

## Confidentiality Policy

<b>Name of Unit/Premises/Centre/School</b>	The Toynbee School
<b>Date of Policy Issue/Review</b>	Spring 2022 / Spring 2024
<b>Name of Responsible Manager/Headteacher</b>	Deputy Headteacher
<b>Governors' Sub-Committee</b>	Welfare & Guidance

### 1. Policy Statement

- 1.1 The dictionary definition of confidential is "something which is spoken or given in confidence; private, entrusted with another's secret affairs"
- 1.2 This document is created to ensure consistency and protection of the interests of both pupils and staff at Toynbee School with regard to confidentiality. It is intended to create a shared ethos and practice which will help deal with disclosure of information in a professional and caring manner that ensures the protection, health, safety and well-being of all. All data, information and recorded actions are required to meet GDPR privacy and confidentiality standards. (Please see GDPR Privacy Policy, May 2018 and Pupil Privacy Notice, May 2018.)
- 1.3 In creating this document reference has been made to:
  - Human Rights Act, 1998
  - Data Protection Act, 1998
  - Freedom of Information Act, 2000
  - Relationships and Sex Education, 2019
  - Dept of Health, What to do if you're worried a child is being abused", 2015
  - Protocols for sharing information about young people (Hampshire Children and Young People Strategic Partnership Feb 2005)
  - Department for Education: Keeping children safe in education, September 2021
  - Department for Education: Working together to Safeguard Children, 2018
  - The General Data Protection Regulation, May 2018

## **2. Rationale and statement on the importance of confidentiality**

2.1 At Toynbee School we believe that:

- 2.1.1 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
- 2.1.2 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
- 2.1.3 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.
- 2.1.4 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.
- 2.1.5 Issues concerning personal information including sex and relationships and other personal matters can arise at any time.
- 2.1.6 Everyone in the school community needs to know that no one can offer absolute confidentiality.
- 2.1.7 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.

2.2 It will be made clear that although most information can be kept confidential, some may need to be passed on in the pupil's best interest. However a pupil will be informed when this has to happen and what will be done with the information and who has access to it. Pupils will be encouraged to talk to their parents or carers and be given support to do so.

2.3 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.

2.4 In practice there are few situations where absolute confidentiality is offered in Toynbee 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.

2.5 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.

- 2.6 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 childrens' 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.

### 3. The legal position for school staff

- 3.1 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 is the paramount consideration in all decisions staff at this school make about confidentiality.
- 3.2 At Toynbee 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 **Designated Safeguarding Lead**. 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 must discuss this with the DSLs 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's Child Protection and Safeguarding Policies for further guidance.

### 4. Monitoring and Review

- 4.1 The Policy and Practice documents are reviewed every 2 years or whenever deemed necessary by the Headteacher and Governors in the light of events and changes in the law.

#### **Linked Policies:**

Relationships and Sex Education Policy

Substance Misuse Policy

Child Protection Policy

Safeguarding Policy

Anti-Bullying Policy

Behaviour and Exclusion Policy

Whistle-Blowing Policy

**Appendices to this Policy are:**

Appendix 1 Toynbee School Confidentiality: Guidance & Practice

Appendix 2 School Privacy Notice