



# **CONFIDENTIALITY POLICY**

Date approved by Directors  
December 2019

# TENTERDEN SCHOOLS TRUST

## Confidentiality Policy

This policy will be reviewed every 3 years

**DATE OF POLICY:                    DECEMBER 2019**

**DATE OF REVIEW:                 DECEMBER 2022**

**Member of staff responsible for Policy:**

**Chief Executive Officer & Data Protection Officer**

**Signed**



**Chief Executive Officer**

**Signed**



**Chair of the Trust Board**

## CONFIDENTIALITY POLICY

This Policy needs to be read in conjunction with the following School Policies:

- Safeguarding
- Drugs Education
- Relationship and Sex Education
- Ethos for Learning

### 1. Introduction

At the Tenterden Schools Trust (TST) we believe that:

- The safety, wellbeing and protection of our students are the paramount consideration in all decisions which Trust staff make about confidentiality. The appropriate sharing of information between school staff both teaching and associate is an essential element in ensuring our students' wellbeing and safety. In addition, our wide and increasing links with outside agencies and with staff across the TST and the TRA entail ensuring that confidentiality protocols are known and followed by all staff. It is the responsibility of Headteachers throughout the Trust and relevant delegated staff, for example DSLs, to ensure that this policy is made available and is adhered to by multi agency staff.
- It is an essential part of the ethos of the TST that trust is established to enable students, staff and parents/carers to seek help both within and outside the schools and minimise the number of situations when personal information is shared to ensure students and staff, parents and carers are supported and safe.
- Trust schools will generally operate on a "best interest of the student" meaning that information will be shared only among parties who need to have detailed knowledge in order to offer the maximum help and support in terms of welfare and learning.
- Students, 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. We will seek to ensure that this is the case.
- Everyone in the school community needs to know that no one can offer absolute confidentiality. Again, we will seek to ensure that this is understood.
- As part of a whole school policy on confidentiality the school will consider other aspects of school life where confidentiality may be pertinent, such as handling student data.

## **Definition of Confidentiality**

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

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.

## **Practice of confidentiality within TST schools.**

In practice there are few situations where absolute confidentiality is offered within the TST schools. We have tried to strike a balance between ensuring the safety, wellbeing and protection of our students and staff, ensuring there is an ethos of trust where students 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 we practise 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, and consent would then be sought.

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 students’ safety and wellbeing. The students will be informed when information needs to be passed on for this reason and will be encouraged to do this for themselves whenever this is possible.

In order to protect our pupils and staff, conversations outside the workplace should only be on a professional basis.

Different levels of confidentiality are appropriate for different circumstances.

## **In the classroom in the course of a lesson given by a member of the 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 or personal information. When a health professional is contributing to a school health education programme in a classroom setting, they will be working within the same boundaries of confidentiality as a teacher.

### **One to One disclosures to members of school staff.**

It is essential that all members of staff know the limits of the confidentiality they can offer to both students and parents/carers and any required actions and sources of further support or help available both for the student or parent/carer and for the staff member within the school and from other agencies, where appropriate. All staff within the TST schools should encourage students to discuss difficult issues with their parents or carers, and vice versa. However, the needs\* of the student are paramount and school staff will not automatically share information about the student with their parents/carers unless it is considered to be in the child's best interests or legally they are obliged to do so, e.g. under Child Protection legislation.

(\*Note: That is when concerns for a student 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 discuss this with the Designated Safeguarding Lead as soon as is practically possible. More serious concerns must be reported immediately to ensure that any intervention necessary to protect the child is accessed as early as possible. See the school Safeguarding Policy.)

### **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 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). School nurses may discuss issues and possible actions with students and need to encourage students to discuss issues with their parents or carers. However, the needs of the student are paramount and the school nurses will not insist that a student's parents or carers are informed about any advice or treatment they give.

The principles we follow at the TST are that in all cases we:

- Ensure that the time and place are appropriate, when they are not we reassure the student that we understand they need to discuss something very important and that it warrants time, space and privacy. The student should normally be seen (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 student is accessed as early as possible.
- We tell the student 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
  - Or if their safety is compromised

- We will not interrogate the student or ask leading questions
- We will not put students in the position of having to repeat distressing matters to several people
- We will inform the student first before any confidential information is shared, with the reasons for this
- We will encourage the student whenever possible and appropriate to confide in their parents/carers.

See the school Safeguarding Policy where the same guidelines are outlined.

Students are also kept informed of agencies and help lines which can provide confidential information and advice, e.g. Child Line.

### **Contraceptive advice and pregnancy**

The Department of Health 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 Safeguarding procedures.

### **The legal position for school staff**

School staff (including non-teaching and voluntary staff) should not promise complete confidentiality. Students do not have the right to expect that incidents will not be reported to their parents/carers and may not, in the absence of an explicit promise, assume that information conveyed outside that context is private. No member of school staff can or should give such a promise. The safety, wellbeing and protection of the student is the paramount consideration in all decisions staff at school make about confidentiality. Within the TST we expect all school staff to report any disclosures by students or parents/carers, or any worrying disclosures of a personal nature to their 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 wellbeing of all our students and staff. The DSL 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.

### **Sensitive Information:**

Any Child Protection information should be stored in a secure Safeguarding file and kept safe by the named Designated Safeguarding Lead. They will decide which staff need to have access to this information and where possible will ensure that students and parents/carers know which staff this involves. Any Safeguarding allegations or

revelations must always be shared with the DSL and students and parents/carers must be told this when appropriate. All referrals to Social Services should be shared with the parent/carer and the student, unless in doing so the DSL feels they may endanger the student's safety.

### **Multi Professional Meetings:**

Where students are to be the subject of discussion among professionals, e.g. at a multi agency meeting or annual SEN review, the person chairing the meeting has a duty to write to the parents/carers beforehand, whether or not they are invited to the meeting, so that they are aware their child will be the subject of discussion. Student's names are then used in meetings, and in minutes and reports from meetings, although minutes with students full names included will only be circulated to those invited to the meeting. This procedure should also apply to any meetings held with Governors or senior staff or TRA meetings at which the welfare of individual students is discussed.

### **Support for staff**

Staff may have support needs themselves in dealing with some of the personal issues of our students. In the TST we prefer staff to ask for help rather than possibly making a poor decision because they do not have all the facts or experience to deal with issues, and we try to prevent staff taking worries about students home with them. There are many agencies that we can refer students to when they need additional support and we have procedures to ensure this happens. We all work together as part of a team to support our students and asking for help is a way we ensure the Trust schools are a happy and safe learning environment.

### **Staff training**

All new staff both teaching and associate take part in Safeguarding training including how to deal with confidential issues. See appendix 1 of this policy. This training is provided as soon as they start work at a TST school if at all possible on the very first day and certainly within the first week. Refresher courses and sessions for student teachers and NQTs are also held each year and attendance at these is mandatory.

### **Parents/Carers**

TST believes that it is essential to work in partnership with parents and carers and

we endeavour to keep them 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 students can share any concerns and ask for help when they need it. Where a student does discuss a difficult personal matter with staff, they will be encouraged to also discuss the matter with their parents or carer themselves.

### **Academic information/examination results**

In no circumstances should anyone other than the student or with the students permission, their parent/carer be given the results of assessments and staff should never discuss other student's results or scores with anyone else, other than members of the teaching staff. The only exception to this would be where students were being discussed at Multi Agency or other welfare type meetings at which school staff, social workers or other professionals are present and where there is a shared need for all to work together to support the student in their learning, and permission would then be sought by the parent/carer.

### **Student Data**

Student's personal details are kept in student files and also on the school SIMS system. All staff have a duty to ensure that their computers may not be seen by anyone other than staff, students should not be allowed to see any data other than their own. All paper copies of files should be locked away when not in use and computers must be closed down if the member of staff is away from their desk and again closed down properly at the end of the day. All confidential paperwork must be disposed of appropriately in the confidential waste bins provided or by cross shredding.

Under the EU General Data Protection Regulation (GDPR) and the Data Protection Act 2018, students and their parent/carers are entitled to receive copies of the information the school holds about them. There are limited exemptions that may be applied where information may be withheld. Care must be taken when releasing information to ensure that only data and information about the student in question is shared. For example, accounts of incidents in school may include other students' names and those names would have to be erased before the records are released. In all cases the Data Protection Officer (DPO) and school Headteachers are responsible for overseeing that the process is implemented correctly.

### **Review:**

This policy will be reviewed every 3 years or whenever deemed necessary by the Principal and Governors in the light of events and changes in the law.



## **Appendix 1**

To be read in conjunction with the Safeguarding Policy

### **Ground rules for students in lessons:**

- We won't ask each other or the teacher any personal questions
- We will respect each other and not laugh, tease or hurt others
- We won't share things publicly that we want to keep confidential.
- We can pass or opt out of something if it makes us feel uncomfortable
- If we do find out things about other students, which are personal and private, we won't talk about it outside the lesson
- If we are worried about someone else's safety, we tell a member of staff.

### **The principles we follow at the Tenterden Schools Trust are that in all cases we:**

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