



W A T E R T O N
ACADEMY TRUST®



Confidentiality Policy

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1. Introduction

Employees of Waterton Academy Trust have access in a variety of ways to information that must be regarded as confidential. This policy applies to all staff employed by Waterton Academy Trust, including temporary, voluntary and agency staff. It also applies to governors, trustees, volunteers, visitors on work experience placements and parent helpers/PTA.

All academies may be asked on occasion to keep information confidential. This can relate to a variety of issues including under age sexual activity, drug use, abuse or other dangerous or illegal activities. It is important that each of our academies follows the same clear and explicit policy. Pupils, parents and carers should be made aware of this and how it works in practice. This policy sits in conjunction with the policies on Child Protection, Sex and Relationships and Drugs.

2. Aims

- a) To give clear guidance to all members of Waterton Academy Trust around confidentiality
- b) To encourage young people to talk to a trusted adult if they are having problems
- c) To give staff confidence to deal with sensitive issues

3. In lessons

Ground rules and distancing techniques should be used where sensitive issues are to be addressed.

Staff should not put pressure on pupils to disclose personal information and should discourage fellow pupils from applying any such pressure.

4. Personal disclosures

Personal disclosures from pupils will be reported to the safeguarding officer and if a further talk is needed with the pupil this will be undertaken before the end of the day by the member of staff and the safeguarding officer.

The member of staff may be able to discuss the issue with a member of the safeguarding team in school, to decide on suitable action, without giving the name of the pupil. (See Child Protection policy for advice on how to deal with this situation).

5. Key Points

- a) Pupils should be reassured that their best interests will be maintained
- b) Pupils should know that staff cannot offer unconditional confidentiality
- c) Pupils should be reassured that, if confidentiality has to be broken, they will be informed first and then supported appropriately
- d) Pupils should be informed of sources of confidential help, for example, the school nurse, counsellor, GP or local young person's advice service

- e) Any personal information should be regarded as private and not passed on indiscriminately (for example in the staff room)
- f) If a member of staff receives information that leads them to believe that there is a child protection issue, they should refer the case to a designated teacher following a discussion with the young person involved
- g) Pupils should be encouraged to talk to their parents or carers and be given support to do so wherever possible
- h) Government guidance requires professionals to consult as much as possible with parents /carers about their children when referring to another agency. In general, parents/carers should be asked if they wish to be referred, UNLESS THERE IS REASON TO THINK THAT OBTAINING SUCH CONSENT MAY PUT THE YOUNG PERSON AT RISK. If your referral is about child abuse
- i) (or the risk of it) rather than 'children in need', it is good practice to consult Social Services BEFORE discussing the issue with parents/carers, unless a parent/carer has asked you to make the referral and is already aware of it

6. Information sharing and Safeguarding

Information sharing is vital in identifying and tackling all forms of abuse and neglect. As part of meeting a child's needs, it is important that all Waterton staff and governors recognise the importance of information sharing between practitioners and local agencies. This should include ensuring arrangements are in place that set out clearly the processes and principles for sharing information within the academy and with the three safeguarding partners, other organisations, agencies and practitioners as required. Waterton staff should be proactive in sharing information as early as possible to help identify, assess and respond to risks or concerns about the safety and welfare of children, whether this is when problems are first emerging, or where a child is already known to the local authority children's social care.

It is important that governing bodies are aware that among other obligations, the Data Protection Act 2018 and the GDPR place duties on organisations and individuals to process personal information fairly and lawfully and to keep the information they hold safe and secure.

Governing bodies and proprietors should ensure relevant staff have due regard to the relevant data protection principles, which allow them to share (and withhold) personal information, as provided for in the Data Protection Act 2018 and the GDPR.

This includes:

- a) being confident of the processing conditions which allow them to store and share information for safeguarding purposes, including information which is sensitive and personal, and should be treated as 'special category personal data'.
- b) understanding that 'safeguarding of children and individuals at risk' is a processing condition that allows practitioners to share special category personal data. This includes allowing practitioners to share information without consent where there is good reason to do so, and that the sharing of information will enhance the safeguarding of a child in a timely manner but it is not possible to gain consent, it cannot be reasonably expected that a practitioner gains consent, or if to gain consent would place a child at risk.

- c) for schools, not providing pupils' personal data where the serious harm test under the legislation is met²⁶. For example, in a situation where a child is in a refuge or another form of emergency accommodation, and the serious harms test is met, they must withhold providing the data in compliance with schools' obligations under the Data Protection Act 2018 and the GDPR. Where in doubt schools should seek independent legal advice.

7. Further Guidance

For all children, staff members and governors to enjoy privacy from gossip, for each of our academies to be fair to their communities, and for children and adults to have disciplinary matters dealt with according to the trust's procedures and out of the eye of the wider community, it is important that:

- a) Staff do not discuss details of individual cases arising in staff meetings to any person without direct professional connection to and interest in the welfare and education of the individual concerned
- b) No member of staff discusses an individual child's behaviour in the presence of another child in school
- c) Staff do not enter into detailed discussion about a child's behaviour with other children or their parents
- d) Trustees and Governors, in particular those sitting on Discipline Committees, do not divulge details about individuals (be they staff, families or individual children) to any person outside of the meeting
- e) Parents in school, working as volunteers, or as part of the PTA, do not report cases of poor behaviour or pupil discipline to other parents in the school. This allows teachers to deal with such matters in line with school policy
- f) At Academy Standards Committee meetings matters such as pupil exclusion, personnel issues and personal details of any member of the school community will be dealt with in the headteacher's report under confidential items. This is not for the knowledge of persons outside the Governing body meeting. Confidential items are minuted separately and minutes are not published
- g) Staff performance management will be carried out privately. Objectives for individuals, named lesson observation sheets and other performance data will be in the headteacher's office and electronic records will only be available from the SLT area of the network
- h) Matters of Child Protection are made known to staff on a need to know basis
- i) It is important that class teachers and support staff are aware of some confidential matters in order to support individuals. These staff will respect the sensitivity of such cases and not divulge information to people unconnected professionally with the individual concerned
- j) When volunteers, such as parents and friends of the academy are working in classes, they do not discuss educational matters outside the classroom. For example, the specific use of teaching assistant time for particular pupils or groups of pupils. Teaching assistants have different roles within a class, including the support of children with special educational needs, the provision and work with these children is for the teacher to discuss with the relevant parents or carers

- k) Volunteers, students and supply teachers are asked to read this policy before working in school

8. Equal Opportunities

Staff may wish to discuss an individual case with a class or group. For instance it can support the inclusion of a child with Asperger's Syndrome or Autism if their peers are made aware of the condition and so have some idea of what to expect. Similarly a child with visual impairment can be supported if his/her friends know how to look out for them in the playground. In such cases permission will be sought from the child and his/her carers.

9. Health professionals

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

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