



Data Protection and Confidentiality Policy

Middleton School Data Protection and Confidentiality Policy

Introduction

DfES Sex and Relationship Education Guidance (July 2000) states 'Schools should have a clear and explicit confidentiality policy which is advertised to pupils, staff, parents and visitors'.

The Data Protection, Freedom of Information and Human Rights Acts all need to be taken into consideration.

Human Rights Act 1998: Gives everyone the right to "respect for his private and family life, his home and his correspondence", unless this is overridden by the 'public interest', e.g. for reasons of Child Protection, for the protection of public safety, public order, health or morals or for the rights and freedoms of others.

Data Protection Act 1998: Applies to personal data of living, identifiable individuals, not anonymous data; manual and electronic records. Schools need to be clear, when collecting personal data, what purposes it will be used for and schools should have policies to clarify this to staff, pupils and parents.

Freedom of Information Act 2000: Amends the Data Protection Act, gives everyone the right to request any records a public body, including schools, holds. A school may withhold information it has if it is considered the information may damage the recipient, if disclosed. Schools data or record keeping policy should also cover the requirements of this Act.

Anyone working or volunteering in schools may be privy to confidential data, medical or personal information or information about behaviour or home circumstances. This information must stay in school and should not be discussed with anyone apart from other staff whom you work closely with.

Any questions about confidentiality should be directed to a member of the Senior Leadership Team.

Members of staff responsible: **Headteacher,**

Rationale and statement on the importance of confidentiality

At Middleton School we believe that:

- “ The safety, well being and protection of our pupils are the paramount consideration in all decisions staff at this school make about confidentiality. The appropriate sharing of information between school staff is an essential element in ensuring our pupils well being and safety.
- “ It is an essential part of the ethos of our school that trust is established to enable pupils, staff, and parents/carers to seek help both within and outside the school and minimise the number of situations when personal information is shared to ensure pupils and staff are supported and safe.
- “ Pupils, 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.
- “ The school's attitude to confidentiality is open and easily understood and everyone should be able to trust the boundaries of confidentiality operating within the school.
- “ Issues concerning personal information including sex and relationships and other personal matters can arise at any time.
- “ Everyone in the school community needs to know that no one can offer absolute confidentiality.
- “ Everyone in the school community needs to know the limits of confidentiality that can be offered by individuals within the school community so they can make informed decisions about the most appropriate person to talk to about any health, sex and relationship or other personal issue they want to discuss.

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.

In practice there are few situations where absolute confidentiality is offered in Middleton School. We have tried to strike a balance between ensuring the safety, well being and protection of our pupils and staff, ensuring there is an ethos of trust where pupils 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 what is on offer is 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.

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 children's safety and well being, The pupil will be informed when a confidence has to be broken for this reason and will be encouraged to do this for themselves whenever this is possible.

Levels of Confidentiality

Different levels of confidentiality are appropriate for different circumstances.

1. In the classroom in the course of a lesson given by a member of 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 pupils that this is not the time or place to disclose confidential, personal information. When a health professional is contributing to a school health education programme in a classroom setting, s/he is working with the same boundaries of confidentiality as a teacher.

2. One to one disclosures to members of school staff (including voluntary staff).

It is essential all members of staff know the limits of the confidentiality they can offer to both pupils and parents/carers (see note below) and any required actions and sources of further support or help available both for the pupil or parent/carer and for the staff member within the school and from other agencies, where appropriate. All staff at this school encourage pupils to discuss difficult issues with their parents or carers, and vice versa. However, the needs of the pupil are paramount and school staff will not automatically share information about the pupil with his/her parents/carers unless it is considered to be in the child's best interests.

(Note: That is, that when concerns for a child or young person 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 Senior Persons (DSP) 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. (Please see the school Child Protection Policy.)

The current DSPs are Donna Jolly, Debbie Howsen and Caroline Yarren.

3. 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 pupils 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 are skilled in discussing issues and possible actions with young people and always have in mind the need to encourage pupils to discuss issues with their parents or carers. However, the needs of the pupil are paramount and the school nurse will not insist that a pupil's parents or carers are informed about any advice or treatment they give.

The legal position for school staff:

School staff (including non-teaching and voluntary staff) should not promise confidentiality. Pupils do not have the right to expect that incidents will not be reported to his/her parents/carers and may not, in the absence of an explicit promise, assume that information conveyed outside that context is private. No member of this school's staff can or should give such a promise. The safety, well being and protection of the child are the paramount consideration in all decisions staff at this school make about confidentiality.

School staff are NOT obliged to break confidentiality except where child protection is or may be an issue, however, at Middleton School we believe it is important that staff are able to share their concerns about pupils with colleagues in a professional and supportive way, on a need to know basis, to ensure staff receive the guidance and support they need and the pupils' safety and well being is maintained. School staff should discuss such concerns with their line manager or the DSP.

Teachers, counsellor and health professionals:

Professional judgement is required by a teacher, counsellor or health professional in considering whether he or she should indicate to a child that the child could make a disclosure in confidence and whether such a confidence could then be maintained having heard the information. In exercising their professional judgement the teacher, counsellor or health professional must consider the best interests of the child including the need to both ensure trust to provide safeguards for our children and possible child protection issues.

All teachers at this school receive basic training in child protection as part of their induction to this school and are expected to follow the schools' child protection policy and procedures.

Visitors and non-teaching staff:

At Middleton School, we expect all non teaching staff, including voluntary staff, except those identified in the paragraph above, to report any disclosures by pupils or parents/carers, of a concerning personal nature to the DSP as soon as possible after the disclosure and in an appropriate setting, so others cannot overhear. This is to ensure the safety, protection and well being of all our pupils and staff. The designated child protection co-ordinator 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.

Parents/carers:

Middleton School believes that it is essential to work in partnership with parents and carers and we endeavour to keep parents/carers 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 pupils can share any concerns and ask for help when they need it. Where a pupil does discuss a difficult personal matter staff at Middleton School, they will be encouraged to also discuss the matter with their parent or carer themselves.

The safety, well being and protection of our pupils are the paramount consideration in all decisions staff at this school make about confidentiality.

Complex cases:

Where there are areas of doubt about the sharing of information advice should be sought from the DSP initially who may need to consult other appropriate professionals.

Links to other school policies and procedures:

This policy is intended to be used in conjunction with the schools other policies i.e.

- ~ Sex and Relationships
- ~ Child Protection
- ~ Behaviour
- ~ Looked after Children
- ~ Policy for ICT Acceptable Use (Incorporating eSafety and Data Security)
- ~ Whistleblowing
- ~ Code of Conduct
- ~ Publication Scheme (Freedom of Information)
- ~ Privacy Notice

When confidentiality should be broken and procedures for doing this:

See the Child Protection Policy

Where this does not apply and you are still concerned and unsure of whether the information should be

passed on or other action taken you should speak to the DSP or the Headteacher.

If the Headteacher issues instructions that s/he should be kept informed, all staff must comply. There is always a good reason for this, which you may not know about.

The principles followed at Middleton School:

In all cases we:

- “ Ensure the time and place are appropriate, when they are not we reassure the child that we understand they need to discuss something very important and that it warrants time, space and privacy.
- “ See the child normally (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 child is accessed as early as possible.
- “ Tell the child 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
- “ Not interrogate the child or ask leading questions
- “ We won't put children in the position of having to repeat distressing matters to several people unless we are required to do so
- “ Inform the pupil first before any confidential information is shared, with the reasons for this
- “ Encourage the pupil, whenever possible to confide in his/her own parents/carers

Support for staff

Staff may have support needs themselves in dealing with some of the personal issues of our pupils. At Middleton School we prefer you to ask for help rather than possibly making a poor decision because you don't have all the facts or the necessary training, or taking worries about pupils home with you. There are many agencies we can refer pupils to who need additional support which and we have procedures to ensure this happens. We all work together as part of a team to support our pupils and asking for help is a way we ensure that Middleton School is a happy and safe learning environment. All staff should discuss any concerns about pupils with the DSP or Headteacher.

Onward referral:

The Designated Senior Person is responsible for referring pupils to outside agencies from the school. Please do not make referrals yourself unless you believe a child protection referral to the police or Social Services teams is necessary and the designated person does not agree. ('What to do if you're worried a child is being abused', DfES, HO, etc., 2003).