

# Telford & Wrekin Schools Confidentiality Guidance



**Date:** May 2008

**Date of next review:** May 2011

## **Introduction**

This policy is written in the context of the wide ranging agenda taking place within schools. The different agencies and projects that work in partnership to make education as safe and secure as is possible, and to respect the confidentiality of all within it and for the boundaries to be clear for all those in the school community. Also this policy is to encompass the spirit of “Working Together”.

## **Statement of intent**

It is our intention to respect the privacy of Governors, Staff, Pupils and their Parents. The policy has been endorsed by the Telford & Wrekin Safeguarding Children Board, Telford & Wrekin Council and produced in collaboration with Telford and Wrekin Primary Care Trust.

## **Definition**

The overall meaning of confidential relationship is openness and agreement about what will happen to information disclosed between two, or more, people. It may not have to take the form of total secrecy. In practice there are a few situations where absolute confidentiality is offered. In most cases only limited confidentiality can be offered. The boundaries of confidentiality should be made clear at the beginning of the conversation. The following principles apply;

- We would define confidential information as being of some significance and not in the public domain; it is usually disclosed in private on the basis of trust.
- A confidential relationship is based on openness and on an agreement about what will happen to information disclosed, providing this has been agreed by the subject.
- Information may be disclosed where there is strong evidence that non-disclosure may be seriously detrimental to the health and/ or wellbeing of the young person. Equality and Diversity issues must be taken into account.

## **GUIDING PRINCIPLES**

### **Schools believe that:**

- The safety, well-being and protection of our pupils are a legal requirement and therefore of paramount consideration in all decisions made by staff within the school.
- That this school will provide opportunities for its pupils to access confidential support on school premises in the following ways. This may take the form of drop in sessions with the school nurse, peer support or access to nationally recognised agencies such as Childline.
- It is an essential part of the ethos of all schools that trust is established to enable pupils, staff, Governors and parents/carers to seek help both within and outside the school, **enabling** the appropriate sharing of information between school based staff, and other agencies, thus ensuring our pupils well-being and safety.
- The number of situations where personal information is shared is kept to a minimum.
- Information is stored securely both electronic and manual. Reference to this policy and its content will be included in a statement within the School Prospectus
- Pupils, parents, staff and Governors need to know the boundaries of confidentiality in order to feel safe and comfortable in discussing personal issues and concerns.
- 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.
- Everyone in the school community needs to know that no one can offer absolute confidentiality in respect of any Child Protection issues.
- This policy sits in conjunction with the schools policies on Child Protection, Anti Bullying, Sex and Relationships Education and Drugs Education. It has been developed and implemented in consultation with the whole school community including pupils, parents, staff and governors.

### **Aims:**

- To give clear guidance to all members of the school about Confidentiality
- To encourage young people to talk to a trusted adult if they are having problems

- To give staff confidence to deal with sensitive issues

#### **In lessons:**

- Ground rules 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

#### **Personal disclosures:**

Disclosures from pupils may take place at an inappropriate place or time. If this happens, the member of staff should talk again individually to the pupil before the end of the school day. The member of staff may be able to discuss the issue with an appropriate colleague, to decide on suitable action, without giving the name of the pupil.

#### **Key Points:**

- Pupils should know that staff cannot offer unconditional confidentiality
- Pupils should be reassured that, if confidentiality has to be broken in relation to Child Protection issues, they will be informed first and then supported appropriately
- Pupils should be informed of sources of confidential help, for example, School Nurse, Drama therapist, GP or local young person's advice service
- Any personal information should be regarded as private and not passed on indiscriminately (for example in the staff room)
- If a member of staff receives information that leads them to believe that there is a child protection issue, they should refer the case directly to the Designated Person for Child Protection following a discussion with the young person involved
- Pupils should be encouraged to talk to their parents and be given support to do so where-ever possible

#### **Further Guidance**

For all pupils, staff members and governors to enjoy privacy from gossip, for the school to be fair to all its community, and for children and adults to have disciplinary matters dealt with according to the school's own procedures and out of the eye of the wider school community, it is important that:

- 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. Also this should cover areas where free association of staff and pupils is likely.
- No member of staff discusses an individual child's behaviour or learning in the presence of another child in school.
- Staff do not enter into detailed discussion about a child's behaviour or learning with other children or their parents.
- Governors, do not divulge details about individuals (be they staff, families or individual children) to any person outside of the meeting.
- 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.
- At full Governing body meetings matters such as pupil suspension and exclusion, personnel issues and personal details of any member of the school community will be dealt within the Headteacher's Report. This is not for the knowledge of persons outside the Governing body meeting.
- 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. Sharing of information will be on a "need to know basis".
- When volunteers, such as parents and friends of the school are working in classes, they do not discuss educational matters outside the classroom. Staff need to be aware that sharing or using another person's information outside the school setting can lead criminal penalties.
- Staff, Volunteers, students and supply teachers are asked to read this policy before working in school. Also the school will decide how staff are to be made aware of the Confidentiality Policy and how all within the school community become confident in its use.

## **Record Keeping**

It is important for staff to keep concise and up date records. It is recommended that the leaflet for record keeping as approved by the Safeguarding Children Board be followed as a model of good practice (attached).

## **Equal Opportunities**

Staff may wish to discuss an individual pupil with a class or group. For instance it can support the inclusion of a child with social integration problems, if their peers are made aware of the condition and so have some idea of what to expect. Similarly a child with SEN, visual or auditory impairment can be supported if his friends know how to support them. In all cases this should be discussed and agreed with the pupil and parents where appropriate beforehand.

## **Health professionals**

All employees working in the NHS are bound by a legal duty to protect any personal information they may come into contact with during the course of their work. This is not just a requirement of their contractual responsibilities but also a requirement within the Data Protection Act 1998 and in addition for health and other professionals through their own professions code/s of conduct and bound by Caldicott guidelines.

The Nursing and Midwifery Council states:

- You must treat information about patients and clients as confidential and use it only for the purpose for which it was given..... you should ensure that patients and clients understand that some information may be made available to other members of the team involved in the delivery of care. You must guard against breaches of confidentiality by protecting information from improper disclosure at all times.
- You should seek patients' and clients' wishes regarding the sharing of information with their family and others. When a patient or client is considered incapable of giving permission, you should consult relevant colleagues.
- If you are required to disclose information outside the team that will have personal consequences for patients or clients, you must obtain their consent. If the patient or client withholds consent, or if consent cannot be obtained for whatever reason, disclosures may be made only where:
  - They can be justified in the public interest (usually where disclosure is essential to protect the patient or client or someone else from the risk of significant harm)
  - They are required by law or by order of a court.
- Where there is an issue of child protection, you must act at all times in accordance with national and local policies.

**(The NMC code of professional conduct: standards for conduct, performance and ethics. Nursing & Midwifery Council 2004)**

## **Allegations against staff**

Allegations whether made against staff, pupils, parents or anyone within the school community, will be dealt with within the Schools normal disciplinary operating procedures. If these allegations are of such a nature that represents Child Protection concerns, and the risk of harm becomes of paramount issue then information will be shared on a “need to know” basis. Delay in this is unacceptable and normal Safeguarding Procedures should be followed. These can be found on [www.telfordsafeguardingboard.org.uk](http://www.telfordsafeguardingboard.org.uk)

## **Requests for confidential information**

The Data Protection Act 1998 requires that personal information is: “Obtained and processed fairly and lawfully; only disclosed in appropriate circumstances; is accurate, relevant, not held longer than necessary and is kept securely”.

There may be occasions when a request for confidential information regarding a particular pupil is made, from an individual, an agency or an organisation. The usual course of action would be to seek advice from the Headteacher. However, there are specific circumstances where exceptions may be permitted:

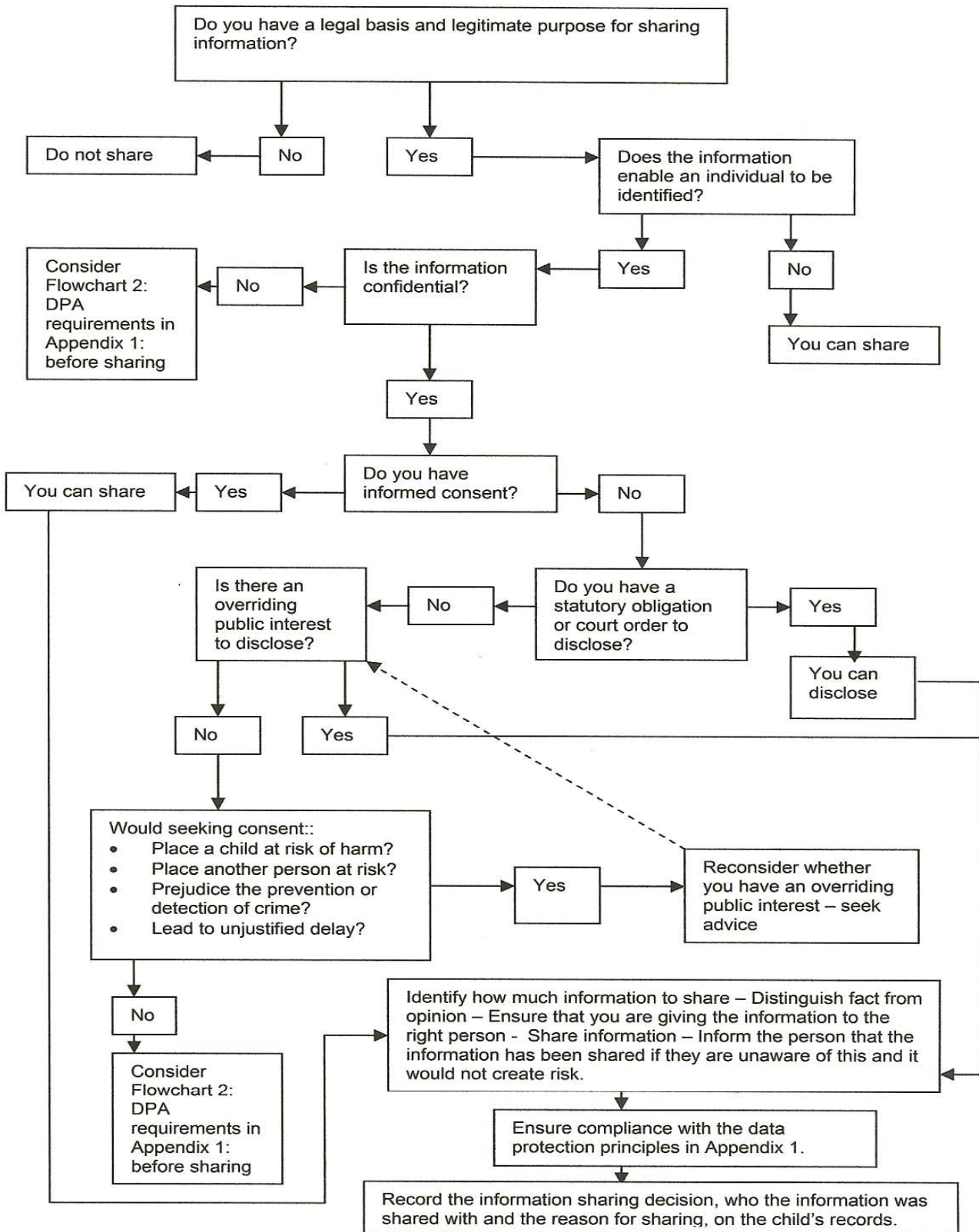
1. Where the student has agreed to the sharing of specific, relevant information with a particular individual, agency or organisation.
2. Where the request is part of Child Protection procedures.
3. Where information is required as part of legal proceedings.

Where information is released, this should usually be in the form of a written report, limited to relevant information only. In all cases the report should be shared with the pupil, except where doing so may compromise the safety and emotional welfare of the pupil.

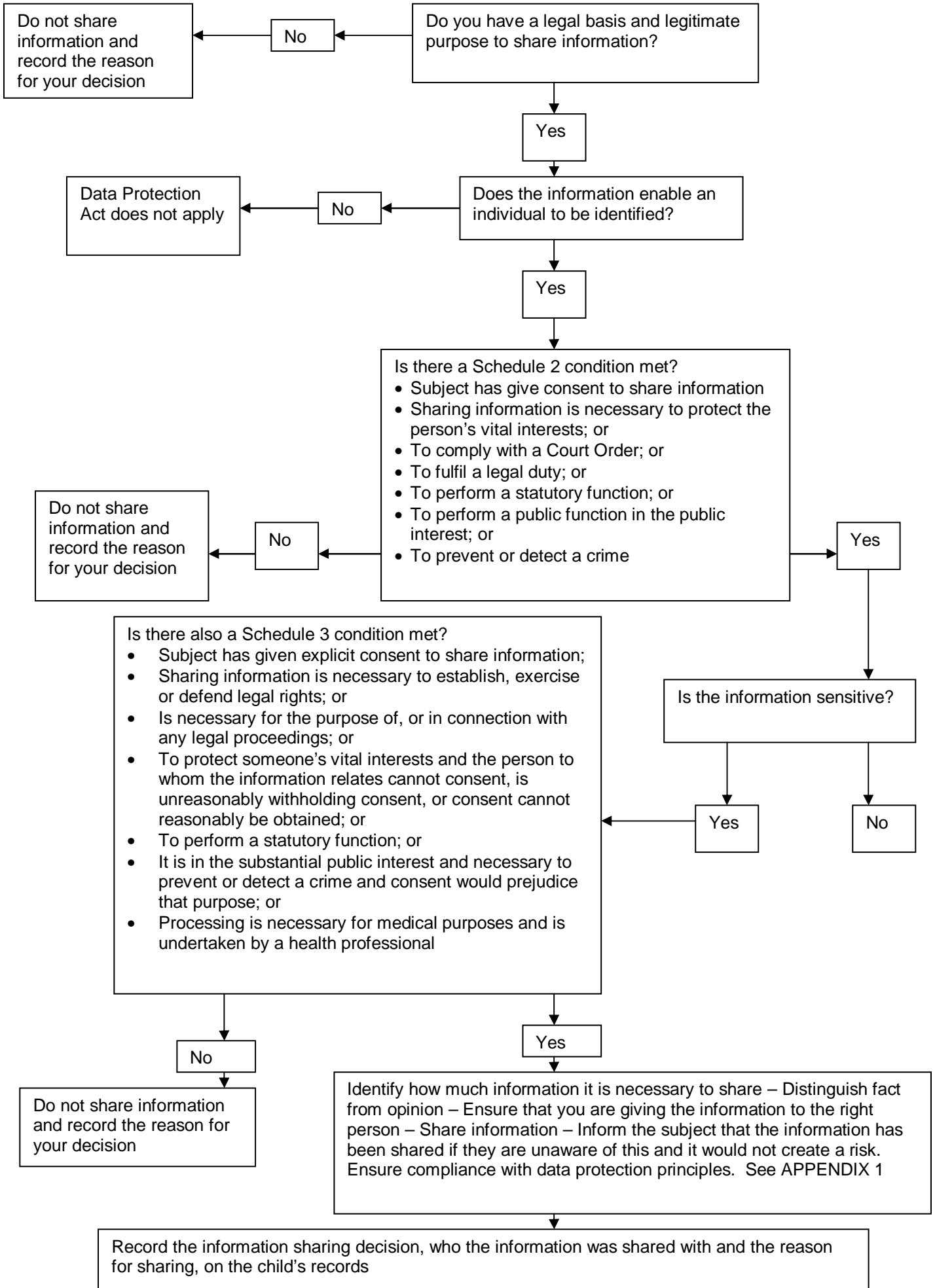
## **Transferring of confidential information**


When transferring Personal Identifiable Data (PID) electronically it must always be encrypted using software or hardware which complies with the latest NHS encryption standard, currently AES-256. Under no circumstances should unencrypted PID be transmitted.

## FLOWCHART 1: CONFIDENTIALITY



**FLOWCHART 2: This flowchart is not comprehensive but gives an overview of the main relevant provisions of the Data Protection Act 1998, for the purpose of this guidance**



	Good record keeping safeguards your Practice	
<p><b>Records should not include.....</b></p> <ul style="list-style-type: none"> <li>• Abbreviations / Acronyms</li> <li>• Jargon</li> <li>• Meaningless phrases</li> <li>• Irrelevant speculation</li> <li>• Offensive, subjective or objective statements</li> <li>• Irrelevant speculation</li> <li>• Judgements</li> </ul> <p><b>Serious Case Reviews</b>  In the case of a child dying and abuse or neglect is suspected or known to be a factor in the death, or there are concerns about the way agencies have worked together to protect a child / children then your records could be seized by your agency's representative on the Safeguarding Children Board to inform a 'serious case review'. These provide crucial evidence for future recommendations on how agencies should work together.</p>	<p><b>Purpose &amp; importance of records</b></p> <ul style="list-style-type: none"> <li>• Provide information</li> <li>• Provide details of contacts</li> <li>• Provide details of problems and actions taken</li> <li>• Provide evidence of care given &amp; the response to it</li> <li>• To include any factors affecting the patient or client</li> <li>• Record events &amp; decisions made</li> <li>• Support quality issues</li> <li>• Provide a baseline record</li> <li>• Provide information for clinical &amp; resource management</li> <li>• Self-evaluation</li> <li>• Audits of performance, care, quality</li> </ul> <p><b>Records should be kept</b></p> <ul style="list-style-type: none"> <li>• According to your agency specific guidelines</li> <li>• in a locked cabinet with restricted access</li> </ul>	<h1 style="text-align: center;">Record Keeping</h1>  <p style="text-align: center;">Protecting and caring for the children of Telford &amp; Wrekin</p> <p style="text-align: right;">2008</p>
<p><b>What was not written did not happen!!!!!!</b></p>	<p><b>Good record keeping safeguards children</b></p>	<p><b>A child's safety and welfare must be your first priority</b></p>

Demonstrates professional and clinical judgements	The entry is accurate and based on truth	Good record keeping safeguards your clients and families
<p><b>Facts</b></p> <ul style="list-style-type: none"> <li>• Well kept records underpin good child protection practice</li> <li>• professional judgements can be informed based on the information provided by records</li> <li>• Records are an aid to a skilled practitioner</li> </ul> <p><b>Good record keeping is.....</b></p> <ul style="list-style-type: none"> <li>• A document of professional involvement</li> <li>• Essential to work effectively across agency and professional boundaries</li> <li>• Helps us to focus</li> <li>• Helps bring perpetrators to justice</li> <li>• Essential source of evidence</li> <li>• A tool to allow continuity of care</li> </ul>	<p><b>What should a record include?</b></p> <ul style="list-style-type: none"> <li>• Date/Time</li> <li>• Name, Date of birth &amp; home address of Child</li> <li>• Previous names of child</li> <li>• Nature of injuries</li> <li>• All concerns</li> <li>• Your location when concern identified</li> <li>• Words used by child if disclosure made</li> <li>• Name of others present when disclosure made</li> <li>• Observations made</li> <li>• Actions taken</li> <li>• Outcomes of interventions if known</li> <li>• Your printed name, role &amp; signature</li> <li>• A copy of a referral</li> <li>• Copies of minutes from Strategy Meetings and Child Protection Conferences.</li> <li>• Any communications with parents and other professionals, spoken, written or e-mail</li> </ul> <p><b>The diagnosis of abuse is difficult – even for experts. If in doubt ask for advice and guidance</b></p>	<p><b>Recordings must be</b></p> <ul style="list-style-type: none"> <li>• made as soon after the event as is possible - no longer than 48 hours</li> <li>• what was actually said, including key phrases and the context it was said within</li> <li>• a reflection of the child's words where appropriate</li> <li>• a picture of the situation you are recording</li> <li>• written clearly and concisely, in a manner that cannot be erased</li> <li>• factual</li> <li>• Accurately dated, timed and signed with name printed after first signature</li> <li>• Should be readable on any photocopies.</li> <li>• Be consecutive</li> </ul> <p><b>Remember</b> Alterations &amp;/ or additions must be dated, timed and signed, with original entry still clear</p>
<p><b>Do not ignore any injuries on any part of the body that appear suspicious</b></p>		<p><b>All forms of abuse cause a child emotional harm</b></p>

## Confidentiality Flowcharts Glossary of Terms

### Appendix 1

Caldicott Guidelines	Guidelines used by health professionals around the use of patients personal data
Data Subject	An individual who is the subject of personal data
Personal data	Data which relate to a living individual who can be identified from those data or from those data and other information which is in the possession of, or is likely to come into possession of, the data controller (the organisation processing the data).
Data Protection Principles	<p>Personal data shall be processed fairly and lawfully and shall not be processed unless one of the conditions in Schedule 2 is met (see flowchart 2). If data is 'sensitive' personal data one of the conditions in Schedule 3 must be met (see flowchart 2)</p> <p>Personal data shall be obtained only for specified lawful purposes and shall not be excessive. It shall be accurate and kept up to date and kept for only so long as is necessary for the specified purpose. Safeguards against unauthorised access, loss or destruction must be taken</p>
Sensitive Personal Data	Personal data consisting of information as to the racial or ethnic origin on the data subject; his political opinions' his religious or other beliefs of a similar nature; whether he is a member of a Trade Union; his physical or mental health or condition; his sexual life; the commission/alleged commission by him of any offence; any proceedings for any offence committed or alleged to have been committed by him, the disposal of such proceedings or the sentence of any court in proceedings