

## *"In a Nutshell"* – Confidentiality and Information Sharing (SW13)

Confidentiality is of fundamental importance to many children and young people who experience difficulties in their lives. Fears around lack of confidentiality deter some vulnerable pupils from seeking help, leaving them at increased risk of harm.

Children who are 'competent' (over 12 years old under the new GDPR) to understand the issues around sharing information have the right to decide what is shared, unless safety or child protection issues override this.

Pupils and parents should feel able to raise concerns about safety and wellbeing and trust that these matters will be dealt with sensitively and appropriately. Parents need to be confident that, whenever possible, it is the aim of the School to act in the best interests of the child and to encourage the fullest possible involvement of parents.

Children's rights to confidentiality are broadly the same as adults under UN Conventions and UK Legislation.

The school operates on the presumption that anything imparted in confidence will be treated in confidence. This is subject to **four qualifications**:

**1. Staff support and guidance** - anything imparted 'in confidence' to one member of staff may be shared with a restricted number of colleagues if that person feels in need of support and guidance from them.

**2. Coordination of welfare and child protection role** - If serious concerns are raised about the safety, wellbeing or protection of a child, in line with the school's 'Wellbeing and Child Protection Procedures', staff are required to pass that information on to the Child Protection Co-ordinator and/or Named Person for consideration. They will then decide what appropriate action to take, including whether it should be shared with the appropriate authorities. Ideally, and as a matter of good practice, the pupil's views on this, along with their consent, should be sought.

**3. Risk of significant harm** – should pupil be at risk of significant harm, advice will always be taken from the statutory authorities. Sharing information that is relevant and proportionate about children who are at risk of harm, is fundamental to keeping children safe.

**4. Legal obligation** - The school must pass on information when legally obliged to do so, for example, by a court of law.

A pupil's Educational Record may be requested by a parent under regulations. This provision does not, however, extend to welfare or child protection records. Unless a data request is submitted therefore the school must pass on copies of all information held on the subject as stipulated in GDPR guidelines.

Pupils may not want information shared with their parents. Staff should always encourage and support pupils to share the information with their parents and stay within the legal guidance of GDPR.

However, there may be circumstances in which sharing or pressure to pass the information on might not be in the pupil's best interests. To do so, may damage the trust between pupil and teacher. Also, older pupils are not required to disclose some medical or healthcare information, for instance contraception, with parents. For advice on this last aspect, contact the Child Protection team.

Some children choose instead to contact ChildLine services. This allows them to share the information at their own pace and, in the majority of cases, retain control of what happens. This type of confidential service provides young people with the opportunity to talk about their problems with someone who can listen and advise without necessarily having to refer. Teachers should make pupils aware of these services.