



*British Standards for a world class
Education*

Nottingham British School Confidentiality Policy

Confidentiality Policy

Safeguarding

Aims

NBS aims to ensure that parents may share confidential information that will only be used to enhance the welfare of their children.

All members of staff working on the school site, all pupils and visitors involved directly with pupils are clear about the levels of confidentiality they can offer to the school community and expect for themselves.

There are record keeping systems in place that meet legal requirements; means of storing and sharing that information may take place within the framework of the General Data Protection Regulation 2018 and the Human Rights Act.

Objectives

The term 'school' within this policy refers to the school in its entirety, which includes the Early Years Department.

- To enable the school to be clear about their legal and professional roles and responsibilities, particularly where Child Protection procedures apply.
- To enable the school to be clear about their position if parents and families wish to disclose confidential information.
- To ensure that the whole school community, staff, pupils, and visitors, including staff from external agencies such as the MoE of Kuwait involved in working directly with young people on the school site understand the varying levels of confidentiality which might be offered in differing circumstances.
- To be a clear, explicit, well-publicised policy to ensure good practice throughout the school which staff, (including staff from external agencies), parents and pupils can easily understand.
- To ensure that adults, parents and children have a right to know that information they share will be regarded as confidential as well as be informed about the circumstances and reasons when we are obliged to share information.
- We are obliged to share confidential information without authorisation from the person who provided it or to whom it relates if it is in the public interest.

That is when:

it is to prevent a crime from being committed

or intervene where one may have been

to prevent harm to a child or adult;

not sharing it could be worse than the outcome of having shared it.

The decision should never be made as an individual, but with the back-up of the Director and Section Principals.

Three critical criteria are:

Where there is *evidence* that a child is suffering, or is at risk of suffering, significant harm.

Where there is *reasonable cause to believe* that a child may be suffering or at risk of suffering significant harm.

To *prevent* significant harm arising to children and young people or serious harm to adults, including the prevention, detection and prosecution of serious crime.

The policy has been developed in line with the recommendations given to schools by the Department of Health, and the MoE of Kuwait. It will be discussed fully with all staff and be included in the induction of new staff.

Confidentiality Procedures

We explain to families how, when and why information will be shared about them and with whom. That consent is normally obtained, unless it puts the child at risk or undermines a criminal investigation

We ensure parents receive information about our information sharing policy when starting their child in the school and they sign to recognise they *understand* circumstances when information may be shared without their consent. This will only be when it is a matter of safeguarding a child or vulnerable adult. This is on the declaration form.

We ensure parents have information about our Safeguarding Children and Child Protection Policy.

All school staff members

When talking with pupils you should maintain your professional boundaries. Whilst being supportive where you can, distancing techniques should be used when appropriate and pupils with serious issues encouraged to see the Section Head, or the School Social Work Department. Within Early Years professional boundaries must be maintained between staff and parents. In most circumstances it will be appropriate to discuss issues with parents unless it refers to a safeguarding issue.

Teachers cannot offer or guarantee absolute confidentiality. You must make this clear to a pupil when she/he begins to talk about something where confidentiality may become an issue.

Confidentiality cannot be maintained if a pupil is at risk of being harmed or harming him/herself or others.

Similarly, pupils should be warned that if there is a child protection issue where the pupil, or others, are likely to be at risk of significant harm, **teachers are under a duty to inform the DSLs who may have to involve other agencies.** (Please refer to the school Child Protection Policy for more detailed procedures.) The member of staff should explain this sensitively to the child to explain that the appropriate people must be informed to help the child but that only those who really need to know will be told.

School staff can only offer confidentiality to pupils on issues that do not involve significant illegal activities. If the conversation begins to move to this kind of issue, the pupil must be warned that confidentiality cannot be guaranteed.

In all cases where you feel that you have to break confidentiality with the pupil, you must inform the pupil and reassure her/him that her/his best interests will be maintained.

In talking to a pupil, you need to encourage the child to talk to her/his parents/guardians about the issue that may be troubling her/him and support in doing this should be offered where appropriate.

If it appears that a specialist confidential service may be required then no comment should be made to the child but the pupil should be referred to a DSL.

Adults and pupils

You may receive confidential information from pupils, parents, teachers, or other adults which is told to you in confidence and which is not affected by any of the above limitations. In this case you should always respect such confidential information and not disclose it to others either in private or in a public space.

The school discourages any forms of general 'gossip' about the affairs and concerns of others whether adults or pupils.

Always check with parents whether they regard the information they share to be regarded as confidential or not.

Peer and adult mentoring and support

Pupils and adults are not allowed to promise to keep secrets but all conversations between the mentor and mentee will be kept confidential except in the following circumstances:

The mentor must tell a DSL if a pupil discloses either any form of abuse or anything else that would make them worry about the child's safety.

If the mentee is about to disclose this sort of information, the mentor must explain that they will need to take the mentee to a DSL to help with this problem. The mentor may offer to go along, possibly as an advocate.

If the mentor has a concern about the content of a mentoring meeting, s/he should discuss it with the DSL.

Parents and families

We recognise that sometimes there may be family issues which might affect a pupil and which the family will only disclose to us if they can be sure the information will be treated confidentially.

We will respect the wishes of the family and, where it is felt necessary to share the information given to us, this will be discussed with the parent first unless a pupil is considered to be at immediate risk and/or there is an overriding child protection concern

We inform parents when we need to record

- confidential information beyond the general personal information kept in central records,
- any records we are obliged to keep regarding action taken in respect of child protection
- any contact and correspondence with external agencies in relation to the child.

We keep all records securely.

If parents share information about themselves with other parents or adults, the school cannot be held responsible if information is shared beyond those adults in whom the person has 'confided'.

Staff and Governors

All staff can normally expect that their personal situations and health will remain confidential unless

- it impinges on their terms of contract
- it endangers pupils or other members of staff
- there is a legal obligation to disclose such information

- it is necessary for legal proceedings
- despite the duty of confidence, the staff member's interest, or the wider public interest justifies disclosure

Access to Records Procedures

Parents may request access to any confidential records held on their child and family following the procedure below:

- Any request to see the child's personal file by a parent or person with parental responsibility must be made in writing to the school.
- The Director/Section Head will be informed and a written acknowledgement sent.
- The school will allow access within 14 days, but may be extended at the Director's/Section Head's discretion.
- The Director/Section Head and a chosen member of staff will prepare the file for viewing.
- All third parties are written to and informed that a request for disclosure has been received and asking permission to disclose to the person requesting it. Copies of these letters are retained on file. 'Third parties' include all family members who may be referred to in the records, workers from any other agency, including MoE etc. (It is usual for agencies to refuse to disclose, preferring an individual to go to them.)
- When all consents/refusals to disclose have been received these are attached to the copy of the request letter.
- A photocopy of the complete file is taken.
- The Director/Section Head and one other staff member will go through the file and remove any information a third party has refused to disclose. This is best done with a thick black marker scoring through every reference to the third party and the information they have added to the file.
- The remaining information is what has been recorded by the school, detailing the work initiated and the procedures followed by them in relation to confidential matters. This is called the 'clean copy'.
- The 'clean copy' is photocopied for the parents who are then invited in to discuss the contents. The file should never be given straight over, but should be explained and discussed with the Director or the designated member of staff.

- Legal advice may be sought before sharing a file, especially if the parents have possible grounds for litigation against the school or another third party.

The policies which link with and support this **Confidentiality Policy** are:

Anti Bullying

Safeguarding Children Health and Safety

Pastoral Care

This policy will be disseminated to all in the school community

- through tutor sessions
- by emphasizing links to the school's anti-bullying policy and safeguarding children policy and procedures.
- through induction of new staff
- to governors

The policy will be written in such a way as to be accessible to pupils, teachers, parents and the wider community

STATEMENT FOR PARENTS

Re: Confidentiality

We recognise that parents/guardians will want to do all they can to support their child but even in the most supportive of relationships there may be occasions when a child is worried and may choose not to talk to his or her parent/guardian. This may result in enormous stress and whilst we recognise that parents/guardians will naturally be disappointed if their child does not choose to talk to them about the worrying issue, we feel that there could be even more distress if the pupil is unable to cope with the issue alone. On this basis we have agreed the following:

Our staff will be supportive to pupils who approach them with concerns but will make it clear that they cannot offer confidentiality to the pupil on anything that involves an illegal activity or anything that is a potential child protection issue where the pupil or others are likely to be at risk of significant harm.

The Director or Section Head, or Head of Early Years if involving Early Years children, will liaise with parents/guardians as appropriate in cases where a staff member has reported an issue over which confidentiality cannot be promised.

Staff will support pupils to inform their parents/guardians about issues that are troubling them as appropriate.

STATEMENT FOR PUPILS

Re: Confidentiality

We understand that there may be times when there are things that are worrying you but you feel that you cannot talk to your family. Teachers and other members of support staff will do all we can to help you but you need to know about the following:

- If you really want to talk to someone confidentially (without anyone else knowing what you have said) the Director and Heads of School have an open door policy.
- Teachers and other members of staff will often be able to help you with many of the things that may be worrying you but they cannot promise to keep everything to themselves. If you tell them about an illegal activity, they will have to speak to the Section Head or a social worker who will speak to the Head and it may be that your parents / guardians or the police or social services will need to be involved.
- If the Section Head or social worker feels that asking a counsellor to help you would be beneficial this may be recommended to you and your parents.
- If the staff member feels that someone else needs to be told about what you have talked about, they will always tell you first and help you sort it out, perhaps helping you to speak to your parents/guardians.
- Very rarely there are things which you may need to talk about which can be very dangerous for you or for other young people e.g. someone is trying to harm you. Such talks have to be reported to a DSL or Section Head and your parents / guardians or the police or other services may need to be involved. You will always be told that this will need to happen. The main priority is to help you sort it out and be safe.

Appendix

Appendix 'Confidentiality' also refers to protecting the information we hold about the pupils in this school and their families. All staff will endeavour to maintain confidentiality when appropriate, for example by considering the conversations, they have about pupils and their families, the purpose of these conversations and where these take place. All students and helpers at the school will be made aware of this through our Confidentiality Statement (see below).

Confidentiality Statement:

Teachers talk about their job constantly. Conversations at breaks and lunchtimes are often about school, individual children and their families.

We ask that such conversations be regarded as confidential.

Similarly, the work, progress and behaviour of individual children is a matter of fact for the teacher, the child and the parents of the child. Any comments made by students about a child, or an incident at school may be misinterpreted and lead to misunderstandings.

Small incidents are dealt with in school and should end there. More serious incidents will be discussed, *in confidence*, with parents. We feel sure you will understand the need for such confidentiality on school matters. As an employee in the school, we ask that you respect confidentiality on such matters to avoid misunderstandings and upset.

Monitoring and Evaluation

This policy will be reviewed every three years unless there are changes to the regulations.

Approved By	GB November 2023
Date	November 2023
Review Date –	November 2026

