

CONFIDENTIALITY POLICY

Rationale

There is increasing national concern for the emotional health and well-being of young people growing up in today's society. We recognise that parents and carers want to do all they can to support their child but even in the most supportive of relationships where there is excellent communication between parent/carer and child, there can be occasions when they are worried about something and feel that they cannot talk about it with them. This may result in enormous stress for the pupil, which can impact on their education, health and behaviour, unfortunately self-harm and even suicide in the most extreme cases. Whilst we recognise that parents and carers will naturally be disappointed if their child does not choose to talk with them about what is troubling them, we feel there could be even more distress if the pupil is unable to cope with the issue themselves. Oldfield has many forums that allow children to discuss sensitive issues for example - circle time, a worry box and time with ELSA's (Emotional and Literacy Teaching Assistants) classroom, groups and individual discussions. Schools must be absolutely clear about the boundaries of their legal and professional roles and responsibilities. A clear and explicit confidentiality policy ensures good practice throughout our school, which both pupils and parents understand.

This policy outlines the contexts and areas that confidentiality is used and the responsibilities under each section. It links directly to the safeguarding and child protection policy yet encompasses the essential elements of the schools PSHE initiatives including circle time and peer mediation.

Safeguarding and Child Protection

Children cannot learn effectively if they are concerned or frightened about being abused or being the victims of violence in the home. They have a right to expect schools to provide a safe and secure environment. Any fears or worries they bring into the classroom should not go unnoticed by staff.

Teachers, staff and school helpers cannot offer or guarantee absolute confidentiality.

If a member of a school's staff (teaching or non-teaching) suspects that a child is a victim of abuse or they have reason to believe that he/she is at risk of abuse, they should be aware of the procedures for reporting their concerns and to whom they should do so.

If a pupil asks to speak in confidence, he/she should always be told beforehand that **unconditional confidentiality is not always possible** if someone is in danger of abuse. If confidentiality is to be breached, the pupil needs to know who will be told, why and what the outcome is likely to be and how he/she will be supported.

There may be rare occasions when a primary school teacher is directly approached by a primary age child who is sexually active or is contemplating sexual activity. This should be viewed as a child protection issue. Oldfield has a designated member of staff to deal with these rare incidents. (Mrs Catherine Page).

All child protection issues need to be referred to Mrs Page (The Safeguarding and Child Protection Lead), in accordance with the schools safeguarding and child protection policy. The school must endeavor to regularly update school staff every year, via staff meetings, e-bulletins and e-mails in child protection procedures. Designated staff require formal training every year and new members of staff will be trained as a component of their induction period, either to attend offsite training or On-line as recommended by the LA.

If Mrs Page is absent then it is the staffs' direct responsibility to handle the disclosure appropriately and in accordance to the safeguarding and child protection policy. It is strongly recommended that in the absence of Mrs Page, Mrs Louise Greene or Miss Claire Howard will oversee the procedures, however it is important that the member of staff who received the disclosure understands that it is their responsibility by law to report this incident.

For all safeguarding and child protection issues please refer to the Oldfield safeguarding and child protection policy.

Health professionals are bound by their professional codes of conduct to maintain confidentiality. When working in a classroom situation, they are also bound by relevant school policies. In line with the best practice guidance, they will seek to protect privacy and prevent inappropriate personal disclosures in a classroom setting, by negotiating ground rules and using distancing techniques.

Key points-relating to confidentiality and child protection.

- Schools should have a clear and explicit confidentiality policy, which is advertised to pupils, staff, parents and visitors.
- Teachers cannot offer or guarantee pupils **unconditional confidentiality**.
- Teachers should follow a set procedure if a child under the age of 16 is having, or contemplating having, sex.
- If abuse is suspected, teachers should follow the school's child protection procedures.
- Health professionals are bound by their professional codes of conduct in a one-to-one situation with individual pupils, but in a classroom situation they should follow the school's confidentiality policy.

Circle Time

During regular weekly circle time children will often talk about sensitive issues in relation to themselves. Confidentiality on such issues and the discussion during the circle time is to be upheld by those participants unless:

- A pupil discloses any form of abuse or anything else that would indicate that the child safety would be compromised.
- The child discloses information in relation to drug abuse or
- The child discloses information that would indicate that they are a danger to themselves or others.

In such circumstances, early intervention from the teacher guiding the circle time will be necessary and the appropriate policies must be adhered to: - safeguarding and child protection policy, and drugs policy.

Parents and Families

We recognise that sometimes there may be family issues which might affect a pupil and which the family will only disclose to us if they can be sure the information will be treated confidentially.

We will respect the wishes of the family and where it is felt necessary to share the information given to us, this will be discussed with the parent first unless a pupil is considered to be at immediate risk and/or there is an overriding child protection concern.

Staff and Governors

All staff can normally expect that their personal situations and health will remain confidential unless

- it impinges on their terms of contract or
- endangers pupils or other members of staff or
- there is a legal obligation to disclose such information or
- it is necessary for legal proceedings or
- despite the duty of confidence, the staff member's interest or the wider public interest justifies disclosure.

All adults including volunteers are deemed as staff of the school and therefore must have a sound understanding of this and related policies before working with the children in this school.

Staff Training

All staff undertake Safeguarding and Child Protection Training on-line annually with 'The Key' at the beginning of the academic year. Staff also undertake GDPR on-line training with Data Protection Education (DPE).

Fair Processing

Schools, local education authorities and the Department for Education hold information on pupils in order to run the education system, and in doing so have to follow the Data Protection Act 2018 (GDPR). This means, among other things that the data held about pupils must only be used for specific purposes allowed by law.

The **school** holds information on pupils in order to support their teaching and learning, to monitor and report on their progress, to provide appropriate pastoral care, and to assess how well the school as a whole is doing. This information includes contact details, National Curriculum assessment results, attendance information, characteristics such as ethnic group, special educational needs and any relevant medical information.

From time to time the school is required to pass on some of this data to the Local Authority (LA), to another school to which the pupil is transferring, and to the Department of Education and the Qualifications and Curriculum Authority (QCA) which is responsible for the National Curriculum and associated assessment arrangements.

The **Local Authority** uses information about pupils to carry out specific functions for which it is responsible, such as the assessment of any special educational needs the pupil may have. It also uses the information to derive statistics to inform decisions on (for example) the funding of schools, and to assess the performance of schools and set targets for them. The statistics are used in such a way that individual pupils cannot be identified from them.

The **Qualifications and Curriculum Authority (QCA)** uses information about pupils to administer the National Curriculum tests and assessments for Key Stages 1 to 3. The results of these are passed on to the DfE in order for it to compile statistics on trends and patterns in levels of achievement. The QCA uses the information to evaluate the effectiveness of the National Curriculum and the associated assessment arrangements, and to ensure that these are continually improved.

The Department of Education uses information about pupils for statistical purposes, to evaluate and develop education policy and to monitor the performance of the education service as a whole.

The statistics (including those based on information provided by the QCA) are used in such a way that individual pupils cannot be identified from them. The DfE will feed back to LA's and schools with information about their pupils where they are lacking this information, because a former school did not pass it on. On occasion information may be shared with other Government departments or agencies strictly for statistical or research purposes only.

Pupils, as data subjects, have certain rights under the Data Protection Act (GDPR), including a general right of access to personal data held on them, with parents exercising this right on their behalf if they are too young to do so themselves. If a parent or guardian wishes to access the personal data held about your child, then it can be requested in writing:

- the school: Oldfield Primary School, Bray Road, Maidenhead Berks, SL6 1UE
- the LA's Data Protection Officer: RBWM, Town Hall, St Ives Road, Maidenhead SL6 1RF
- the DfE's Public Communications Unit at Sanctuary Buildings, Great Smith Street London SW1P 3BT

Please note that all rights under the Data Protection Act (GDPR) to do with information about your child rest with them until they are old enough to understand these rights. This will vary from one child to another and you will wish to consider the position for your child, but, as a broad guide, it is reckoned that most children will have a sufficient understanding by the age of 12.

Separately from the Data Protection Act (GDPR), DfE regulations provide a pupil's parent (regardless of the age of the pupil) with the right to view, or to have a copy of, their child's educational record at the school. If you wish to exercise this right you should write to the school.

Related Policies

Safeguarding and Child Protection Policy
Drug Education Policy
Staff Code of Conduct

This policy is to be reviewed bi-annually.