

Confidentiality Policy

Amended: February 2023

Approved by Trustees: February 2023

Review date: February 2023

Reviewing Panel: Finance, Estates and General Purposes (FEG)

Rationale and statement on the importance of confidentiality

We believe that:

- The safety, well-being and protection of our pupils are the paramount consideration in all decisions staff at this school make about confidentiality. The appropriate sharing of information between school staff is an essential element in ensuring our pupils' well-being and safety.
- It is an essential part of the ethos of our school that trust is established to enable pupils, staff, and parents/carers to seek help both within and outside the school and minimise the number of situations when personal information is shared to ensure pupils, staff are supported and safe.
- Pupils, parents/carers and staff need to know the boundaries of confidentiality in order to feel safe and comfortable in discussing personal issues and concerns, including sex and relationships.
- The school's attitude to confidentiality is open and easily understood and everyone should be able to trust the boundaries of confidentiality operating within the school.
- Issues concerning personal information, including sex and relationships, and other personal matters can arise at any time.
- Everyone in the school community needs to know that no one can offer absolute confidentiality.
- Everyone in the school community needs to know the limits of confidentiality that can be offered by individuals within the school community so they can make informed decisions about the most appropriate person to talk to about any health, sex and relationship or other personal issue they want to discuss.

Definition of Confidentiality

The dictionary definition of confidential is "something which is spoken or given in confidence; private, entrusted with another's secret affairs".

When speaking confidentially to someone the confider has the belief that the confidant will not discuss the content of the conversation with another. The confider is asking for the content of the conversation to be kept secret. Anyone offering absolute confidentiality to someone else would be offering to keep the content of his or her conversation completely secret and discuss it with no one.

In practice there are few situations where absolute confidentiality is offered in both schools. However, we have tried to strike a balance between ensuring the safety, well-being and protection of our pupils and staff, ensuring there is an ethos of trust where young learners and staff can ask for help when they need it and ensuring that when it is essential to share personal information child protection issues and good practice is followed.

This means that in most cases what is on offer is **limited confidentiality**. Disclosure of the content of a conversation could be discussed with professional colleagues but the confider would not be identified except in certain circumstances.

The general rule is that staff should make clear that there are limits to confidentiality, at the beginning of the conversation. These limits relate to ensuring children's safety and well-being.

The young learner will be informed when a confidence has to be broken for this reason and will be encouraged to do this for themselves whenever this is possible.

Different levels of confidentiality are appropriate for different circumstances.

- 1. In the classroom in the course of a lesson given by a member of teaching staff or an outside visitor, including health professionals.** Careful thought needs to be given to the content of the lesson, setting the climate and establishing ground rules to ensure confidential disclosures are not made. It should be made clear to pupils that this is not the time or place to disclose confidential, personal information. When a health professional is contributing to a school health education programme in a classroom setting, s/he is working with the same boundaries of confidentiality as a teacher.
- 2. One-to-one disclosures to members of school staff (including voluntary staff).** It is essential all members of staff know the limits of the confidentiality they can offer to both young learners and parents/carers and any required actions and sources of further support or help available both for the young learner or parent/carer and for the staff member within the school and from other agencies, where appropriate. All staff at this school encourage pupils to discuss difficult issues with their parents or carers, and vice versa. However, the needs of the young learner are paramount and school staff will not automatically share information about the pupils with his/her parents/carers unless it is considered to be in the child's best interests.

Start your conversation with the following advice:

"You will be supported with any problems you may share with me but if, in my opinion, you have been or are at risk from yourself (self-harm) or from others or are involved in anything illegal we may have to share this information with others who can help."

(Note: That is, when concerns for a child or young person come to the attention of staff, for example, through observation of behaviour or injuries or disclosure, however insignificant this might appear to be, the member of staff should discuss this with the Designated Child Protection Lead as soon as is practically possible. More serious concerns must be reported immediately to ensure that any intervention necessary to protect the child is accessed as early as possible. **Please see the school Child Protection Policy.**

- 3. Disclosures to a counsellor, school nurse or health professional operating a confidential service in the school.** Health professionals such as school nurses can give confidential medical advice to young learners provided they are competent to do so and follow the Fraser Guidelines (guidelines for doctors and other health professionals on giving medical advice to under 16s). School nurses are skilled in discussing issues and possible actions with pupils and always have in mind the need to encourage pupils to discuss issues with their parents or carers. However, the needs of the pupil are paramount and the school nurse will not insist that a pupils, parents or carers are informed about any advice or treatment they give. On a "need to know basis" they will share with appropriate staff in school any details which would enable better 'in school' support.

Contraceptive advice and pregnancy:

The Department of Health has issued guidance which clarifies and confirms that health professionals owe young people under 16 the same duty of care and confidentiality as older patients. It sets out principles of good practice in providing contraception and sexual health advice to under-16s. The duty of care and confidentiality applies to all under-16s. Whether a pupil is competent to consent to treatment or is in serious danger is judged by the health professional on the circumstances of each individual case, not solely on the age of the patient. However, the younger the patient the greater the concern that they may be being abused or exploited. The Guidance makes it clear that health professionals must make time to explore whether there may be coercion or abuse. Cases of grave concern would be referred through child protection procedures.

Note: It is the view of Police that they should be informed of cases where a person under the age of 16 discloses sexual activity, which includes sexual intercourse. This is not for the purpose of prosecution, unless that course of action was appropriate, but to enable the Police to share information concerning the parties concerned. The Police are of the view that this information sharing would enable a better assessment as to whether a child was being abused or exploited.

The legal position for school staff:

The safety, well-being and protection of the child is the paramount consideration in all decisions staff at this school make about confidentiality.

It is the responsibility of the member of staff releasing personal pupil data to ensure that it is sent to an approved receiver and a secure site. Failure to do this will breach the data protection act and could well lead to an investigation.

Counsellors and Health Professionals:

We offer young learners the support of a school counsellor and the school nursing service operate drop in service for young learners. These services are confidential between the counsellor or health professional and the individual young learner. No information is shared with school staff except as defined in the school's Child Protection Policy, and guidance from Child Protection law. This is essential to maintain the trust needed for these services to meet the needs of our young learners.

Visitors and non-teaching staff:

We expect all non-teaching staff, including voluntary staff, except those identified in the paragraph above, to report any disclosures by young learners or parents/carers, of a concerning personal nature to the Designated Safeguarding Lead as soon as possible after the disclosure and in an appropriate setting, so others cannot overhear. This is to ensure the safety, protection and well-being of all our young learners and staff. The Designated Safeguarding Lead will decide what, if any, further action needs to be taken, both to ensure the young learner gets the help and support they need and that the member of staff also gets the support and they need.

Parents/carers:

We believe that it is essential to work in partnership with parents and carers and we endeavour to keep parents/carers abreast of their child's progress at school, including any concerns about their progress or behaviour. However, we also need to maintain a balance so that our young learners can share any concerns and ask for help when they need it. Where a young learner does discuss a

difficult personal matter with staff they will be encouraged to also discuss the matter with their parent or carer themselves.

The safety, well-being and protection of our young learners is the paramount consideration in all decisions staff at this school make about confidentiality.

Complex cases:

We adopt ground rules to ensure a safe environment for teaching in particular in PSHRE. This reduces anxiety to young learners and staff and minimises unconsidered, unintended personal disclosures.

At the beginning of each PSHRE lesson, young learners are reminded of the ground rules by the teacher or outside visitor. The teacher establishes the ground rules together with the young learners at the beginning of each half term of teaching PSHRE.

When confidentiality should be broken and procedures for doing this:

See the Child Protection Policy

Where this does not apply and you are still concerned and unsure of whether the information should be passed on or other action taken you should speak to the Designated Safeguarding Lead .

The Head teacher should be kept informed, all staff must comply.

The principles we follow are that in all cases we:

- Ensure the time and place are appropriate, when they are not we reassure the child that we understand they need to discuss something very important and that it warrants time, space and privacy.
- See the child normally (and always in cases of neglect, or abuse) before the end of the school day. More serious concerns must be reported immediately to ensure that any intervention necessary to protect the child is accessed as early as possible.
- Tell the child we cannot guarantee confidentiality if we think they will: hurt themselves, hurt someone else or they tell us that someone is hurting them or others
- Not interrogate the child or ask leading questions
- We won't put children in the position of having to repeat distressing matters to several people
- Inform the pupil first before any confidential information is shared, with the reasons for this
- Encourage the pupil, whenever possible to confide in his/her own parents/carers

Support for staff:

Staff may have support needs themselves in dealing with some of the personal issues of our pupils. We prefer you to ask for help rather than possibly making a poor decision because you don't have all the facts or the necessary training, or taking worries about pupils home with you. There are many agencies we can refer pupils to who need additional support which and we have procedures to ensure this happens. We all work together as part of a team to support our pupils and asking for help is a way we ensure that our school is a happy, caring and safe learning environment.

Onward referral:

The Deputy Head (Pastoral) and Designated Safeguarding Lead are responsible for referring pupils to both the School Counsellor in school and multi- agency support. Please do not make referrals

yourself unless you believe a child protection referral to the police or Social Services is necessary and the designated person does not agree.


Pupils can also obtain confidential help themselves, see the information available from, e.g: school nurse drop ins, GP, local drug and alcohol agencies, Connexions, Relate, Childline, etc.

Dissemination and implementation:

This policy has been distributed to all teaching and non-teaching staff, including volunteers, at the school as part of a whole school training, where all staff received training on the content and practical applications of the policy. All new staff, including volunteers, receive a copy of the policy, together with basic training on the school's Child Protection Policy and procedures from the Designated Safeguarding Lead.

Review:

This policy is reviewed every 2 years or whenever deemed necessary by the Head Teacher and Governors in the light of events and changes in the law.

Signed: 
Head Teacher

Date: 6th February 2023

Signed: 
Chair of Trustees

Dated: 6th February 2023

