



# CONFIDENTIALITY POLICY

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## PURPOSE

At the Worthgate School we believe that the safety, wellbeing and protection of our students are the paramount considerations in all decisions made about confidentiality. The appropriate and legitimate sharing of information between School staff is an essential element in ensuring our students wellbeing and safety.

It is an essential part of our ethos that trusting relationships are established between students and staff, and between staff and parents, that enable the best and most appropriate support to be given to our students. Trusting relationships can only be established if staff, students and parents are all clear about provisions and purpose of this Confidentiality Policy and the clear boundaries that exist on the sharing of personal information.

It is particularly important that students, staff, parents understand the boundaries of confidentiality in order that students feel safe and comfortable in discussing personal issues and concerns, including drugs and alcohol, health, sex, relationships and other personal matters with those who are caring for them at school.

All staff at the schools receive basic training in child protection as part of their induction and are expected to follow the School's Safeguarding and Child Protection Policy and Procedures.

**Everyone in the school community needs to know that no-one can offer absolute confidentiality.**

In brief this policy is based on:

**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;

**Data Protection Act 1998:** Applies to personal data of living, identifiable individuals, not anonymised data; manual and electronic records. Schools need to be clear, when collecting personal data, what purposes it will be used for and schools should have policies to clarify this to staff, students and parents;

**Freedom of Information Act 2000:** Amends the Data Protection Act. Gives everyone the right to request any records a public body, including schools, holds about them. A school may withhold information if it has considered that the information may damage the recipient, if disclosed.

## OVERVIEW FOR PARENTS

The Worthgate School believes that it is essential to work in partnership with parents. To that end the school endeavours to keep parents abreast of their child's progress, including any concerns about their academic progress or behaviour.

There will be occasions when information will not be discussed with parents to safeguard the welfare and wellbeing of the student.

Where a student does discuss a difficult personal matter with staff, they will be encouraged to also discuss the matter with their parents.

Over 18 students have the right not to have personal information about their behaviour discussed with their parents. However, when their behaviour jeopardises their place at the school in any way the consequences applied by the School will be shared with parents.

## THE LEGAL POSITION FOR SCHOOL STAFF

Confidentiality is an important principle that enables people to feel safe in sharing their concerns and to ask for help. However, the right to confidentiality is not absolute. Sharing relevant information with the right people at the right time is vital to good safeguarding practice.

There is nothing in legislation which prevents the justifiable and lawful exchange of information for the protection of children or the prevention of a serious crime.

The safety of the student takes precedence over the need to maintain appropriate confidentiality.

A student's safety must not be compromised through the inappropriate sharing of information. You must have a clear and legitimate purpose for information sharing.

### **It is NOT acceptable for School staff to do the following:**

- Discuss issues of student confidentiality with colleagues who have no legitimate concern or interest. If in any doubt you need to contact the Designated Safeguarding Lead (DSL) to discuss
- Discuss issues of student confidentiality with other students who have no legitimate concern or interest
- Discuss issues of student confidentiality in inappropriate social settings and circumstances

Where a student's circumstances may be impacting on their progress and you wish to share this information to help them, consider what information you need to share. In general people need to know how to help the student, not what the cause is.

### **Golden rules to sharing information**

- The [Data Protection Act 2018](#), GDPR and human rights legislations, are not barriers to justified information sharing, but provide a framework to ensure that personal information about living individuals is shared appropriately
- Be open and honest with the individual (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so
- Seek advice from other practitioners if you are in any doubt about sharing the information concerned, without disclosing the identity of the individual where possible
- Share with informed consent where appropriate and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, there is good reason to do so, such as where safety or wellbeing may be at risk. You will need to base your judgement on the facts of the case
- Keep a record of your decision and the reasons for it – whether not. If you decide to share, then record what you have shared, with whom and for what purpose

See also: [Information sharing Advice for practitioners providing safeguarding services to children, young people, parents and carers July 2018](#)

CATS Global Schools' Data Protection Officer can support decision making on whether to share information when requested by an external third party. Contact [DPO@catsglobalschools.com](mailto:DPO@catsglobalschools.com).

### **PRACTICALITIES REGARDING DISCLOSURES**

You should always ensure that the time and place is appropriate to allow students to make a disclosure. If it is not, you should reassure the student that you understand they need to discuss something very important and that it warrants time, space and privacy. You should make time to meet before the end of the school day.

In accordance with the Safeguarding policy, only work mobiles and school email accounts should be used for any communication with students.

You should make clear at the beginning of the conversation or communication that there are limits to confidentiality. You should generally inform the student when a confidence has to be broken, but in some circumstances may speak to the DSL/Deputy DSL without informing the student.

You should not use leading questions when receiving a disclosure from a student. You should ensure that you take effective, verbatim notes, this will help to avoid asking the student having to repeat distressing matters to several people.

You must report any disclosures by students or parents involving the health or wellbeing of the student to the DSL as soon as possible after the disclosure.

This includes:

- Any form of abuse (physical, sexual, emotional or neglect)
- Substance misuse or risk-taking behavior
- Medical concerns (including mental health, such as indications of self-harm)

This is not an exhaustive list.

Such a disclosure to the DSL must be made in an appropriate setting; one in which others cannot overhear, where appropriate disclosures can be documented via private notes on Shackleton.

Whenever appropriate, students should be encouraged to confide in their parents/legal guardian.

Never be worried about documenting disclosures which you think are too low level to be of concern, they may be a crucial piece of information to complete the picture for the DSL.

The DSL will decide what, if any, further action needs to be taken, both to ensure the student gets the help and support they need and that the member of staff also gets the support and supervision they need.

## **SITUATIONS FOR IMMEDIATE REFERRAL TO THE DSL**

If the student is in imminent danger, you should first attempt to contact the DSL/Deputy DSL. If you cannot do so, then contact the police. Inform the DSL/Deputy DSL of your action as soon as is practicable. If the student needs immediate medical attention contact the school's Medical Team or emergency services.

In cases where there has been a disclosure of sexual abuse or physical harm, you must make an immediate referral to the DSL/Deputy DSL.

## **SHARING BEHAVIOURAL INFORMATION FOR OVER-18 STUDENTS**

Students should be encouraged to share breaches of School discipline with their parents. If they refuse to do so, the matter should first be escalated to the Assistant Principal Pastoral, Vice Principal or Principal, for them to talk to the student.

Any breach of discipline which jeopardises their place in the school (i.e. Stage 3 or above), or repeated breaches, will be reported to parents regardless of consent being given by the student. Reasonable time should be given for the student to inform their parents themselves before the message is passed by the school. The message passed should indicate where the breach has occurred (e.g. boarding residence rules, or smoking, drug and alcohol breaches), but might not need to include specifics of the incident, if the student does not agree to this information being passed.

## **STATEMENT OF GROUND RULES TO BE USED IN LESSONS**

In the classroom, during a lesson (whether 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 ground rules to ensure confidential disclosures are not made.

(It should be made clear to students that this is not the time or place to disclose confidential, personal information.)

We adopt ground rules to ensure a safe environment for teaching, in particular in PSHE and RSE lessons or presentations outside lessons. This reduces anxiety to students and staff and minimises unconsidered, unintended personal disclosures. At the beginning of any PSHE and/or RSE session, students are reminded of the ground rules by the teacher or outside visitor.

## **CONFIDENTIALITY FOR DIFFERENT ROLES**

### **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 students and parents/carers (see note below) and any required actions and sources of further support or help available both for the student or parent and for the staff member within the school and from other agencies, where appropriate. All staff at the school encourage students to discuss difficult issues with their parents, and vice versa. However, the needs of the student are paramount and School staff will not automatically share information about the student with his/her parents, unless it is considered to be in the child or young person's best interests.

Note: When concerns for a student come to the attention of staff, however insignificant they might appear to be, the member of staff must discuss this with the DSL/Deputy DSL as soon as is practically possible to ensure that any intervention necessary to protect the student is accessed as early as possible. Please see the School's Safeguarding and Child Protection Policy.

### **Disclosures to the school nurses, or welfare team operating a confidential service in the school.**

School nurses and welfare staff are skilled in discussing issues and possible actions with young people and always have in mind the need to encourage students to discuss issues with their parents. However, the needs of the student are paramount, and the staff will not insist that a student's parents are informed about any advice or treatment they give.

Health professionals such as School nurses can give confidential medical advice to students, 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). All health professionals must follow their professional codes of practice and the law. This means that they must make every effort to protect confidentiality. It also means that no identifiable information about a patient is passed to anyone or any agency without the express permission of that patient, except when this is essential for providing care or necessary to protect somebody's health, safety or wellbeing.

Confidentiality is the cornerstone of health care and central to the work of everyone working in general practice. All information about patients is confidential: from the most sensitive diagnosis to the fact of having visited the surgery or being registered at the practice. The duty of confidentiality owed to a person under 16, is as great as the duty owed to any other person.

**LINKS TO OTHER SCHOOL POLICIES AND PROCEDURES:**

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

- Safeguarding and Child Protection
- Misuse of non-prescribed drugs
- Anti-bullying
- Student behaviour
- Whistleblowing
- Staff disciplinary