



The STAR Multi Academy Trust

CONFIDENTIALITY POLICY

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| Approved by the Trust Board | 12 January 2023 |
| Review Date | January 2026 |

Purpose and Aims

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

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

This policy guides school staff, volunteers, parents and carers and visitors on the policy and procedures surrounding confidentiality.

Staff members adopt a supportive and accepting attitude towards pupils/students as part of their general responsibility for pastoral care. It is our hope that pupils/students and parents/carers feel free to discuss any concerns and worries they have that may affect educational progress with members of their school team. All schools in our Trust are mindful that they are placed in a position of trust by all stakeholders and there is an expectation that a professional approach will be used in all matters of confidentiality.

The Confidentiality Policy aims to:

- Promote a supportive and accepting ethos within each school.
- Safeguard the wellbeing of pupils/students.
- Build trust between pupils/students and staff.
- Empower pupils/students to exercise control over their situation and voice their concerns.
- Prevent the school dealing with each disclosure in isolation.
- Ensure that everyone in the school community knows that total confidentiality can never be guaranteed.
- Ensure that everyone in the school community knows the limits of confidentiality that can be offered within school so that they can make informed decisions about the most appropriate course of action. This may be linked to health, sex and relationship advice, safeguarding or any other personal issue that they wish to discuss.
- Ensure that parents have a right of access to any records each school may hold on their child, but not to any other child for whom they do not have parental responsibility.
- Ensure that anyone who works in our schools, either paid or as a volunteer does not repeat knowledge about a child to anyone outside the school.
- Ensure that anyone who works in our schools, either paid or as a volunteer knows when to pass information on and to whom.

1. Legal framework

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

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

2. Definitions

- 2.1. For the purpose of this policy, 'confidentiality' is an understanding that any information shared with someone in trust 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 is a designated staff member 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 students.

3. Policy application

- 3.1. 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.
- 3.2. In extreme situations, such as medical emergencies, staff members will pass on information as necessary for the wellbeing of the pupil/student.
- 3.3. All information about an individual pupil/student is private and will only be shared with staff members who have a legitimate need to know.
- 3.4. All data is processed and held in line with the school's Information Governance Policy.
- 3.5. The Designated Safeguarding Lead is responsible for referring the pupil's/student's confidential information to any multi-agency support services.
- 3.6. Staff members may not pass on confidential information unless they believe a child protection referral to the police or social services is necessary and the Designated Safeguarding Lead does not agree.

4. Limits of confidentiality

- 4.1. In practice, there are few situations where absolute confidentiality can be offered. Each school aims to strike a balance between confidentiality and trust, and ensuring the safety, wellbeing and protection of its students.
- 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/student 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/students that the classroom is not a place to disclose confidential, personal information.
- 5.2. Pupils/Students are made aware that a staff member 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. Staff members will make it clear to pupils/students that they may have to pass on some information if they believe the student is at risk and that confidentiality cannot be guaranteed. Staff members must also make it clear at the beginning of any conversation such as this that there are limits to the degree of confidentiality they can offer and total confidentiality can never be offered or guaranteed.
- 6.2. When concerns for a pupil/student 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 Designated Safeguarding Lead as soon as possible.
- 6.3. 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/student is accessed as early as possible. Such incidents should also be logged on CPOMS, as early as possible.
- 6.4. The pupil/student will be informed when and why confidence has to be broken, who will be told and what the possible next steps will be.

7. Disclosures to health professionals

- 7.1. Health professionals, such as the school nurse, may give confidential advice and information to pupils/students, provided the information is in regards to the student'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 children and young people. On a need-to know basis, the school nurse may share information with appropriate staff in to enable improved support for pupils/students.
- 7.3. The school will always endeavour to encourage the pupil/student to discuss any issues with their parents if they feel it is in the best interests of the pupil/student to do so.

8. Breaking confidentiality

- 8.1. When confidentiality must be broken because a pupil/student may be at risk of harm, in accordance with our Child Protection and Safeguarding Policy, the school will ensure the following:
 - Pupils/Students are told when the information has been passed on
 - Pupils/Students are kept informed about what will be done with the information
 - To alleviate their fears about everyone knowing, pupils/students are told exactly who their information has been passed on to

- It will always be stressed to the pupil/student that the school will always have the best interests of the pupil/student at the heart of any decision making.

8.2. The Headteacher is to be informed of any child protection concerns.

8.3. Staff members are contractually obliged to immediately inform the DSL or the Headteacher.

8.4. Staff members 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. Staff members are not permitted to pass on personal information about pupils/students indiscriminately.

9. Guidance for staff

9.1. The safety and protection of the pupil/student is the paramount consideration in all confidentiality decisions.

9.2. Staff members are not obliged to break confidentiality unless there is a child protection concern or they believe that a child is at risk of harm.

9.3. Staff members are encouraged to share their concerns about pupils/students 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/students:

- Personal matters are discussed in an appropriate time and place
- Pupils/Students with concerns are spoken to in confidence as soon as possible
- Where there are child protection concerns, the pupil/student is always spoken to in confidence before the end of the school day
- Pupils/Students are told, prior to disclosures, that a staff member cannot guarantee confidentiality if they think a pupil/student is being hurt by others, hurt themselves, or hurt someone else
- Pupils/Students are not interrogated or asked leading questions
- Pupils/Students are not placed in the position of having to repeat the disclosure to several people
- Pupils/Students will be informed before any information is shared
- The school will keep a written record of any conversations on CPOMS.
- Where appropriate, students are told to confide in their parents/carers

9.6. Discussions about children/parents should not take place in an unprofessional way or in an unprofessional setting e.g. outside the school, in thoroughfares within the school. This may result in an action being brought against an individual or the school.

- 9.7. Staff members may find themselves dealing with highly personal issues and potentially upsetting disclosures. With this mind, staff members are encouraged to seek help from the Designated Safeguarding Lead if they are unsure about how to respond to a situation.
- 9.8. Schools have access to several external agencies that specialise in providing advice and support. Pupils/Students will be made aware of specialist services that are available to them which are age appropriate.

10. External visitors

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

11. Informing parents/carers

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

12. Information Sharing

- 12.1. 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 schools.
- 12.2. 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.
- 12.3. 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.
- 12.4. Logs of administration of medication to children should be kept secure and each child should have their own individual log.
- 12.5. In all other notes, briefing sheets a child should not be able to be identified.
- 12.6. Addresses and telephone numbers of parents and children will not be passed on except in exceptional circumstances or to a receiving school.

12.7. Photographs of children should not be used without parents/carers' permission especially in the press and internet. Each school must give clear guidance to parents about the use of cameras and videos during public school events.

12.8. All parents who work in our schools are bound by the confidentiality policy. Any knowledge about a child should be kept in school and not repeated to any other parent, even if a parent asks for this information.

12.9. 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

13. Guidance for Governors

13.1. 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.

13.2. Hard copies of 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.

14. Dissemination

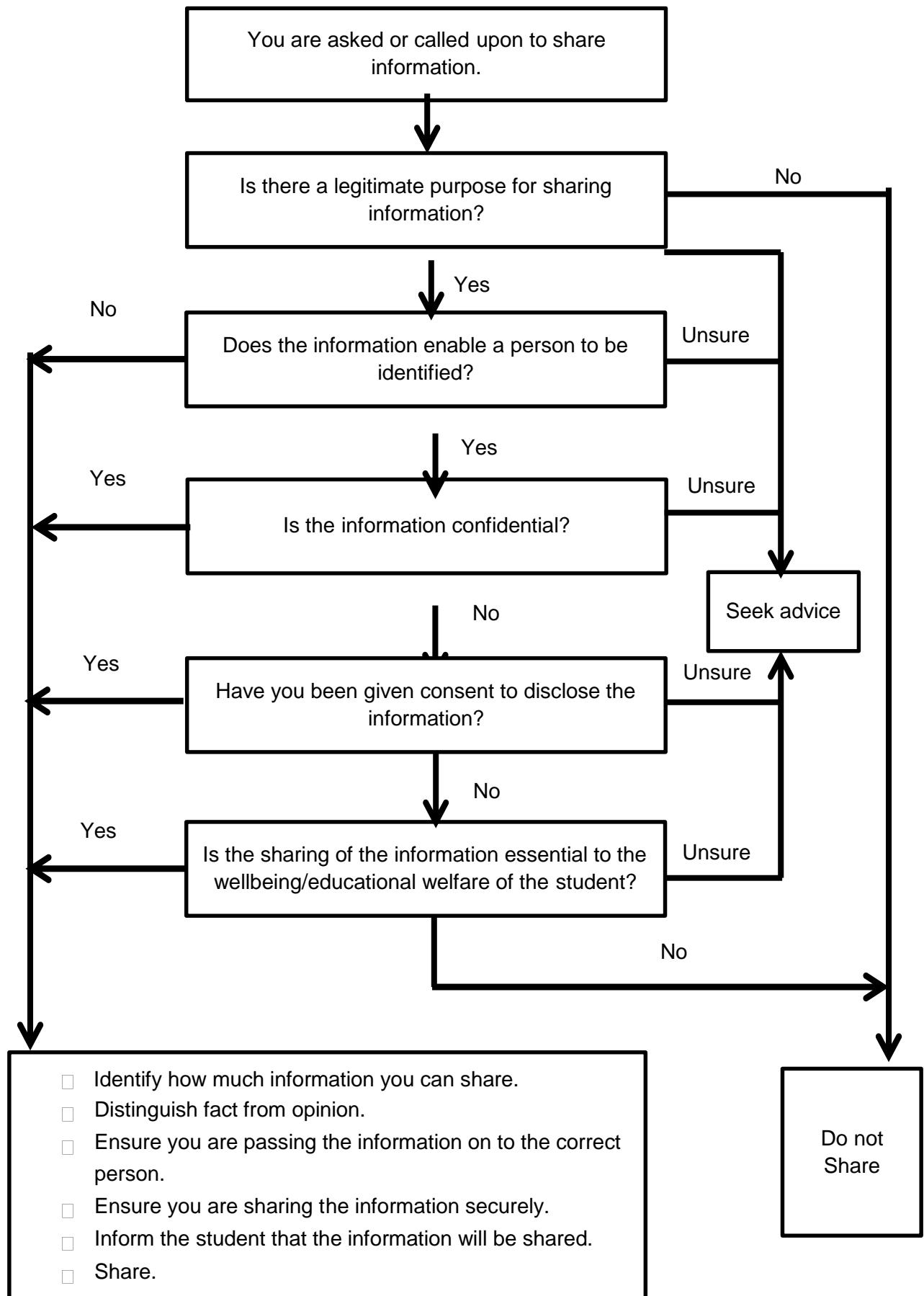
14.1. All parents/carers are made aware of the Trust's Confidentiality Policy and are informed that a copy can be made available to view and can be read online on the Trust and school website.

14.2. Parents/carers are made aware that schools cannot offer complete confidentiality if they deem a student is at risk from harm.

This policy will be implemented in conjunction with, but not limited to the following school policies and practices:

- Data Protection Policy
- Child Protection and Safeguarding Policy
- Whistleblowing Policy
- SRE Policy
- Supporting Students with Medical Needs Policy

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.