

Three Counties Academy Trust



Pupil Confidentiality Policy

#G7

Last updated: 15 November 2022

Review Date: 31 August 2025

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Statement of intent

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

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

This policy guides Trust staff and visitors on the policy and procedures surrounding confidentiality.

Staff members adopt a supportive and accepting attitude towards pupils as part of their general responsibility for pastoral care. It is our hope that pupils and parents feel free to discuss any concerns and worries they have, that may affect educational progress with members of the Trust team.

The Pupil Confidentiality Policy aims to:

- Promote a supportive and accepting ethos within the Trust and our schools
- Safeguard the wellbeing of pupils
- Build trust between pupils and staff
- Empower pupils to exercise control over their situation and voice their concerns
- Prevent the Trust or our schools dealing with each disclosure in isolation

1. Legal framework

This policy has due regard to all relevant legislation and statutory guidance including, but not limited to, the following:

- The Education Act 2011
- The UK General Data Protection Regulation (GDPR)
- The Data Protection Act 2018
- The Human Rights Act 1998
- The Freedom of Information Act 2000

This policy operates in conjunction with the following Trust and school policies:

- Data Protection Policy
- Child Protection and Safeguarding Policy
- Anti-bullying Policy
- Whistleblowing Policy
- Disciplinary Policy and Procedure
- Records Management Policy
- Freedom of Information Policy
- Online Safety Policy

2. Definitions

For the purpose of this policy, '**confidentiality**' is an understanding that any information shared with someone in trust, with the intention to be kept private, will only be passed on to a third party with the prior agreement of the person disclosing it.

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.

Disclosure of the contents of a conversation may be discussed with professional colleagues, but the confider is not identified except in pre-determined circumstances.

3. Roles and responsibilities

The Executive Headteacher and Heads of School will:

- Ensure staff understand why they must agree to the regulations set out in this policy and the documents outlined in the legal framework
- Remain informed of any confidentiality, safeguarding for data protection concerns within the school and the wider Trust
- Decide on the appropriate disciplinary procedures that will be placed upon any staff member who is in breach of their confidentiality agreement or otherwise withholds, discloses, or shares confidential information without reason
- Ensure that this policy is kept up to date with all other documents, policies and statutory frameworks which operate in conjunction with this policy.

The DPO will:

- Address all concerns relating to data protection
- Provide advice in the event of a data breach
- Understand all relevant legislation including the Data Protection Act 2018 and the UK GDPR
- Understand how to correctly withhold, store, move and share data
- Ensure that the Trust's data is protected at all times and react quickly to any vulnerabilities

The DSL will:

- Understand the importance of information sharing with other schools, safeguarding partners, practitioners and any other relevant agencies or organisations
- Understand relevant data protection legislation and regulations with particular reference to the Data Protection Act 2018 and the UK GDPR
- Keep detailed, accurate, secure written records of concerns and referrals and understand the purpose of record-keeping

All staff members, volunteers and individuals working in cooperation with the Trust and our schools will:

- Uphold their responsibility and duty in relation to confidentiality
- Ensure that information and personal details are not shared or discussed with others, except for the appropriate bodies
- Keep information regarding the Trust, our schools, including our pupils and parents, confidential

4. Limits of confidentiality

The Trust aims to strike a balance between confidentiality and trust, and ensuring the safety, wellbeing, and protection of its pupils.

In almost all cases of disclosure, limited confidentiality is on offer.

The professional judgement of a teacher, counsellor or health professional is vital when considering whether to inform a pupil that a disclosure may be made in confidence, and whether such confidence could remain having heard the information.

The trust will take the stance that all information about individual pupils is private and should only be shared with other professionals who have a legitimate need to know. Under no circumstances will personal information about pupils, staff members or the Trust and its schools be passed on indiscriminately.

Only information that is necessary for the purpose it is being shared for will be shared. All decisions and reasons for sharing data will be recorded by the DPO.

When confidentiality must be broken because a child may be at risk of harm, in accordance with the Trust's Child Protection and Safeguarding Policy, the Trust will ensure the following:

- Pupils will be told when information has been passed on

- Pupils will be kept informed about what will be done with their information
- To alleviate their fears concerning the information becoming common knowledge, pupils will be told exactly who their information has been passed on to

5. Classroom confidentiality

It is made clear to pupils that the classroom is not a place to disclose confidential, personal information.

Pupils are made aware that a staff member is always available to talk to them in private when needed.

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

Where it is possible and reasonable and safeguarding concerns do not apply, consent will be sought for data processing as outlined in the Trust's Privacy Notice where an individual may not expect their information to be passed on. Consent will be explicit and freely given, and the pupil will be told as to why, what, how and with whom their information will be shared.

Staff members will never promise a child that they will not tell anyone about a report of abuse and will make it clear to pupils that they may have to pass on some information if they believe the pupil is at risk.

When concerns for a pupil 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 DSL as soon as possible.

In accordance with the Trust'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 is accessed as early as possible.

7. Disclosures to health professionals

Health professionals, such as the school nurse, may give confidential medical advice to pupils, provided the information is in regard to the pupil's wellbeing, and they are competent to do so and follow the correct procedures.

The school nurse is skilled in discussing issues and possible actions with pupils and on a need-to-know basis, the school nurse may share information with appropriate staff to enable improved support for pupils.

8. Breaking confidentiality

When confidentiality must be broken because a pupil may be at risk of harm, in accordance with our Child Protection and Safeguarding Policy, the Trust will ensure the following:

- Pupils are told when the information has been passed on
- Pupils are kept informed about what will be done with the information

- To alleviate their fears about who else may be aware of the information, pupils are told exactly who their information has been passed on to
- The Executive Headteacher and the Head of School is to be informed of any child protection concerns
- Staff members are contractually obliged to immediately inform the Head of School who in turn must inform the Executive Headteacher

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 SLT.

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

9. Guidance for teaching staff

The safety and protection of the pupil is the paramount consideration in all confidentiality decisions. Staff members are not obliged to break confidentiality unless there is a child protection concern and are encouraged to share their concerns about pupils in a professional and supportive way.

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.

The following principles are adhered to when supporting pupils:

- Personal matters are discussed at an appropriate time and place
- Pupils with concerns are spoken to in confidence as soon as possible
- Where there are child protection concerns, the pupil is always spoken to in confidence before the end of the school day
- Pupils are told, prior to disclosures, that a staff member cannot guarantee confidentiality if they think a pupil is being hurt by others, hurting themselves, or hurting someone else
- Pupils are listened to carefully without judgement and it is made clear how the report will be progressed
- Pupils are not interrogated or asked leading questions
- Pupils are only prompted where necessary with open questions, e.g., where, when, what
- Pupils are not placed in the position of having to repeat the disclosure to several people
- A written record is made of the report
- Pupils will be informed before any information is shared, provided it is determined that this would not risk the child's safety
- Where appropriate, pupils are told to confide in their parents

Staff members may find themselves dealing with highly personal issues and potentially upsetting disclosures. With this in mind, staff members are encouraged to seek help from the DSL if they are unsure about how to respond to a situation.

The Trust has access to several external agencies that specialise in providing advice and support.

10. External visitors

All external visitors are made aware of the Pupil Confidentiality Policy and work within its limits when interacting with pupils.

Healthcare professionals work within their codes of confidentiality when delivering their services within any of the Trust schools.

11. Informing parents

The Trust works with parents to create a partnership of trust. It endeavours to inform parents of their child's progress and behaviour.

When a pupil discusses a personal matter with a staff member, they are encouraged to share the information with their parents unless there is an identifiable child protection risk associated.

Where a staff member believes a child protection risk is posed in regard to the family of the pupil, following a disclosure, the staff member will immediately contact the DSL and local safeguarding officer.

All parents are made aware of the Trust's Pupil Confidentiality Policy and are informed that a copy can be viewed at each school office and on the Trust website.

Parents are made aware that the Trust cannot offer complete confidentiality if they deem a pupil is at risk from harm.

12. Safeguarding

The Trust will act in accordance with its Child Protection and Safeguarding Policy at all times when dealing with safeguarding issues.

All child protection and safeguarding concerns will be treated in the strictest of confidence in accordance with Trust data protection policies.

The Trust will do all it can to protect the anonymity of pupils involved in any report of sexual violence or sexual harassment.

13. Monitoring and review

This policy will be reviewed in line with the published schedule at the front of this document and at any point material changes require it by the Executive Headteacher and the Executive Leader for Safeguarding and Inclusion in conjunction with the Governing Board. Any changes made to the policy will be amended by the Executive Headteacher and will be communicated to all members of staff. All staff are required to familiarise themselves with this policy as part of their induction programme.

The next scheduled review date for this policy is 31st August 2025.

Signed by:

_____ Executive Headteacher Date: _____

_____ Chair of Trustees Date: _____

Staff Information Sharing Flowchart

