



# CONFIDENTIALITY POLICY

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<b>Policy agreed by</b>	S Trevethan / R Childs
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## Aim

To protect the child at all times and to give all staff involved clear, unambiguous guidance as to their legal and professional roles and to ensure good practice throughout Hackberry which is understood by pupils, parents/carers and staff.

## Rationale

- Hackberry 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.
  - It is committed to developing creative and positive ways for the child's voice to be heard whilst recognising the responsibility to use, hold and safeguard information received.
  - Hackberry 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.
  - Hackberry has a duty of care and responsibility towards pupils, parents/carers and staff. It also needs to work with a range of outside agencies and share information on a professional basis.
- Striking an effective and professional balance between these two aims is crucial to the success of a confidentiality policy.

## Objectives:

1. To provide consistent messages in Hackberry about handling information about children once it has been received.
2. To foster an ethos of trust within Hackberry.
3. To ensure that staff, parents and pupils are aware of Hackberry's confidentiality, policy and procedures.
4. To reassure pupils that their best interests will be maintained.
5. To encourage children to talk to their parents and carers.
6. To ensure that pupils and parents/carers know that Hackberry staff cannot offer unconditional confidentiality.
7. To ensure that there is equality at Hackberry and access for all including rigorous monitoring of cultural, gender and special educational needs.
8. To ensure that if there are child protection issues then the correct procedure is followed.
9. To ensure that confidentiality is a whole Hackberry issue and that during the day ground rules are set for the protection of all.
10. To understand that health professionals are bound by a different code of conduct.
11. To ensure that parents have a right of access to any records Hackberry may hold on their child but not to any other child that they do not have parental responsibility for.

## Guidelines

1. All information about individual children is private and should only be shared with those staff who have a need to know.
2. All social services, medical and personal information about a child should be held in a safe and secure place which cannot be accessed by individuals other than Hackberry staff.
3. Hackberry continues to actively promote a positive ethos and respect for the individual:
  - a) The Child Protection Officer receives regular training.
  - b) There is clear guidance for procedures for the handling of child protection incidents. All staff have regular training on child protection issues.
  - c) There is clear guidance for procedures if a member of staff is accused of inappropriate conduct.
  - d) Staff are aware that effective sex and relationship education in their school brings an understanding of what is and is not acceptable in a relationship, can lead to disclosure of a child protection issue.
  - e) Staff are aware of the need to handle all issues about different types of families in a sensitive manner.
  - f) Any intolerance about gender, faith, race, culture or sexuality is unacceptable and should follow Hackberry's discipline policy.
  - g) Information collected for one purpose should not be used for another.
4. Parents/carers and children need to be aware that Hackberry cannot guarantee total confidentiality, and Hackberry has a duty to report child protection issues.
5. Hackberry prides itself on good communication with the student's parents and carers and staff are always available to talk to both children, educational establishment and parents/carers about issues that are causing concern. Hackberry encourages children to talk to parents/carers about issues causing them concern and may in some cases support the children to talk to their parents. Hackberry would share with the child's education facility and parents any child protection disclosure before going on to inform the correct authorities.
6. Parents/carers and children should feel reassured that only in exceptional circumstances confidentiality will be broken.
7. All children have a right to the same level of confidentiality irrespective of gender, race, religion, medical concerns and special educational needs.
8. Hackberry has appointed a senior member of staff as Child Protection Officer. Child protection procedures are understood by staff and training is undertaken every year for all staff.
9. Confidentiality is a whole Hackberry issue. Clear ground rules must be set for any work sessions dealing with sensitive issues such as death etc. 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. Hackberry needs to be proactive so children feel supported, but information is not necessarily revealed in a public arena. Even when sensitive information appears to be widely known it should not be assumed by those immediately involved that it is appropriate to discuss or share this information further.
10. Health professionals have their own code of practice dealing with confidentiality. Staff should be aware of children with medical needs and Hackberry information sheets should be accessible to staff who need the information, but not on general view to other parents/carers and children.
11. Photographs of children should not be used without parents/carers permission especially in the press and on the internet and further details about this are clearly stated in Hackberry's Acceptable (Internet) Use Policy.
12. Information about children will be shared with parents but only about their child. Parents should not have access to any other child's progress at any time. However, parents should be aware that information about their child will be shared with their educational

establishment. All personal information about children, including social services records should be regarded as confidential. It should be clearly understood by those who have access to it, and whether those concerned have access to all, or only some of the information.

## Appendix

'Confidentiality' also refers to protecting the information we hold about the pupils in Hackberry 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 Hackberry 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 Hackberry, individual children and their families. We ask that such conversations are 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 Hackberry may be misinterpreted and lead to misunderstandings. Small incidents are dealt with in Hackberry 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 Hackberry matters. As a student/ helper in Hackberry we ask that you respect confidentiality on such matters to avoid misunderstandings and upset.

### Record Keeping

Hackberry shall keep the following records:

- Pupil Education Records
- Pupil Admission Documents and Personal Information
- Personnel Records
- Financial Records
- Curriculum Policy Documents
- Non-Curricular Policy Documents

### PUPIL EDUCATION RECORDS

#### Keeping, Disclosure and Transfer

Hackberry shall keep and update curricular records on pupils, covering their academic achievements, other skills and abilities and progress in Hackberry. (This may well include summative records, formative records, examples of work, copies of reports and profiles.) Other material, although not mandatory may also be recorded. The curricular record, together with this additional material will comprise a pupil's educational record. Confidential reports (e.g. from Social Services, Psychological Reports etc.) must be kept separately from the above general information.

Pupils' educational records (except for exempted material as specified on DES Circular 17.89) shall be disclosed on request to parents within the time specified by the statute in force at the time and following a request from another school. Hackberry shall provide an opportunity for the correction of inaccurate educational and personal records.

#### PUPIL ADMISSION DOCUMENTS

Hackberry shall keep referral records specifying any information required. These shall be kept up-to-date and amended as and when pupils join or leave Hackberry, providing that the keeping of such information does not contravene any law or statute in operation at the time.

#### PERSONNEL RECORDS

Hackberry shall maintain records of personnel relating to their qualifications, experience, length of service, salary levels. Performance Management statements shall be the property of the employee and shall not be maintained with the above records and shall not be used in any way other than at the request of, or with the permission of the employer. A single copy of performance management may be kept securely.

Records of performance management statements shall NOT be kept on computer disc or system.

Application forms of applicants (and references) for vacant posts will be kept securely in Hackberry office until an appointment has been made. Following a successful interview the successful candidate's application and references will be kept for no less than six months securely within Hackberry. Any copies of these applications shall be destroyed following a successful appointment.

References for staff within Hackberry for posts outside it shall be kept securely by Hackberry and shall not be kept with the personnel records in Paragraph 1 of this section.

#### FINANCIAL RECORDS

Records of Hackberry's financial controls and budget shall be kept in accordance with current regulations and shall be made available for inspection by the proper authorities under those statutes and regulations.

#### CURRICULUM POLICY DOCUMENTS

Documents which describe Hackberry's policies on areas, subjects of the curriculum, topics, schemes of work etc. shall be maintained up-to-date and available for inspection by authorised persons (e.g. parents, advisors, inspectors, etc.). Hackberry will maintain a master copy of each document in safe keeping and available for inspection by authorised and appropriate personnel.

#### NON-CURRICULAR POLICY DOCUMENTS

Documents which describe Hackberry's policies on non-curricular matters shall be prepared, maintained and kept up-to-date and made available to authorised persons as

required. A list of the required policies shall be made available also and updated as appropriate.

## Destruction of Documents

### 1.1

The attached document sets out the policy and principles which are to form the Hackberry Retention, Disposal and Destruction Guidelines.

### 1.2

Where appropriate, existing countywide policy has been adhered to – particularly in the area of Financial Records and audit requirements. Where there has been no specific legislative requirement for the retention or disposal of records, advice has been sought.

### 1.3

Much of the paperwork relating to Child Care is statute based and the retention periods quoted are legally required.

### 1.4

Where records are archived electronically, the same retention periods apply as if they were paper based records.

### 1.5

Individual records may be retained longer, with the specific approval of the Director of Children's Services

### 1.6

Once case files are closed, they should be retained for up to 12 months within the area offices and then archived.

### 1.7

Before they are archived, all files should have a destruction date clearly marked on the front cover and contain a tracking sheet. Archiving should be done in accordance with the procedures available from the Archive Service, using the correct paperwork available from Records Management.

Definition of "closure":

### 1.8

For the purposes of this document a case is closed when all resources (including allocated social workers) provided by the Department have ceased and where no legal case reasons apply.

### 1.9

All records are to be destroyed by shredding when the retention period has expired (10 years.)