



# ***Cranbourne East Primary School*** ***CONFIDENTIALITY*** ***POLICY***

## **RATIONALE**

Confidentiality is a fundamental attribute of any professional organisation. The protection of confidential information relating to others is a serious moral, professional, ethical and legal responsibility that our School recognises and upholds.

## **AIMS**

To ensure that confidential information is managed in a manner consistent with community expectations, professional standards and legal obligations.

## **IMPLEMENTATION**

- Confidential information at our School may only be transferred from one person to another when it is professionally appropriate and legally acceptable to do so.
- All staff will be reminded regularly about workplace confidentiality and professional expectations, as well as privacy obligations as detailed in the Information Privacy Act – 2000.
- All highly confidential information relating to any current or past parents, families, students or staff members will be maintained in individual files in the School office, and can only be accessed with Principal approval.
- Staff subsequently accessing confidential files must sign an access register.
- Staff members provided with confidential documentation relating to students or families should present the documentation to the Principal so that it can be retained in the confidential individual files.
- Staff members are to direct any requests for confidential information to the Principal.
- Staff members will not disclose confidential information about students, families or staff, or be drawn into discussions about students, families or staff, with any third person or agency, which has no legal or compelling need to discuss such issues.
- School staff must respect confidentiality when dealing with a case of suspected child abuse and neglect, and may only discuss case details and the identity of the child or the young person and their family with those involved in managing the situation.
- When a child or young person has moved to another school, professional judgement should be exercised as to what information needs to be passed on. This will be guided by usual procedures for passing on information about a child's general wellbeing or special needs, and the role of the school in any ongoing care plans. Staff must liaise with the Primary Welfare Officer or the Principal first prior to sharing any information.

### **Child Safety- interviews at Victorian schools and confidentiality**

Child Protection may conduct interviews of children and young people in Victorian schools without parental knowledge or consent. However, a child will be interviewed at a Victorian school only in exceptional circumstances and if it is in the child's best interests to proceed in this manner.

Child Protection will notify the school of any intention to interview a child or young person. This may occur regardless of whether the school is the source of the report to Child Protection.

When Child Protection practitioners arrive at the school, the school Principal or their nominee should ask to see their identification before allowing Child Protection to have access to the child or young person.

## **Staff as a support person**

A staff member may be identified as a support person for the child or young person during a Child Protection interview, whereby they will be privy to confidential information. Prior to the commencement of the interview, the Child Protection practitioner should always authorise the school staff member to receive information regarding Child Protection's investigation. This may occur verbally or in writing using the relevant Child Protection proforma.

Independent persons must refrain from providing their opinions or accounts of events during interviews. A Principal or their delegate may act as an independent person when the child or young person is to be interviewed, unless they believe that doing so will create a conflict of interest. Child Protection Officers will inform the independent support person on the parameters of confidentiality.

## **Circumstances when confidentiality cannot be maintained - Mandatory Reporting**

Staff members are compelled to report all disclosures of student intentions to self-harm, actual self-harm or child abuse.

The Child Safety Standards and Mandatory Reporting procedures require that every adult who reasonably believes that a child has been abused, whether in their organisation or not, has an obligation to report that belief to authorities.

The failure to disclose criminal offence requires all adults (aged 18 and over) who hold a reasonable belief that a sexual offence has been committed in Victoria by an adult against a child under 16 to disclose that information to police. More information can be found on the Department of Justice and Regulation website [www.justice.vic.gov.au](http://www.justice.vic.gov.au). While failure to disclose only covers child sexual abuse, all adults should report other forms of child abuse to authorities. Failure to disclose does not change mandatory reporting responsibilities.

The failure to protect criminal offence applies where there is a substantial risk that a child under the age of 16 under the care, supervision or authority of a relevant organisation will become a victim of a sexual offence committed by an adult associated with that organisation. A person in a position of authority in the organisation will commit the offence if they know of the risk of abuse and has the power or responsibility to reduce or remove the risk, but negligently failed to do so. More information can be found on the Department of Justice and Regulation website [www.justice.vic.gov.au](http://www.justice.vic.gov.au)

Breaches of confidentiality relating to complaints, staff selection or staff performance etc may be deemed to be acts of professional misconduct.

The Principal will thoroughly investigate any alleged breaches of confidentiality or privacy.

## **EVALUATION**

Ratified by School Council: 19<sup>th</sup> October 2016

This policy is to be reviewed annually or as policy is amended.