



BEACONSFIELD HIGH SCHOOL

A remarkable Grammar School

CONFIDENTIALITY POLICY

Date last reviewed: November 2021

Next review date: November 2024

For review by: F&R /FGB



CONFIDENTIALITY POLICY

November 2021

The Aims of the Policy

The whole school confidentiality policy supports the aim of the school, which is to be a happy, high achieving learning community, which discovers and develops individual potential.

It also supports the procedures for child protection set out in Buckinghamshire Safeguarding Children in Education (April 2005), Working Together to Safeguard Children 2018 and Keeping Children Safe in Education September 2018.

It ensures that anyone working in the school is aware of the boundaries of their legal and professional responsibilities towards students.

The policy establishes a common understanding of what is meant by confidentiality and its limits throughout the school. This should remove uncertainty and inconsistency.

It also establishes a common understanding on issues of confidentiality between parents/guardians and the school and guides the work of other professionals working in the school.

1. The benefits of working to a confidentiality policy are:

It highlights the importance of students being able to talk to adults in the school to share their problems in a safe and supportive environment.

It safeguards the well-being of those involved in the disclosure of confidential information.

2. This policy should be read in conjunction with the Schools' Child Protection Policy, the Behaviour for Learning and Anti-Bullying Policies and the Home School Agreement.

3. The aims will be achieved by ensuring that all members of the school community understand the key principles behind the Policy and their role in its implementation:

- the requirements and implication of UK GDPR
- the requirements of Safeguarding children policy and procedure
- the concept of "need to know"
- the concept of "Proportionality"
- the importance of record keeping
- implications of the Fraser Guidelines.

The key principles are detailed in the implementation guidelines for this policy.

4. Roles and Responsibilities

The Governing Body is responsible for ensuring the policy is in place and for monitoring its implementation.

The Headteacher is responsible for the implementation and day-to-day management of the policy and procedures. The responsibility includes liaison with the Governing Body, parents and the Local Authority (LA).

- (a) They will ensure that it is communicated to staff, students, parents and the wider community working with the school.
- (b) They will further ensure that the Child Protection policy and Keeping Children Safe in Children in Education guidance is adhered to by all who work with children and young people and that all that staff working in the school and visitors from the school community are made aware of the policy and procedures.

Members of staff are responsible for following the guidelines for disclosure of confidential information.

- (a) A member of staff should never give an absolute guarantee of confidentiality to a student. They should know how to access relevant child protection procedure manuals and where to access help; they should know the name and have contact details of the designated person for child protection. They should know that any concerns about child protection issues must be reported to the designated person. All members of staff are responsible for reading the Child Protection policy and Keeping Children Safe in Education, which are issued to all staff and are on the school website.
- (b) Staff should ask other colleagues for support and advice when they are faced with a decision which is not clear-cut. This can be done on an anonymous basis without naming the individual student. Staff should not be left in a situation of having a difficult issue to deal with alone.
- (c) Members of staff should feel confident that they would be supported by the Headteacher and Governing Body if they have followed the guidelines outlined in this policy.
External professionals will be made aware of the school policy and procedures by the appropriate Head of Department. The School recognises the fact some outside professionals working in the school may have their own codes of confidentiality.

5. The Needs of students

This policy is tailored to the age, emotional maturity, cultural and social needs of the students and it is recognised that they have a right to privacy and mutual respect.

The policy is supported by the formal and informal learning taking place in the school. Learning opportunities are in place to develop the skills and confidence of students to identify situations where they may need support or advice and possible ways to access it.

Students will be made aware of the policy through a student friendly version of which will be posted on notice boards around the school. Students will be informed about their rights through assemblies and through the work of the Heads of Learning.

6. Continuous professional development and training

The school recognises and is committed to the professional development of its staff.

The policy will be included in the Staff Handbook on the VLE and on the school website.

Staff will be given time to look at issues of confidentiality and professional development opportunities will be made available such as at inset sessions.

7. The school and parents

The school aims to work in partnership with parents and carers, who will be able to access the policy on the school website.

8. Monitoring and Review

The Headteacher, in consultation with the staff and students, will undertake systematic monitoring and conduct regular reviews of the confidentiality policy and procedures in order to evaluate them to ensure that the operation is effective, fair and consistent.

The Headteacher will keep the Governing Body informed. The Governing Body will regularly review this policy and associated procedures, to ensure its continuing appropriateness and effectiveness. The outcome of the review will be communicated to all those involved, as appropriate.

PART 2: PROCEDURES

Confidentiality means that when one person receives personal or sensitive information from another, they do not pass this information on to anyone else without the consent of the person they have received it from. It is very important to be clear about confidentiality when working with young people. The policy supports the procedures for Child Protection. The policy ensures that Staff will be trained in the issues of confidentiality and students will be familiar with the policy when discussing issues of a personal nature in the context of Personal, Social, Health and Cultural Education or when speaking to a trusted adult in school. The policy ensures that there is common understanding between parents and the school on all confidentiality issues.

1. The benefits of working to a confidentiality policy are:

- It highlights the importance of students being able to talk to adults in the school to share their problems in a safe and supportive environment.
- It safeguards the well-being of those involved in the disclosure of confidential information.
- It builds trust between students and staff.
- It empowers each pupil to exercise control over choices that will affect their life.
- It prevents the need to deal with each disclosure as a crisis in isolation.

2. Key principles

- 2.1 **UK GDPR** If you are considering sharing student personal data, you must proceed with caution. You must consider the best interests of the student and the need to protect them from the outset. In any event, before proceeding to share personal data, you should consult the School's Data Protection Officer. Where necessary the DPO can assist in carrying out a Data Protection Impact Assessment (DPIA) in order to assess the risks involved in sharing data. For further guidance and information please refer to the School's privacy notice for students and Data Protection policy available on the School website. The Data Protection Officer is responsible for overseeing data protection within the School so if you do have any questions in this respect please do contact them as below;

Data Protection Officer: Judicium Consulting Limited
Address: 72 Cannon Street, London EC4N 6AE
Email: dataservices@judicium.co.uk
Telephone: 0203 326 9174
Lead Contact: Craig Stilwell

2.2 Safeguarding

Follow the Child Protection Policy

2.3 Need to know

The minimum amount of confidential information will be shared.

2.4 Proportionality

Even with consent, the amount of information shared must be in proportion to the need and purposes of the person asking. It must be made clear why the information is needed and that the information given is accurate and relevant.

2.5 Recording

It is important to record the details of a conversation or interview, either stating the

actions taken, passing on information (or not), making sure what was said or observed is written down. There are no hard and fast answers – a lot depends on professional judgement.

Students will be:

- Reassured that their best interests are maintained
- Encouraged to talk to their parents or carers and support will be given for them to do so
- Informed that teachers and support staff cannot offer unconditional confidentiality
- Reassured that if confidentiality has to be broken, they will be informed first and then supported as appropriate
- Informed that if they have been a possible victim of abuse then the Designated Safeguarding Lead must be informed as part of the safeguarding procedure
- Aware of the ground rules in lessons such as PSHCE
- Informed of sources of confidential help, for example, the school counsellor, the Drop-in, GP, or local young person's advice service
- Able to see their own version of the policy displayed around the school

All adults (teachers, support staff, governors, parent helpers, visitors, trainee and Newly Qualified teachers) who come into contact with students in school will be made aware of the policy, copies of which are published in the Staff Handbook on the VLE or from the Head's PA, Mrs Jo Barnes.

Staff

Despite robust ground rules, disclosures may be made in a class or group situation. When this occurs, the adult involved must take steps to ensure follow up and support. If the disclosure reveals a risk to the child, it must be referred to the designated Safeguarding lead for Child Protection. The child or young person needs to be told what will happen. Steps need to be taken to ensure that confidential disclosures are made to the appropriate person at the appropriate time. In order to ensure this, all members of the school community need to be aware of the limits of confidentiality available in different circumstances and by different individuals. Any decision to break confidentiality should be taken in conjunction with the Key Principles.

If a disclosure is made by a young person to a trusted adult in school, this will be reported to the person (or deputy) with responsibility for child protection who will follow the Child Protection Policy. If a student discloses her involvement in illegal activities, such as drug taking, they must be informed that confidentiality cannot be guaranteed. In all cases where confidentiality may need to be broken, staff must inform the student and reassure them that their best interests will be maintained. All staff should have access to Keeping Children Safe in Education September 2018 and have undergone annual safeguarding training.

Any visitors or contractors who are subject to any disclosures of a personal nature by staff or students, they should contact the Designated Safeguarding Lead or the Head's PA as soon as possible for support and guidance on how to deal with the matter.

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 guidance they will seek to protect privacy and prevent inappropriate personal disclosure in a classroom setting, by negotiating ground rules and using distancing techniques.

Outside the teaching situation, health professionals such as school nurses can:

- Give one-to-one advice or information to a student on a health-related matter including contraception, at the Drop-in
- Exercise their own professional judgment as to whether a person has the maturity to consent to medical treatment including contraceptive treatment. (The criteria for making such a decision are based on the 'Fraser guidelines' (detailed at Appendix 1) and can be found in guidance issued jointly by the Health Education Authority, the British Medical Association, Brook Advisory Centres and others. Any competent young person, regardless of age, can independently seek medical advice and give valid consent to treatment).

Confidentiality training for staff

This policy is available to staff in the staff handbook. Any staff who feel that they need additional training should discuss this with their line manager in the first instance.

Confidentiality and information about staff and governors

All staff can expect their personal situations and health to remain confidential unless:

- It endangers students or other members of staff
- There is a legal obligation to disclose such information
- It impinges on their terms and conditions
- It is necessary for legal proceedings

Confidentiality and information about students and their families

We recognise that there may be family issues that might affect a student and will only be disclosed to other agencies if the parents feel safe that the information will be treated in confidence. The wishes of the family will be respected and if we feel it necessary to share the information, the parents will be contacted unless the student is believed to be in immediate risk or there is a child protection issue. Parents may view the policy on the school website.

Personal information about students and staff is kept either in a secure IT system or under lock and key whilst remaining as accessible as necessary.

Appendix 1

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Fraser Guidelines refer to a House of Lords' Judgment (following the case of Victoria Gillick 1985). The judge in the Victoria Gillick case gave the following general advice:

"It is suggested that a child or young person's ability to make decisions about his/her life depends on him/her having "sufficient understanding and intelligence to be capable of making up his/her own mind".

These are commonly known as the **Fraser Guidelines**:

They are framed around the provision of contraception advice but they apply generally

- The young person understands the advice
- The young person cannot be persuaded to inform his or her parents/carers
- The young person is very likely to begin or continue having intercourse with or without contraceptive treatment
- Unless he or she receives contraceptive advice or treatment, the young person's physical or mental health or both are likely to suffer
- The young person's best interests require contraceptive advice, treatment or both without parental consent

Before sharing any disclosed information with parents/carers, schools need to either obtain the consent of the pupil or consider the possible consequences of sharing the information, taking into account knowledge of family circumstances. This will need to be done on a case-by-case basis.

Each school will need to consider issues relating to confidentiality and the age/ maturity of their students.

Exceptions to Confidentiality

Likely exceptions requiring consideration by the school might include:

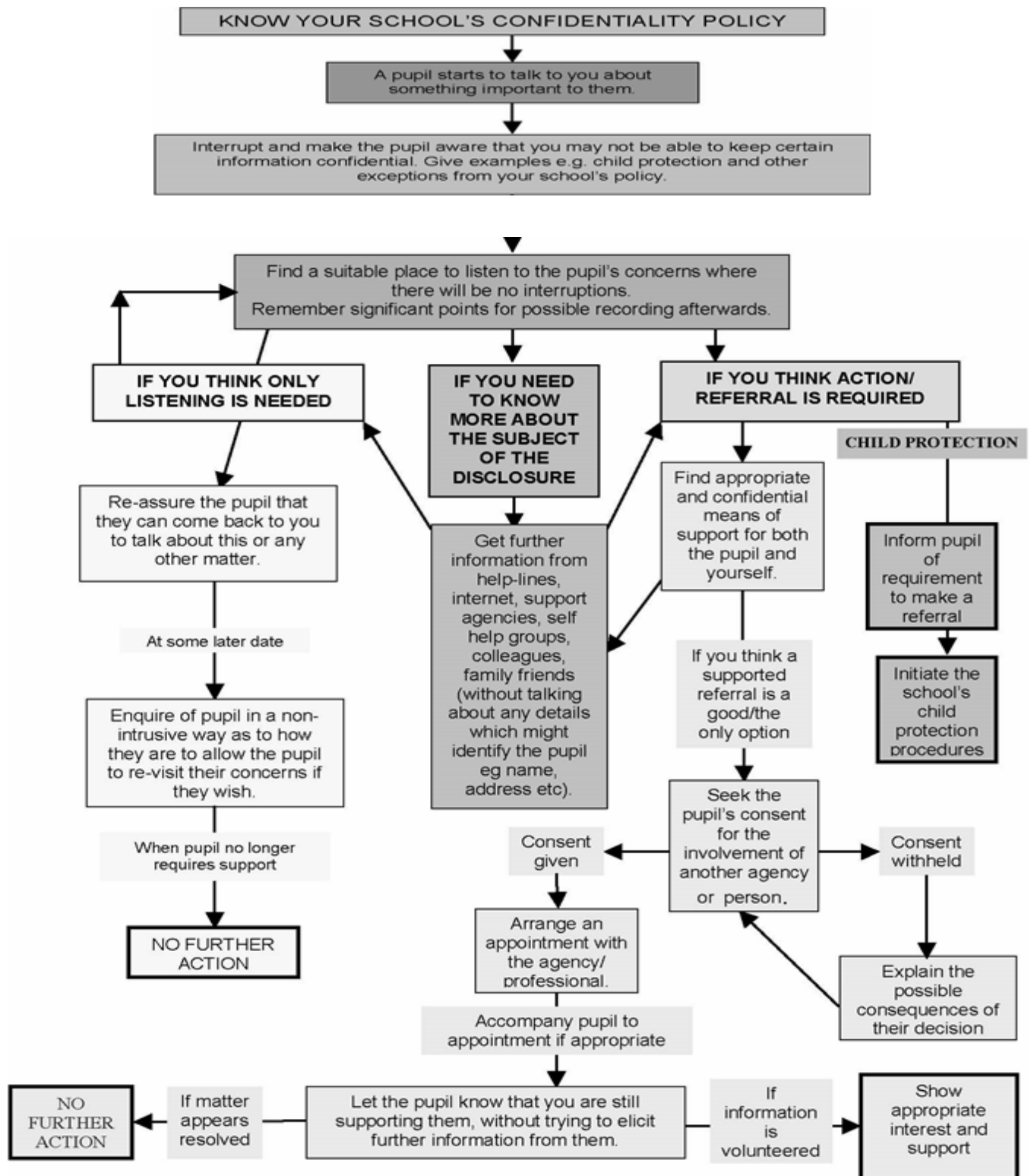
- where there is risk of serious harm or threat to life
- where a student needs urgent medical treatment
- where potential or actual serious crime (e.g. murder, rape) is involved
- where safeguarding national security is involved e.g. terrorism.

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Further information at Brook <http://www.brook.org.uk> (Sex and the law)

Appendix 2

Flowchart to Show the Process for Handling a Disclosure of Confidential Information





School Confidentiality Policy

We are here to listen not to tell

and

We will do our best to maintain any confidence

you may tell us

We may share information with other staff in order to ensure the best care for you

There are times when we **have** to tell someone else what is happening;

- If you are under 18 and tell us about someone who has abused you, physically, sexually or emotionally or if we believe this to be the case
- If your life or another person's life is at risk
- If you tell us about someone else who is under 18 and is being abused
- If you tell us about criminal activity which puts people at risk

But we can promise

- ❖ We will discuss this with you first and give you support.
- ❖ We only share the minimum necessary
- ❖ Your information is only shared with those who need to know