

# FINHAM PARK MULTI ACADEMY TRUST



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## **CONFIDENTIALITY POLICY**



## 1. INTRODUCTION AND CONTEXT

- 1.1 This school recognises its legal duty under Keeping Children Safe in Education 2021 and Section 11 of the Children Act 2004 to work with other agencies in safeguarding children and protecting them from 'significant harm'.
- 1.2 Each school in the MAT recognises that a clear confidentiality policy will support the school in ensuring the safeguarding of all children.
- 1.3 Staff seek to adopt an open and accepting attitude towards children and young people as part of their general responsibility for pastoral care.
- 1.4 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.
- 1.5 This 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 wellbeing 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

## 2. A DEFINITION OF CONFIDENTIALITY

- 2.1 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.

***Please note: For the purpose of this policy, 'a disclosure' is the sharing of any private/ personal information. It is a general term and does not just relate to child protection issues.***



### **3. THE LIMITS OF CONFIDENTIALITY**

- 3.1 Staff, pupils, parents/ carers will be informed about the limits of confidentiality in each school. Some issues have to be shared with other people/ agencies e.g. child protection.
- 3.2 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.
- 3.3 Members of staff will be made aware of whom (if anyone) to inform in the event of different types of disclosure of a personal nature.
- 3.4 Each school in the MAT recognises that confidential discussions need to take place in a confidential environment. Public places such as staffroom, the classroom and the playground are not, in general, confidential environments.
- 3.5 Parents/carers and pupils have the right to view educational records upon written request. It is therefore not possible to guarantee the confidentiality of recorded information.
- 3.6 Each school in the MAT will provide opportunities for its pupils to access confidential support on school premises in the following ways: to any trusted adult/ peer including College Mentors, Child Protection Officers, School nurse, Counsellor, Learning Mentor and through various other outside agencies as appropriate.
- 3.7 **Staff are required to pass on confidential information in the following circumstances:**
- Child Protection
  - Where there is a risk of serious harm or threat to life.
  - Where potential or actual serious crime is involved (e.g. murder/rape)
  - Where safeguarding national security is involved (e.g. terrorism)
- 3.8 **Responsibilities to parents/ carers**
- Members of staff are not legally obliged to inform parents/carers in many instances when personal information has been disclosed.
  - 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 appropriate agencies are informed.
  - Staff will encourage the pupil to inform and seek support from their parents/carers.
  - In most cases information provided by a pupil will only be passed to their parents/ carers with the pupil's consent.



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- When the school chooses to inform parents/carers it will only be done if it is in the best interests of the child.

### 3.9 **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. Staff must inform safeguarding officers and follow up that the appropriate actions have been undertaken regarding radicalization and the PREVENT agenda. If they fail to do so they are held legally accountable by the police.
- 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 however within the boundaries of the law.

## 4. **STAFF ROLES AND RESPONSIBILITIES**

- 4.1 All staff (teaching and non-teaching) will be made aware of the confidentiality policy and their entitlements to training and support in its implementation.
- 4.2 All staff are under a contractual obligation to uphold the policy as with all other school policies. Failure to comply with this policy will result in disciplinary procedures being followed.
- 4.3 All new staff will be given training as part of their induction.
- 4.4 A copy of the policy will be placed on the Finham Park Multi Academy Trust website.
- 4.5 Refresher sessions will be provided as part of the schools' continuing Professional Development programme.
- 4.6 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 following members of staff in the school:  
Sarah Bracken, Laura Francioso, Conor Fitzhugh, Sue Walker

To include the following external agencies and Local Authority supports:

- Child protection – lead officer for child protection is LADO (Local Authority Designated Officer) **024 7697 5483** or **completing an online [form](#)**
- Multi-agency Safeguarding Hub
- Drugs and alcohol – Compass, Healthy Schools Team
- Pregnancy – Teenage Pregnancy Unit, Hospital school service
- Sexual Health – School Nurse and Compass
- Crime/anti-social behaviour – Police Support Officer
- Counsellor



## 5. **WORKING WITH EXTERNAL AGENCIES**

- 5.1 Anyone working with pupils from the school particularly on sensitive areas of the curriculum needs to be made aware of the school's confidentiality policy.
- 5.2 Staff in each school in the MAT and staff from external agencies will establish at the beginning of lessons dealing with sensitive topics that it is inappropriate to disclose personal information during the lesson. Ground rules need to be agreed which ensure individuals do not pressure one another to answer questions about their own experiences.
- 5.3 Staff in each school in the MAT will outline the sources of support available to any pupil who may wish to discuss the topics and/or feelings further on a one to one basis. Referrals can be made to: Sarah Bracken, Conor Fitzhugh.
- 5.4 The MAT 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.

## 6. **RECORDING INFORMATION**

- 6.1 The MAT 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 the Social 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.
- 6.2 **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.**
- 6.3 In order to comply with the Lord Chancellor's Code of Practice on the Management of Records (issued under section 46 of the Freedom of Information Act 2000), any *processed* information will be stored in accordance with the Schools Record Management Systems.

## 7. **MONITORING AND EVALUATION**

- 7.1 The policy will be revised after each significant disclosure to ensure that the policy and the procedures work appropriately.
- 7.2 The policy will be reviewed on an annual basis in line with other policy documents.

## 8. **COMMUNICATING THE POLICY**



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- 8.1 The policy will be communicated to all school staff, governors, parents/carers, partner agencies and relevant visitors. This will be via the website and other electronic platforms used by the school such as the FROG Virtual Learning Environment (VLE)
- 8.2 The flow chart for how to deal with confidential disclosures will be displayed on appropriate staffroom notice boards.

# FLOWCHART TO SHOW THE PROCESS FOR HANDLING A DISCLOSURE OF CONFIDENTIAL INFORMATION

KNOW YOUR SCHOOL'S CONFIDENTIALITY POLICY

A pupil starts to talk to you about something important to them

Interrupt and make the pupil aware that you may not be able to keep certain information confidential. Give examples eg. child protection and other exceptions from your school's policy

Find a suitable place to listen to the pupil's concerns where there will be no interruptions. Remember significant points for possible recording afterwards

**IF YOU THINK ONLY LISTENING IS NEEDED**

Re-assure the pupil that they can come back to you to talk about this or any other matter

At some later date

Enquire of pupil in a non-intrusive way as to how they are to allow the pupil to re-visit their concerns if they wish

**When pupil no longer requires support**

**NO FURTHER ACTION**

**IF YOU NEED TO KNOW MORE ABOUT THE SUBJECT OF THE DISCLOSURE**

Get further information from help lines, internet support agencies, self-help groups, colleagues, family friends (without talking about any details which might identify the pupil eg. name address etc.)

**IF YOU THINK ACTION / REFERRAL IS REQUIRED**

Find appropriate and confidential means of support for both the pupil and yourself

**If you think a supported referral is a good / the only option**

Get the pupil's consent for the support of another agency or person

**Consent given**

Arrange an appointment with the agency / professional

**Accompany pupil to appointment if appropriate**

Let the pupil know that you are still supporting them, without trying to elicit further information from them

**If matter appears resolved**

Show appropriate interest and support

**If information is volunteered**

Show appropriate interest and support

**CHILD PROTECTION**

Inform pupil of requirement to make a referral

Initiate the school's child protection procedures

**Consent withheld**

Explain the possible consequences of their decision



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# **CONFIDENTIALITY POLICY**

Written	2017
Revised by M Bailie	November 2021
Next review date	November 2022

Approved by Trustees:

Signed:

MARK BAILIE  
Executive Headteacher

Date: 18<sup>th</sup> January 2022

Signed:

PETER BURNS MBE  
Chair of Board of Trustees

Date: 18<sup>th</sup> January 2022