



Sandy Lane Nursery and Forest School  
"Nurturing curiosity and inspiring imagination"

# Confidentiality Policy

## DOCUMENT STATUS

<b>Produced By</b>	<b>Version</b>	<b>Date</b>	<b>Action</b>
Sandy Lane Nursery and Forest School	1	31.05.12	Personnel and Finance Committee to comment and ratify
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	1	2018	Updated to reflect changes in data protection

Sandy Lane Nursery and Forest School's Confidentiality Policy has been written in accordance with the following legal requirements:

**Human Rights Act 1998:** This 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’, eg, 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 2018:** This applies to personal data of living, identifiable individuals, not anonymised 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:** This gives everyone the right to request any records a public body, including schools, holds about them. 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.

## **Rationale And Statement On The Importance Of Confidentiality**

### ***At Sandy Lane Nursery and Forest 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<sup>1</sup> 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 Sandy Lane Nursery and Forest School. We have tried to strike a balance between ensuring the safety, well being and protection of our pupils and staff,

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<sup>1</sup> Please refer to Sandy Lane Nursery and Forest School's Safeguarding and Child Protection Policy

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.***

### **Different levels of confidentiality are appropriate for different circumstances**

1. **In the classroom in the course of a session** 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 session, setting the climate and establishing ground rules to ensure confidential disclosures are not made.

When a health professional is contributing to a school health education programme in a classroom setting, s/he is working within 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. 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 Child Protection Co-ordinator (DCPC)/ Designated Safeguarding Lead (DSL) 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 Safeguarding and Child Protection Policy.)

## **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 is 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 Sandy Lane Nursery and Forest School we believe it is important 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 DSL.

## **Teachers And Health Professionals**

In exercising their professional judgement, the teacher 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 school's child protection policy and procedures.

## **Visitors And Non-Teaching Staff**

At Sandy Lane Nursery and Forest School, we expect all non teaching staff, including voluntary staff - except those identified in the paragraph above, to report any disclosures of a concerning personal nature by pupils or parents/carers to the DSL 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 DSL 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**

Sandy Lane Nursery and Forest 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.

The safety, well-being and protection of our pupils is 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, seek a consultation with your Local Authority Child Protection Officer (LADO).

### **Links To Other School Policies And Procedures**

*This policy is intended to be used in conjunction with the school's:*

PSHE

Child Protection

Bullying

Behaviour

Whistle-Blowing Policies

Data Protection