



Windsor Park CE Middle School

Confidentiality policy

Author: P Slack
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WPMS LGB adopted

Signed
Chair of Governors

1. INTRODUCTION

1.1 Windsor Park aims to protect children attending the school at all times and to give all staff involved clear, unambiguous guidance as to their legal and professional roles. It will also strive to ensure good practice throughout the school which is understood by pupils, parents/carers and staff.

1.2 Windsor Park seeks to put the child at the heart of the learning process and to provide a safe and secure learning environment. It seeks to implement the underlying principles of the Every Child Matters agenda and to address the issues, which may arise about confidentiality. We are committed to developing ways for the child's voice to be heard whilst recognising the responsibility to use, hold and safeguard information received.

1.3 Sharing information unnecessarily is an erosion of trust.

1.4 The school is mindful that it is placed in a position of trust by all stakeholders and there is a general expectation that a professional approach will be used in all matters of confidentiality.

1.5 The United Nations Convention on the Rights of the Child states that:

'The wishes of a young person must be taken into account when considering Their best interests.'

1.6 Children at Windsor Park span the age range of 9-13 years. When considering making a judgment about their best interests, the member of staff should also take into account the age and maturity of the student and subsequently, their ability to make an informed decision about their life.

2. THE SCHOOL

2.1 The principles of confidentiality rest upon:

1. providing consistent messages in school about handling information about children once it has been received.
2. Fostering an ethos of trust within the school.
- 3 ensuring that staff, parents and pupils are aware of the school's confidentiality, policy and procedures.
4. Reassuring pupils that their best interests will be maintained.
5. Encouraging children to talk to their parents and carers.
6. Ensuring that pupils and parents/carers know that school staff cannot offer unconditional confidentiality.
7. Ensuring that if there are child protection issues then the correct procedure is followed.
8. Ensuring that confidentiality is a whole school issue and that in lessons ground rules are set for the protection of all.
9. Understanding that health professionals are bound by different code of conduct.
10. Ensuring that parents have a right of access to any records the school may hold on their child but not to any other child for whom they do not have parental responsibility.

2.2 The school's Aims identify us as a community which develops a positive atmosphere in which young people learn to value themselves, each other and the world in which they live. As such:

1. Every child has a right to be treated with respect and dignity, as do the adults who work with them. They have a right to privacy, a safe environment and where appropriate, should be consulted and given the opportunity to express their views about decisions which may affect their lives.
2. We recognise that without these rights, pupils may be unable or unwilling to talk about things which are frightening, worrying or hurting them and that confidentiality is fundamental to them feeling respected and safe.
3. At all times we will aim to adopt a non-judgmental approach in our work with them.
4. We recognise that the duty of confidentiality owed to a person under the age of 16 is as great as the duty owed to any other person. We believe that all children are entitled to request a confidential meeting with any adult employed by the school.
5. Staff do not have to agree to such a request but should bear in mind that the child may not feel comfortable talking to any other adult at that particular time and that they may have been chosen as a confidante for a particular reason.

6. Children must be made aware that staff cannot offer or guarantee unconditional confidentiality. This includes any information relating to a Child Protection issue or which places doubt about a person's health and safety.

3. STAFF

3.1 The school has appointed a senior lead teacher for child protection and a deputy officer, who receive regular training. All staff receive biannual updates on child protection. There is clear guidance for the handling of child protection incidents. With regard to the disclosure of information, the policy is always to seek the consent of the child wherever possible and to discuss with them the exact course of action to be taken. However, the child will be informed that even without their consent, the member of staff has a duty to refer information where necessary. Whenever a member of staff feels it may be necessary to breach confidentiality, this should first be discussed with the Child Protection Lead Teacher.

3.2 There is clear guidance for procedures if a member of staff is accused of abuse (see policy Allegations against Staff).

3.3 There is a programme for sex and relationship education, which brings an understanding of what is and is not acceptable in a relationship and can lead to disclosure of a child protection issue.

3.4 Staff are aware of the need to handle all issues about different types of families in a sensitive manner.

3.5 Any intolerance about gender, faith, race, culture, disability or sexuality is unacceptable and follow-up action will adhere to the school's behaviour policy

3.6 Information collected for one purpose should not be used for another. All children have a right to the same level of confidentiality irrespective of gender, race, religion, medical concerns and special educational needs. Photographs of children are not used without parents/carers permission.

3.7 Staff cannot guarantee total confidentiality and the school has a duty to report child protection issues.

3.8 The school has a good and rapid system for communication with parents and carers and staff are always available to talk to both children and parents/carers about issues that are causing concern. The school encourages children to talk to parents/carers about issues causing them concern and may in some case support the child(ren) to talk to their parents. The school may share with parents a child protection disclosure before going on to inform the correct authorities. .

3.9 Confidentiality is a whole school issue. Clear ground rules must be set for any classroom work such as circle time and other PHSEE session dealing with sensitive issues such as sex and relationship and drugs. Strategies are in place and all children are aware of them for dealing with sensitive information which may fall outside the boundaries of child protection procedures.

3.10 Information regarding health reports such as speech therapy, medical reports, SEN reports, SEN minutes of meetings and social services minutes of meetings are kept in a secure place.

3.11 Logs of administration of medication to children are kept secure

4. Procedures

4.1 Teachers are not obliged to pass on all information about children to their parents. Staff should seek advice from the CP teacher or Headteacher as to whether or not parents need to be informed about an issue. Where a member of staff believes the pupil to be at moral or physical risk, or in breach of the law, they must ensure that the pupil is aware of the risks and encourage them to seek support from their parents / guardians.

5. Parents

5.1 Parents/carers and children should feel reassured that in exceptional circumstances confidentiality will be broken.

5.2 Parents are entitled to have a confidential discussion with a member of staff regarding concerns about their child and the child does not have to be informed that this is taking place. In keeping with our policy however, the parent should be encouraged to talk to their child about their concerns.

5.3 During any discussion, staff are not able to offer unconditional confidentiality to parents and if they are informed during the course of the discussion of some behavior of the parents [or of anyone else], which is likely to cause harm to their child or to other young persons, the member of staff must follow the school's

Child Protection procedures. If there is a concern regarding neglect or emotional abuse of the child, the policy is for them to discuss their concerns with the CP teacher or Headteacher in the first instance.

5.4 Information about children will be shared with parents but only about their child. Parents should not have access to any other child's books, marks and progress grades. However parents will be made aware that information about their child will be shared with the receiving school when they change school.

6. Requests for confidential information

6.1 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 child is made, from an individual, an agency or an organisation. The usual course of action would be to seek advice from the CPL T or Headteacher before any information is shared.

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

6.3 If a student leaves for another school, the Child Protection file and any other confidential documentation which may not necessarily be of a Child Protection nature should be sent directly to the CPL T at the new school. Verbal contact should take place between the Headteacher at Windsor Park and the new CPL T prior to this happening.

7. Governors

7.1 Governors need to be mindful that from time to time issues are discussed or brought to their attention about staff and children. All such papers should be identified as confidential and should be copied onto different coloured paper. These confidential papers should be collected in and destroyed after the meeting. Suitable minutes, respecting confidentiality, should be made of such meetings.

7.2 Governors must observe complete confidentiality when asked to do so by the governing body especially in relation to matters concerning individual staff, pupils or parents. Although decisions reached at governors' meetings are normally made public through the minutes, the discussions on which decisions are based should be regarded as confidential. Governors should exercise the highest degree of prudence when discussion of potentially contentious issues arises outside of the governing body.

PRIVACY

The following notice will be placed on the school website and updated annually:

WINDSOR PARK CE MIDDLE SCHOOL – Academic Year : **Organisations with which we share data**

This notice gives additional information to the Privacy Notice sent to you on (date) ¹ and provides further information about the processing of pupils' personal data by those other organisations.

WINDSOR PARK CE MIDDLE SCHOOL processes personal data about its pupils and is a “data controller” in respect of this for the purposes of the Data Protection Act 1998. It processes this data to:

- support its pupils' teaching and learning;
- monitor and report on their progress;
- provide appropriate pastoral care, and
- assess how well the school as a whole is doing

This information includes contact details, national curriculum assessment results, attendance information, characteristics such as ethnic group, special educational needs and any relevant medical information.

From time to time the school is required to pass on some of this data to local authorities, the Department for Education (DfE), and to agencies that are prescribed by law, such as the Ofsted, the Department of Health (DH), Primary Care Trusts (PCT), All these are data controllers for the information they receive. The data must only be used for specific purposes allowed by law.

The **Local Authority (LA)** uses information about children for whom it provides services to carry out specific functions for which it is responsible, for example, the assessment of any special educational needs the child may have and careers advice. It also uses the information to derive statistics to inform decisions on, for example, the funding of schools, and to assess the performance of schools and set targets for them. The statistics are used in such a way that individual children cannot be identified from them.

www.staffordshire.gov.uk/education/yourdata

Information Governance Unit, Staffordshire County Council, St Chad's Place Satafford, ST16 2LR.

The **Qualifications and Curriculum Development Agency (QCDA)** uses information about pupils to administer the national curriculum assessments portfolio throughout Key Stages 1 to 3. This includes both assessments required by statute and those that are optional. The results of these are passed on to DfE to compile statistics on trends and patterns in levels of achievement. The QCDA uses the information to evaluate the effectiveness of the national curriculum and the associated assessment arrangements, and to ensure that these are continually improved.

www.qcda.gov.uk

Data Protection Officer, Qualifications and Curriculum Development Agency,
53-55 Butts Road, Earlsdon Park, Coventry CV1 3BH

Ofsted uses information about the progress and performance of pupils to help inspectors evaluate the work of schools, to assist schools in their self-evaluation, and as part of Ofsted's assessment of the effectiveness of education initiatives and policy. Ofsted also uses information about the views of children and young people, to inform children's services inspections in local authority areas. Inspection reports do not identify individual pupils.

www.ofsted.gov.uk

Data Protection Officer, Aviation House, 125 Kingsway, London WC2B 6SE;

¹ Date when Privacy Notice was sent

Primary Care Trusts (PCT) use information about pupils for research and statistical purposes, to monitor the performance of local health services and to evaluate and develop them. The statistics are used in such a way that individual pupils cannot be identified from them. Information on the height and weight of individual pupils may however be provided to the child and its parents and this will require the PCTs to maintain details of pupils' names for this purpose for a period designated by the Department of Health following the weighing and measuring process. PCTs may also provide individual schools and LAs with aggregate information on pupils' height and weight.

www.nhs.uk/England/AuthoritiesTrusts/Pct/Default.aspx

The **Department of Health (DH)** uses aggregate information (at school year group level) about pupils' height and weight for research and statistical purposes, to inform, influence and improve health policy and to monitor the performance of the health service as a whole. The DH will base performance management discussions with Strategic Health Authorities on aggregate information about pupils attending schools in the PCT areas to help focus local resources. The Department of Health will also provide aggregate PCT level data to the Healthcare Commission for performance [assessment of the health service](#).

www.dh.gov.uk

[Data Protection Officer at Skipton House 80 London Road London SE1 6LH;](#)

The **Department for Education (DfE)** uses information about pupils for research and statistical purposes, to inform, influence and improve education policy and to monitor the performance of the education service as a whole. The DfE will feed back to LAs and schools information about their pupils for a variety of purposes that will include data checking exercises, use in self-evaluation analyses and where information is missing because it was not passed on by a former school.

The DfE will also provide Ofsted with pupil data for use in school inspection. Where relevant, pupil information may also be shared with post 16 learning institutions to minimise the administrative burden on application for a course and to aid the preparation of learning plans.

Pupil information may be matched with other data sources that the Department holds in order to model and monitor pupils' educational progression; and to provide comprehensive information back to LAs and learning institutions to support their day to day business. The DfE may also use contact details from these sources to obtain samples for statistical surveys: these surveys may be carried out by research agencies working under contract to the Department and participation in such surveys is usually voluntary. The Department may also match data from these sources to data obtained from statistical surveys.

Pupil data may also be shared with other Government Departments and Agencies (including the Office for National Statistics) for statistical or research purposes only. In all these cases the matching will require that individualised data is used in the processing operation, but that data will not be processed in such a way that it supports measures or decisions relating to particular individuals or identifies individuals in any results. This data sharing will be approved and controlled by the Department's Chief Statistician.

The DfE may also disclose individual pupil information to independent researchers into the educational achievements of pupils who have a legitimate need for it for their research, but each case will be determined on its merits and subject to the approval of the Department's Chief Statistician.

www.DfE.gov.uk

Data Protection Officer, DfE, Sanctuary Buildings, Great Smith Street, London, SW1P 3BT

Pupils, as data subjects, have certain rights under the Data Protection Act, including a general right of access to personal data held on them, with parents exercising this right on their behalf if they are too young to do so themselves. If you wish to access the personal data held about you /your child, then please contact the relevant organisation in writing.

The following notice will be issued to parents at the start of every academic year:

PRIVACY NOTICE

for

*Pupils in Schools, Alternative Provision and Pupil Referral Units
and Children in Early Years Settings*

Privacy Notice - Data Protection Act 1998

We WINDSOR PARK CE MIDDLE SCHOOL are a data controller for the purposes of the Data Protection Act. We collect information from you and may receive information about you from your previous school and the Learning Records Service. We hold this personal data and use it to:

- Support your teaching and learning;
- Monitor and report on your progress;
- Provide appropriate pastoral care, and
- Assess how well your school is doing.

This information includes your contact details, national curriculum assessment results, attendance information and personal characteristics such as your ethnic group, any special educational needs and relevant medical information. If you are enrolling for post 14 qualifications we will be provided with your unique learner number (ULN) by the Learning Records Service and may also obtain from them details of any learning or qualifications you have undertaken.

We will not give information about you to anyone outside the school without your consent unless the law and our rules allow us to.

We are required by law to pass some information about you to the Local Authority and the Department for Education (DfE)

If you want to see a copy of the information about you that we hold and/or share, please contact **the school office**

If you require more information about how the school, Local Authority (LA) and/or DfE store and use your information, then please go to the following websites:

<http://www.windsorpark.org.uk>

<http://www.staffordshire.gov.uk/education/yourdata/Yourdata.aspx>

and

<http://www.education.gov.uk/schools/adminandfinance/schooladmin/ims/datamanagement/privacynotices/a0077959/what-the-department-does-with-pupils-and-childrens-data>

<http://www.education.gov.uk/schools/adminandfinance/schooladmin/ims/datamanagement/privacynotices/a0064391/who-the-department-passes-pupil-data-to>

If you are unable to access these websites we can send you a copy of this information. Please contact the LA or DfE as follows:

- Information Governance Unit
Staffordshire County Council
St Chad's Place
Stafford
ST16 2LR
e-mail: foi@staffordshire.gov.uk
- Public Communications Unit
Department for Education
Sanctuary Buildings
Great Smith Street
London
SW1P 3BT
Website: www.education.gov.uk
email: <http://www.education.gov.uk/help/contactus>
Telephone: 0370 000 2288

Keeping, disclosure and transfer of educational pupil records

The **Education Act 1996 Chapter 56** states that all schools are responsible for:

(a) the keeping, disclosure and transfer of educational records about persons receiving education at schools to which this section applies; and

(b) the supply of copies of such records to such persons, and in such circumstances, as may be determined by or under the regulations.

For information: A pupil's educational file should contain the following:

Copies of all reports and records on pupil's achievements.

Any documentation relating to interventions around behaviour and / or attendance concerns.

Exchange of letters between parents and school.

Any information that the school has regarding pupil's education from the Local Authority.

Any change to the education provision ie, college etc.

Any medical conditions / medication required etc.,

Other information regarding family background / history etc may be included but this is not compulsory.

Notes made by teachers for their own use should not make up the educational record.

A child protection file may also be held on a child with clear cross referencing details on the child's main school file. Where there are Child Protection concerns and the child moves school / provision, the outgoing school's Designated Child Protection teacher must discuss the child with the Designated Child Protection teacher at the pupil's new school / provision.

Use of the S2S website and Common Transfer File process as notified by the LA database team should apply in all pupil transfers.

If a pupil is admitted to school outside normal transition times, details are given to the School Nurse. This is in line with Working Together to Safeguard Children where agencies should communicate with each other.

The majority of these documents are now held electronically using the SIMS database .