Document Control	
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Confidentiality

All staff at Banstead Prep School have access to confidential information. These details must be kept confidential, at all times, and only shared when it is in the interests of the child to do so. Processing of personal data under GDPR is as defined in the School's Privacy Notice. Such information must not be used to intimidate, humiliate, or embarrass the child. If any member of staff is in doubt about whether to share information or to keep it confidential, they should seek guidance from a member of SLT.

Whilst BPS staff need to listen and support pupils, they must not promise to keep secrets, neither should they request this of the pupil under any circumstances. Any concerns or allegations about staff should also be treated as confidential and passed to a member of SLT. However, we do assure pupils and parents that even though a teacher makes no promise of confidentiality, the obligation of confidence may still exist.

A brief resumé of the law of confidentiality as it relates to teachers and pupils is as follows:

- The relationship of teacher and pupil is one in which an obligation of confidence exists – that is that a teacher/school owes a duty of confidentiality to a pupil in relation to information of a confidential nature about the pupil. The information need not have been "imparted": it could have reached the teacher/school in some passive way.
- Confidential information is never easy to define but clear examples would be information concerning medical treatment or sexual relationships.
- Where the school receive an unexpected request about a pupil from another individual or organisation (e.g. police, social services, local authority), the school will consider its legal basis for sharing the information. If appropriate, the duty of confidentiality can, however, be overridden in a number of circumstances, for example where:
    - The pupil consents to the teacher or the school informing another person.

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  - The pupil concerned (or another pupil) is at risk of significant harm. This is the criterion used in deciding whether the school's Designated Safeguarding Lead should report a matter to social services and/or the police. Even then, however, the statutory guidance to schools recommends that the school should attempt to obtain the pupil's consent before informing social services/police and parents.
  - The relevant events amount to a breach of school rules or of the law. To the extent only that the school is obliged to take action under its disciplinary procedures or the law then it will be permitted to breach confidentiality (e.g. by informing the parent of a possible suspension/exclusion or by informing the police of a possible criminal offence).
  - There is a medical emergency and confidentiality needs to be breached without the pupil's consent in the pupil's medical interests.
- These are only general examples of where confidentiality needs to be breached. They are not comprehensive and other situations may arise and need to be considered on a case-by-case basis.
- As a general rule confidentiality is never promised to a child by a teacher or any member of staff.

This policy is supported and complemented by the Safeguarding Policy. **This policy is due to be reviewed in September 2027.**

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