as speech therapy, medical reports, SEN reports, SEN minutes of meetings and social services minutes of meetings and reports will be circulated in envelopes and once read should be returned for secure filing. Logs of administration of medication to children should be kept secure and each child should have their own individual logs. In all other notes, briefing sheets etc a child should not be able to be identified. Addresses and telephone numbers of parents and children will not be passed on except in exceptional circumstances or to a receiving school.
  - 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. These confidential papers should be destroyed. 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.

- Governors, staff and volunteers need to be mindful that if they spend time in the school, they may from time to time have access to information that is not general knowledge to parents and sometimes staff. It is essential that the 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 in the school.

## 5. LEVELS OF CONFIDENTIALITY

Different levels of confidentiality for different circumstances

**In the classroom in the course of a lesson** given by a member of teaching staff or an outside visitor, including health professionals.

Careful thought needs to be given to the content of the lesson, setting the climate and establishing groundrules to ensure confidential disclosures are not made. It should be made clear to pupils that this is not the time or place to disclose confidential, personal information. (See setting groundrules and working agreements).

When a health professional is contributing to a school health education programme in a classroom setting, s/he is working with the same boundaries of confidentiality as a teacher.

### **One to one disclosures to members of school staff (including voluntary staff).**

It is essential all members of staff know the limits of the confidentiality they can offer to both pupils and parents/carers (see note below) and any required actions and sources of further support or help available both for the pupil or parent/carer and for the staff member within the school and from other agencies, where appropriate. All staff at this school encourage pupils to discuss difficult issues with their parents or carers, and vice versa. However, the needs of the pupil are paramount and school staff will not automatically share information about the pupil with his/her parents/carers unless it is considered to be in the child's best interests.

(Note: That is, that 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 record this on the CPOMS, the school's electronic CP record. Staff are asked to faithfully record incidents without emotive language or opinion as soon as possible. Concerns can be recorded under a range of categories: SEND, Attendance, Parenting, Communication, Safeguarding and Child Protection etc. and submitted electronically with an alert for the appropriate DSL staff. The designated safeguarding lead, Mrs Deby Day (Headteacher) and the deputy DSL, Mrs Tracey Tee (Assistant Headteacher) should be informed in case immediate action is required. Please see the safeguarding board and Child Protection Policy and related documents for more information.

### **Disclosures to a counsellor, school nurse or health professional operating a confidential service in the school.**

Health professionals such as school nurses can give confidential medical advice to pupils provided they are competent to do so and follow the Fraser Guidelines

(guidelines for doctors and other health professionals on giving medical advice to under 16s). School nurses are skilled in discussing issues and possible actions with young people and always have in mind the need to encourage pupils to discuss issues with their parents or carers. However, the needs of the pupil are paramount and the school nurse will not insist that a pupil's parents or carers are informed about any advice or treatment they give.

**Contraceptive advice and pregnancy:** (not normally applicable to this school)

The DoH has issued guidance (July 2004) which clarifies and confirms that health professionals owe young people under 16 the same duty of care and confidentiality as older patients. It sets out principles of good practice in providing contraception and sexual health advice to under-16s. The duty of care and confidentiality applies to all under-16s. Whether a young person is competent to consent to treatment or is in serious danger is judged by the health professional on the circumstances of each individual case, not solely on the age of the patient. However, the younger the patient the greater the concern that they may be being abused or exploited. The Guidance makes it clear that health professionals must make time to explore whether there may be coercion or abuse. Cases of grave concern would be referred through child protection procedures

***Note:** It is the view of Kent Police that they should be informed of cases where a person under the age of 16 discloses sexual activity, which includes sexual intercourse. This is not for the purpose of prosecution, unless that course of action was appropriate, but to enable the Police to share information concerning the parties concerned. The Police are of the view that this information sharing would enable a better assessment as to whether a child was being abused or exploited.*

**The legal position for school staff:**

School staff (including non-teaching and voluntary staff) should not promise confidentiality. Pupils do not have the right to expect that incidents will not be reported to his/her parents/carers and no member of this school's staff can or should give such a promise of confidentiality. The safety, well being and protection of the child is the paramount consideration in all decisions staff at this school make about confidentiality.

School staff are NOT obliged to break confidentiality except where child protection is or may be an issue, however, at Guston Church of England Primary School we believe it is important staff are able to share their concerns about pupils with colleagues in a professional and supportive way, on a need to know basis, to ensure staff receive the guidance and support they need and the pupils' safety and well being is maintained. School staff should discuss such concerns with the DSL.

## **6. ILLEGAL ACTIVITY**

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. We would expect to consult externally for any activity that put a child at risk.

## **7. TEACHERS, COUNSELLORS AND HEALTH PROFESSIONALS:**

Professional judgement is required by a teacher, counsellor or health professional in considering whether he or she should indicate to a child that the child could make a

disclosure in confidence and whether such a confidence could then be maintained having heard the information. In exercising their professional judgement the teacher, counsellor or health professional must consider the best interests of the child including the need to both ensure trust to provide safeguards for our children and possible child protection issues.

All teachers at this school receive basic training in child protection as part of their induction to this school and are expected to follow the school's child protection policy and procedures.

## **8. VISITORS AND NON TEACHING STAFF:**

At Guston Church of England Primary School, we expect all non teaching staff, including voluntary staff, to report any disclosures by pupils or parents/carers, of a concerning personal nature to the Designated Safeguarding Lead as soon as possible after the disclosure and in an appropriate setting, so others cannot overhear. This is to ensure the safety, protection and well being of all our pupils and staff. The Designated Safeguarding Lead will decide what, if any, further action needs to be taken, both to ensure the pupil gets the help and support they need and that the member of staff also gets the support and supervision they need. Any incidents will be recorded on the online CP management system, CPOMS.

## **9. PARENTS AND CARERS:**

Guston Church of England Primary School believes that it is essential to work in partnership with parents and carers and we endeavour to keep parents/carers abreast of their child's progress at school, including any concerns about their progress or behaviour. However, we also need to maintain a balance so that our pupils can share any concerns and ask for help when they need it. Where a pupil does discuss a difficult personal matter with staff at Guston Church of England Primary School, they will be encouraged to also discuss the matter with their parent or carer themselves.

The safety, well being and protection of our pupils is the paramount consideration in all decisions staff at this school make about confidentiality.

## **10. COMPLEX CASES:**

Where there are areas of doubt about the sharing of information, either staff or the DSL will seek a consultation with the local KCC Area Safeguarding Lead.

### **Links to other school policies and procedures:**

**This policy is intended to be used in conjunction with the school's policies on:**

PSHE

Child Protection

Anti-Bullying

Behaviour

Data Protection Policy

## **11. BREACHES OF CONFIDENCE AND THE PROCEDURES FOR DOING SO:**

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. Access to information on the CPOMS system is granted to relevant staff only on a need to know basis and controlled by the DSL.



Where this does not apply and you are still concerned and unsure of whether the information should be passed on or other action taken you should speak to the Headteacher at Guston Church of England Primary School.

### **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 (e.g. murder, rape) is involved
- where safeguarding national security is involved e.g. terrorism

**If the Headteacher issues instructions that s/he should be kept informed, all staff must comply. There is always a good reason for this, which you may not know about.**

**The principles we follow at Guston Church of England Primary School are that in all cases we:**

- Ensure the time and place are appropriate, when they are not we reassure the child that we understand they need to discuss something very important and that it warrants time, space and privacy.  
See the child normally (and always in cases of neglect or abuse) before the end of the school day. More serious concerns must be reported immediately to ensure that any intervention necessary to protect the child is accessed as early as possible.
- Tell the child we cannot guarantee confidentiality if we think they will:
  - hurt themselves
  - hurt someone else
  - or they tell us that someone is hurting them or others
- Do not investigate incidents or ask the child leading questions
- Do not put children in the position of having to repeat distressing matters to several people
- Inform the pupil first before any confidential information is shared, with the reasons for this
- Encourage the pupil, whenever possible to confide in his/her own parents/carers

## **12. AGE RELATED ISSUES**

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 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.

### **13. SUPPORT FOR STAFF**

Staff may have support needs themselves in dealing with some of the personal issues of our pupils. At Guston Church of England Primary School we prefer staff to ask for help rather than taking worries about pupils home with them. There are many agencies we can refer pupils to who need additional support and we have procedures to ensure this happens. All staff are asked to record concerns confidentially via the CPOMS app and alert the DSLs so that all facts around the child are taken onto account. We all work together as part of a team to support our pupils and asking for help is a way we ensure Guston Church of England Primary School is a happy and safe learning environment.

Guston Church of England Primary School teaching staff should discuss any concerns about pupils with the Headteacher or Assistant Headteachers. Any unresolved issues should be discussed with the Head.

### **14. RECORDING INFORMATION**

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 Integrated Children's Services (ICS) 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.

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.

Any recorded information will be kept in agreement with our GDPR guidelines and Data Protection Policy.

### **15. DISSEMINATION AND IMPLEMENTATION:**

This policy has been distributed to all teaching and non-teaching staff, including volunteers, and its content discussed and agreed as part of whole school Child Protection Training.

All new staff, including volunteers, receive a link to the current copies of Child Protection Policy, Keeping Children Safe in Education and Confidentiality and Data Protection procedures. Designated Safeguarding Lead and related procedure details including outside of school contacts for Child Protection are displayed on the safeguarding board in the main staff room.

#### **16. Annual Review:**

This will be reviewed after each significant disclosure to ensure that the procedures work correctly. If there are no significant disclosures, this policy will be reviewed in line with other Child Protection Policies on annual basis to take account of new legislation and recommendations.

Deby Day Sept 2024