



## 4.10 Confidentiality Policy

### (EYFS & KS1-3)

Reviewer responsible: <b>Head of Finance</b>	Date of last review: <b>10/24</b>
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Authorised by Chair: <b>AH</b>	

## **CONFIDENTIALITY POLICY**

Notting Hill Prep has a duty of care and responsibility towards pupils, parents and staff. It also needs to work with a range of outside agencies and share information on a professional basis. The care and safety of the individual is the key issue behind this document.

The confidentiality policy plays a crucial role in creating a trusted environment where the welfare of young children is a priority. The policy emphasises the importance of consent and the circumstances under which information may be shared without consent, typically in situations where there is a concern for a child's safety or well-being.

At Notting Hill Prep, we believe that the safety, wellbeing and protection of our pupils are the paramount considerations in all decisions made about confidentiality. The appropriate and legitimate sharing of information between School staff is an essential element in ensuring our pupils' wellbeing and safety.

It is an essential part of our ethos that trusting relationships are established between pupils and staff, and between staff and parents, that enable the best and most appropriate support to be given to our pupils. Trusting relationships can only be established if staff, pupils and parents are all clear about provisions and purpose of this Confidentiality Policy and the clear boundaries that exist on the sharing of personal information.

It is particularly important that pupils, staff and parents understand the boundaries of confidentiality in order that pupils feel safe and comfortable in discussing personal issues and concerns, including health, relationships and other personal matters with those who are caring for them at school.

All staff at the school receive basic training in child protection as part of their induction and are expected to follow the Schools' Child Protection and Safeguarding Policy and procedures.

**Everyone in the school community needs to know that no-one can offer absolute confidentiality.**

### **Aims**

- To protect the child at all times and to give all staff involved clear, unambiguous guidance as to their legal and professional roles and to ensure good practice throughout the school which is understood by pupils, parents and staff.
- To commit to developing creative and positive ways for the child's voice to be heard whilst recognising the responsibility of using, holding and safeguarding information received.
- To ensure that confidentiality is a whole school issue and that in lessons ground rules are set for the protection of all.
- To recognise that sharing information unnecessarily is an erosion of trust.
- To ensure that the whole school community understands that it is held in a position of trust by parents and children and that there is a general expectation that a professional approach will be used in all matters of confidentiality.

### **Objectives**

- To ensure that staff, parents and pupils are aware of the school's confidentiality policy and procedures.
- To reassure pupils that their best interests will be maintained.
- To foster an ethos of trust with the school.
- To ensure that pupils and parents know that the school staff cannot offer unconditional confidentiality.
- To ensure that if there are child protection issues the correct procedure is followed (see

**Safeguarding & Child Protection** policy).

- To provide consistent messages in school concerning the handling of information about children once it has been received.
- To clarify that health professionals are bound by a different code of conduct.
- To ensure that parents have a right of access to any records the school may hold on their child but not to any other child that they do not have parental responsibility for.

**Overview for parents**

- We believe that it is essential to work in partnership with parents.
- To that end the school endeavours to keep parents abreast of their child's progress, including any concerns about their academic progress or behaviour.
- There will be occasions when information will not be discussed with parents to safeguard the welfare and wellbeing of the pupil.
- Where a pupil does discuss a difficult personal matter with staff, they will be encouraged to also discuss the matter with their parents.

**School procedures**

- The school community actively promotes a positive ethos of respect for the individual.
- All children have a right to the same level of confidentiality irrespective of gender, race, religion, medical concerns and special educational needs.
- There is one Designated Safeguarding Lead (DSL) who is also the Deputy Head Pastoral and three Deputy DSLs: The Head of Lower School (OB), The Head of Middle School (JCB) & Upper School (PGB).
- There is clear guidance for the handling of child protection incidents (see **Safeguarding & Child Protection** policy) and all staff have regular updates and in-house training on child protection and safeguarding issues.
- The school cannot guarantee total confidentiality and has a duty to report child protection issues.
- Parents will be informed of any child protection disclosure before going on to inform the correct authorities, except in a case where disclosure may put a child in danger.
- Parents and children should feel reassured that only in exceptional circumstances would confidentiality be broken.
- There is clear guidance for procedures if a member of staff is accused of abuse (see **Managing Allegations Against Staff** policy).
- There is clear guidance for procedures relating to use and protection of Personal Data (see **Data Protection** policy).
- Parents are reminded of their duty of care when taking photographs or videos at school events and are requested to sign a disclaimer when they join the school that such material would only be used for private viewing and would not be passed to any third party (outside the family) or used in any publication or other way that may threaten the safety and security of the children involved. They are also asked to sign a permission slip for their children to be photographed taking part in school activities.
- Parents of children in Reception are reminded that photographs **MUST NOT** be taken of EYFS children. This requirement is displayed in posters positioned prominently around the EYFS area of the school.
- When situations and issues are discussed, depersonalisation techniques are used (e.g. collecting

group ideas, using case studies) so that issues can be explored without personal information being disclosed.

- The school prides itself on good communication with parents, and staff are always available to talk to both children and parents about issues that may cause concern.

### **Guidance for staff**

#### **The legal position for school staff**

- Confidentiality is an important principle that enables people to feel safe in sharing their concerns and to ask for help. However, the right to confidentiality is not absolute. Sharing relevant information with the right people at the right time is vital to good safeguarding practice.
- There is nothing in legislation which prevents the justifiable and lawful exchange of information for the protection of children or the prevention of a serious crime.
- The safety of the pupil takes precedence over the need to maintain appropriate confidentiality.
- A pupil's safety must not be compromised through the inappropriate sharing of information. You must have a clear and legitimate purpose for information sharing.

#### **It is NOT acceptable for School staff to do the following:**

- Discuss issues of pupil confidentiality with colleagues who have no legitimate concern or interest. If in any doubt you need to contact the DSL to discuss.
- Discuss issues of pupil confidentiality with other pupils who have no legitimate concern or interest.
- Discuss issues of pupil confidentiality in inappropriate social settings and circumstances.

Where a pupil's circumstances may be impacting on their progress and you wish to share this information to help them, consider what information you need to share. In general people need to know how to help the pupil, not what the cause is.

#### **Golden rules to sharing information**

- The Data Protection Act 2018, GDPR and human rights law are not barriers to justified information sharing, but provide a framework to ensure that personal information about living individuals is shared appropriately.
- Be open and honest with the individual (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
- Seek advice from other practitioners if you are in any doubt about sharing the information concerned, without disclosing the identity of the individual where possible.
- Share with informed consent where appropriate and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, there is good reason to do so, such as where safety or wellbeing may be at risk. You will need to base your judgement on the facts of the case.
- Keep a record of your decision and the reasons for it – whether or not. If you decide to share, then record what you have shared, with whom and for what purpose.

## **STATEMENT OF GROUND RULES TO BE USED IN LESSONS**

- In the classroom in the course of a lesson (whether 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.
- We adopt ground rules to ensure a safe environment for teaching, in particular in PSHE. This reduces anxiety to pupils and staff and minimises unconsidered, unintended personal disclosures.
- At the beginning of any PSHE session, pupils are reminded of the ground rules by the teacher or outside visitor.

## **CONFIDENTIALITY FOR DIFFERENT ROLES**

### **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 and any required actions and sources of further support or help available both for the pupil or parent and for the staff member within the school and from other agencies, where appropriate. All staff at the schools encourage pupils to discuss difficult issues with their parents, 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 unless it is considered to be in the child or young person's best interests.

### **Disclosures to the school nurse, or welfare professional operating a confidential service in the school.**

- School nurses and welfare staff 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. However, the needs of the pupil are paramount and the staff will not insist that a pupil's parents are informed about any advice or treatment they give.
- 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). All health professionals must follow their professional codes of practice and the law. This means that they must make every effort to protect confidentiality. It also means that no identifiable information about a patient is passed to anyone or any agency without the express permission of that patient, except when this is essential for providing care or necessary to protect somebody's health, safety or wellbeing.
- Confidentiality is the cornerstone of health care and central to the work of everyone working in general practice. All information about patients is confidential: from the most sensitive diagnosis, to the fact of having visited the surgery or being registered at the practice. The duty of confidentiality owed to a person under 16 is as great as the duty owed to any other person.
- All information about individual children is private and should only be shared with staff on a 'need to know' basis.
- All staff, as of September 2016, must sign a confidentiality agreement form before participating in classroom and playground activities (**Appendix 1**). This includes any volunteers (including parents) working in school. This is to ensure that confidentiality is maintained in respect of the

children's attainments, attitudes and behaviour.

- All personal information about children, including social services records, should be regarded as confidential and should be stored in a confidential file/online platform. All social services, medical and personal information about a child should be held in a safe and secure place which cannot be accessed by individuals other than school staff.
- Information regarding health reports, such as speech therapy, medical reports, educational psychologists' reports, SEN reports, SEN minutes of meetings and social services minutes of meetings and reports which may be circulated should, once read, be securely filed.
- Staff need to be aware of the need to handle all issues about different types of families in a sensitive manner.
- Any intolerance about gender, faith, race, culture, disability or sexuality is unacceptable (see **2.5 Policy for Education for Ethnic Diversity**).
- There is clear guidance for procedures relating to use and protection of IT equipment (see **Staff IT Acceptable Use** policy).
- Even when sensitive information appears to be widely known, it should not be assumed by those immediately involved that it is appropriate to discuss or share this information further.
- Photographs and videos of children should not be taken by members of staff on their mobile phones (only school tablets and cameras to be used) and photographs should only be used with parents' permission, in accordance with the Data Protection Act 2018. At no time should the child's name be used with a photograph so that they can be identified, other than in school publications, such as the school magazine. Names are not included on the website.
- Information about children may be shared with the child's parents, but only about their child. Parents should not have access to any other child's books, marks or progress grades at any time, especially at parents' evenings. However, parents should be aware that information about their child will be shared with the receiving school when they change school.
- Much information and data is generated about pupils and it is important that in all notes, briefing sheets etc. for a general meeting outside the confines of the school, a child should not be able to be identified.

#### **School Office**

- Much information relating to children will be contained in the school office and all such information must be stored confidentially.
- Logs of administration of medication to children should be kept secure and each log available for viewing by the parent of that child only.
- Addresses and telephone numbers of parents and children will be available internally and, with parents' consent, in a form list for use by the form representative and the parents of that form. Details will otherwise not be passed on without permission except in exceptional circumstances (such as the police) or to a receiving school.

#### **Contractual confidentiality**

- In the course of their employment staff have access to, and are entrusted with, confidential information relating to the School, its pupils, their parents, families, carers and their private affairs.
- Members of staff must not divulge, either during or after their period of employment, any information likely to be considered confidential and all notes or other information, either electronic or written, which they may acquire or make during their period of employment, remain the property of the School and must be surrendered on termination of employment.

#### **Responsibility of Governors and Directors**

- Governors and Directors need to be mindful that from time to time confidential issues are

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- discussed or brought to their attention about staff and children.
- Governors and Directors are therefore to follow this policy as any other member of staff.

### **LINKS TO OTHER SCHOOL POLICIES AND PROCEDURES:**

This policy is intended to be used in conjunction with the following policies:

- Safeguarding & Child Protection Policy
- Data Protection Policy
- Policy for Education for Ethnic Diversity
- Staff IT Acceptable Use Policy
- Managing Allegations Against Staff Policy

## Confidentiality Agreement Form

As a member of staff or volunteer at Notting Hill Prep it is important that you are aware of essential safeguarding procedures.

The Designated Safeguarding Lead (DSL) at NHP is **Peter Whitmell**. The Deputy DSLs are **Sophie Brooks & Claire Davies** (DDSL OB, Co-Heads of Lower School), **Ellen Kirby** (DDSL PGB, Acting Head of Upper School) and **Joanna Skeoch** (DDSL JCB, Head of Middle School). Please inform the DSL or one of the DDSLs immediately if you have any Safeguarding or Child Protection concerns.

If you are a member of staff or volunteering in school on a regular basis (more than 3 days in a month) you must attend a formal safeguarding induction with the DSL or DDSL before you start.

### The Agreement

This confidentiality agreement applies to all persons working directly/indirectly with children at Notting Hill Prep School.

### The Terms of Agreement

- All information I might hear or read in school regarding a child, or their family must be kept confidential
- I will notify the Form Teacher or a member of the Senior Management Team if I have any concerns regarding this information, or indeed the manner in which it has been disclosed
- I will not post any information regarding children, parents or staff on social networking sites
- I will contact the DSL or a DDSL if I have any safeguarding or child protection concerns
- I understand that, where appropriate, my sessions should actively promote the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs and at no point undermine these.
- I understand that it is the School's intention for all who study and work at the School, regardless of their age, race, social and cultural background, linguistic background, gender, Special Educational Needs and Disability (SEND), religious views and beliefs, marital status, sexual orientation, pregnancy or maternity, gender reassignment, political views or trade union membership to have equality of opportunity.

Signature: \_\_\_\_\_

Date \_\_\_\_\_

Print name: \_\_\_\_\_