



Joseph Leckie Academy

Confidentiality Policy

This policy is reviewed annually

History of Document

Approved by Trustees: September 2021
Review date for Document: September 2022

1. Introduction

1.1 Joseph Leckie Academy understands that the safety, wellbeing and protection of students is of paramount importance. With this in mind, all students must be able to expect certain levels of trust when sharing personal information with Academy staff.

1.2 Students and parents/carers need to know that they can seek help from the Academy in a safe and confidential manner. This policy guides Academy employees and visitors on the policy and procedures surrounding confidentiality. Academy employees adopt a supportive and accepting attitude towards students as part of their general responsibility for pastoral care. It is our hope that students and parents/carers feel free to discuss any concerns and worries they have, that may affect educational progress with members of the Academy team.

2. Scope

2.1 This policy aims to:

- Promote a supportive and accepting ethos within the Academy.
- Safeguard the wellbeing of students and employees.
- Build trust between students and employees.
- Empower students and staff to exercise control over their situation and voice their concerns.
- Prevent the Academy dealing with each disclosure in isolation.

3. Legal Framework

3.1 This policy has due regard to legislation, including, but not limited to, the following:

- The Education Act 2011
- The Data Protection Act 2018
- The Human Rights Act 1998
- The Freedom of Information Act 2000

3.2 This policy will be implemented in conjunction with the following Academy policies:

- Data Protection Policy
- Child Protection and Safeguarding Policy
- Anti-Bullying Policy
- Whistleblowing Policy

4. Definitions

4.1 For the purpose of this policy, 'confidentiality' is an understanding that any information shared with someone in trust will only be passed on to a third party with the prior agreement of the person disclosing it or if it is considered to be in the child's best interests.

4.2 For the purpose of this policy, 'disclosure' is the sharing of any private information, but which is not solely in relation to safeguarding/child protection issues. Disclosure of the contents of a conversation may be discussed with professional colleagues, but the confider is not identified except in pre-determined circumstances.

4.3 The Designated Safeguarding Lead is a designated Academy employee responsible for ensuring the Academy's Child Protection and Safeguarding Policy is implemented by the entire Academy community, which ensures the wellbeing and protection of students.

4.4 At Joseph Leckie Academy Designated Safeguarding Lead is Mrs M DeRome, members of the Senior Leadership Team are all Designated Deputy Safeguarding Leads.

5. Policy Application

5.1 This policy deals with personal information that may be divulged during the course of an Academy day. It is not meant to deal with certain extreme situations where there is an urgent need for the disclosure of information to relevant bodies. In extreme situations, such as medical emergencies, Academy employees will pass on information as necessary for the wellbeing of the student.

5.2 All information about an individual student is private and will only be shared with Academy employees who have a legitimate need to know. All data is processed and held in line with the Academy's Data Protection Policy.

5.3 The Designated Safeguarding Lead is responsible for referring the student's confidential information to multi-agency support services. Academy employees may not make pass on confidential information unless they believe a child protection referral to the Police or Social Services is necessary and the Designated Safeguarding Lead does not agree.

6. Limits of Confidentiality

6.1 In practice, there are few situations where absolute confidentiality can be offered. The Academy aims to strike a balance between confidentiality and trust, and ensuring the safety, wellbeing and protection of its students. In almost all cases of disclosure, limited confidentiality is on offer.

6.2 The professional judgement of a teacher, support staff, counsellor or health professional is vital when considering whether to inform a student that a disclosure may be made in confidence, and whether such confidence could remain having heard the information.

7. Classroom Confidentiality

7.1 It is made clear to students that the classroom is not a place to disclose confidential, personal information. Students are made aware that a Academy employee is always available to talk to them in private when needed. If a visitor to the classroom is contributing to the lesson, they will work within the same boundaries of confidentiality as the teacher.

8. One to One Disclosures

8.1 Academy employees will make it clear to students that they may have to pass on some information if they believe the student is at risk. When concerns for a student come to the attention of an Academy employee, e.g. through observation of behaviour, injuries or disclosure (however insignificant these might appear), the Academy employee always discusses the issue with the Designated Safeguarding Lead as soon as possible.

8.2 In accordance with the Academy's Child Protection and Safeguarding Policy, more serious concerns, such as those involving potential abuse, are immediately reported to ensure that any intervention necessary to protect the student is accessed as early as possible.

9. Disclosures to Health Professionals

Health professionals, such as the school nurse, may give confidential information to students, provided the information is in regards to the student's wellbeing, and they are competent to do so and follow the correct procedures. The school nurse is skilled in discussing issues and possible actions with young people. On a need-to-know basis, the school nurse may share information with the Designated Safeguarding Lead in to enable improved support for students.

10. Breaking Confidentiality

10.1 When confidentiality must be broken because a student may be at risk of harm, in accordance with our Child Protection and Safeguarding Policy, the Academy will ensure the following:

- Students are told when the information has been passed on.
- Students are kept informed about what will be done with the information.
- To alleviate their fears about everyone knowing, students are told exactly who their information has been passed on to.

10.2 The Designated Safeguarding Lead is to be informed of any child protection concerns. Academy employees are contractually obliged to immediately inform the Designated Safeguarding Lead. Academy employees are not obliged to inform the police on most matters relating to illegal activity, such as illegal drugs or assaults; instead, these are assessed on a case-by-case basis with the support of the senior leadership team.

10.3 Academy employees are not permitted to pass on personal information about students indiscriminately.

11. Guidance for Academy

11.1 The safety and protection of the student is the paramount consideration in all confidentiality decisions. Academy employees are not obliged to break confidentiality unless there is a child protection concern. Academy employees are encouraged to share their concerns about students in a professional and supportive way. In extreme cases, employees in breach of this policy may face disciplinary action, if it is deemed that confidential information was passed on to a third party without reasonable cause.

11.2 The following principles are adhered to when supporting students:

- Personal matters are discussed in an appropriate time and place.
- Students with concerns are spoken to in confidence as soon as possible.
- Where there are child protection concerns, the student is always spoken to in confidence before the end of the Academy day.
- Students are told, prior to disclosures, that an Academy employee cannot guarantee confidentiality if they think a student is being hurt by others, hurt themselves, or hurt someone else.
- Students are not interrogated or asked leading questions.
- Students are not placed in the position of having to repeat the disclosure to several people.
- Students will be informed before any information is shared.
- Where appropriate, students are told to confide in their parents/carers.

11.3 Academy employees may find themselves dealing with highly personal issues and potentially upsetting disclosures. With this mind, Academy employees are encouraged to seek help from the Designated Safeguarding Lead or Deputy Safeguarding Leads if they are unsure about how to

respond to a situation. The Academy has access to several external agencies that specialise in providing advice and support, please speak to the Designated Safeguarding Lead for more information.

12. External Visitors

12.1 All external visitors are made aware of the Confidentiality Policy and work within its limits when interacting with students. Healthcare professionals work within their codes of confidentiality when delivering their services within the Academy.

13. Informing Parents/Carers

13.1 The Academy works with parents/carers to create a partnership of trust. It endeavours to inform parents/carers of their child's progress and behaviour. When a student discusses a personal matter with a staff member, they are encouraged to share the information with their parents/carers, unless there is an identifiable child protection risk associated.

13.2 Where an Academy employee believes a child protection risk is posed in regards to the family of the student, following a disclosure, the staff member will immediately contact the Designated Safeguarding Lead and local Safeguarding Officer.

14. Dissemination

14.1 All parents/carers are made aware of the Academy's Confidentiality Policy and are informed that a copy can be viewed at the Academy office and on the Academy website. Parents/carers are made aware that the Academy cannot offer complete confidentiality if they deem a student is at risk from harm.

15. Further Information and Linked Policies

15.1 For further information about Information Governance please visit the ICO website www.ico.org.uk

15.2 This policy should be read alongside:

- Safeguarding and Child Protection Policy
- Information Governance Strategy
- Information Risk and Security Policy
- CCTV Policy
- Data Protection Policy
- Freedom of Information Policy
- Information Rights Policy
- Records Management Policy and Schedule
- Incident Management Policy
- Subject Access Request Policy
- Consent to Use Personal Data Guidance
- Impact Levels and Protective Marking Guidance