



## 1) Introduction: The context

DfES Sex and Relationship Education Guidance (July 2000) states 'Schools should have a clear and explicit confidentiality policy which is advertised to pupils, staff, parents and visitors'. It is important to have an established procedure for dealing with confidentiality, rather than develop ad hoc arrangements in response to a crisis. The procedures need to be consistent and protect the interests of both pupils and staff.

Not all members of the school community should offer the same levels of confidentiality. Steps need to be taken to ensure that confidential disclosures are made to the appropriate person at the appropriate time. In order to ensure this, all members of the school community need to be aware of the limits of confidentiality available in different circumstances and by different individuals.

**Human Rights Act 1998:** Gives everyone the right to "respect for his/her private and family life, his home and his correspondence", unless this is overridden by the 'public interest', e.g. for reasons of Child Protection, for the protection of public safety, public order, health or morals or for the rights and freedoms of others.

**Data Protection Act 1998:** Applies to personal data of living, identifiable individuals; manual and electronic records. We need to be clear, when collecting personal data, what purposes it will be used for.

**Freedom of Information Act 2000:** Amends the Data Protection Act. This gives everyone the right to request any records a public body, including schools, holds about them. A school may withhold information it has if it is considered the information may damage the recipient, if disclosed. Schools data or record keeping policy should also cover the requirements of this Act.

## 2) The keeping of information and data on pupils:

Parents/carers have the right, upon request, to see most information kept in their child's file. 'This does not include information about other pupils or their families, and information covered by the exceptions to the Freedom of Information Act (see above). Staff should consider parental access to files when recording information in files.

Information recorded electronically, for instance in Pupil- Referral logs, is covered by the provisions of the Data Protection Act. Access to this data should be restricted to those with a need to know, and with appropriate levels of security, to prevent unauthorised access, for instance by pupils. From time to time, information from Referral Logs is shared with parents. Staff recording information for these logs should bear that in mind when drafting the statements that appear on them.

Data on pupils' ability, performance, achievement and progress can and should in the normal way of working be shared with colleagues as part of staff's work. It can and should be shared with the pupil and their parent/carer. Staff should be careful to protect such information from the notice of other pupils.

Access to data on pupils' achievement and progress should be made available to all those with parental responsibility for a child. Due notice will be taken of any court orders in force, either restricting access to information for a biological parent or granting such access. Those with parental responsibility for a child but not living with that child, will normally put a request for access to school reports and other information in writing to the College.

The College will provide upon request written records to the new school of a child leaving the College. This will normally include all relevant information, including academic progress, as well as any relevant disciplinary information. Where the College receives such information from the previous school of a transferring pupil, the same level of confidentiality, but also the same level of parental access, will be maintained as for that of all other such information.

### **3) Rationale and statement on the importance of confidentiality:**

- The health, 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.
- 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.
- 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.
- Everyone in the school community needs to know that no one can offer absolute confidentiality, and 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.

### **4) 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. In practice there are few situations where absolute confidentiality is offered, or indeed should be offered.

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 pupils 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 and relevant outside agencies.

**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 childrens' safety and well being. The pupil 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 non-teaching staff, teaching assistants etc).** It is essential that all members of staff know the limits of the confidentiality they can offer to both pupils and parents/carers and any required actions and sources of further support or help available both for the pupil 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 pupil are paramount and school staff will not automatically share information about the pupil with his/her parents/carers unless it is considered to be in the child's best interests.

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 Co-ordinator (In his absence with the Principal) 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 refer to the school Child Protection Policy and guidelines in the Staff Handbook.

**3. Disclosures to a counsellor, school nurse or health professional operating a confidential service in the school.** The school nurse can give confidential medical advice to pupils, where appropriate following the Fraser Guidelines (guidelines for doctors and other health professionals on giving medical advice to under 16s). School nurses will 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 pupil's parents or carers are informed about any advice or treatment they give.

We offer pupils opportunities to meet confidentially with a school nurse for pupils. This is normally arranged by Heads of Year or Senior Staff, although pupils can self-refer. These services are confidential between the health professional and the individual pupil. No information is shared with school staff except as defined in the school's child protection policy. This is essential to maintain the trust needed for these 'services to meet the needs of our pupils.

## **5) Contraceptive advice and pregnancy:**

The Department of Health has issued guidance (July 2004) 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 young person 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 will always be referred through child protection procedures.

## **6) The legal position for school staff:**

School staff (including non-teaching staff) should not promise confidentiality. Pupils do not have the right to expect that incidents will not be reported to his/her parents/carers and may not, in the absence of an explicit promise, assume that information will always be treated as private. No member of this school's staff can or should give such a promise. However, the health, safety, well being and protection of the child is the paramount consideration in all decisions staff at this school make about confidentiality.

We believe that it is important that staff are able to share their concerns about pupils with colleagues in a professional and supportive way, on a need to know basis, to ensure staff receive the guidance and support they need and the pupils' safety and well being is maintained.

Designated lines of management should be used wherever possible to ensure that those with a need to know are made aware of important information, unless there is good reason not to do so. This means keeping tutors informed, involving Heads of Year at an early stage, as well as ensuring that the Child Protection Co-ordinator is made aware of all potentially serious concerns quickly.

Professional judgement is required by a teacher or health professional in considering whether he or she should indicate to a child that the child could make a disclosure in confidence and whether such a confidence could then be maintained having heard the information. In exercising their professional judgement the teacher or health professional must consider the best interests of the child including the need to both ensure trust to provide safeguards for our children and possible child protection issues.

All staff will receive regular training on this issue, and are expected to follow the schools' child protection policy and procedures.

We expect all staff to report any disclosures by pupils or parents/carers, of a concerning personal nature to the designated child protection co-ordinator 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 pupils and staff. The designated child protection co-ordinator will decide what, if any, further action needs to be taken, both to ensure the pupil gets the help and support they need and that the member of staff also gets the support and supervision they need.

## **7) 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 pupils can share any concerns and ask for help when they need it. Where a pupil does discuss a difficult personal matter with staff, they will be encouraged to also discuss the matter with their parent or carer themselves.

At all times the special circumstances and needs of looked-after children and young carers will be taken seriously into consideration

## **8) Links to other school policies, groups and procedures:**

This policy is intended to be used in conjunction with the school's PSHE, Drugs Education Management, Sex and Relationships Education, Child Protection Policies, Guidelines on the use of visitors in the classroom as well as the Looked After Children policy.

Responsibility for aspects of this policy is shared between a number of people:

The Principal and the member of staff with overall responsibility for Every Child Matters will share responsibility for the successful implementation of the policy

The pastoral Committee and External Agency groups will advise on its implementation and suggest actions and improvements that need to be made.

The SENCO, Heads of Year, School Nurse and others will advise on the success of the policy in providing a climate in which children, their parents and carers feel safe and supported, and in which external agencies feel comfortable about operating, with their own, and at times different protocols about confidentiality.

The Governors will monitor the Freedom of Information implications, monitor the response of parents and the community to the policy, examine the implications for related policies such as Sex and Relationships Education, and keep the policy under review.

## **9) 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 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
- Wherever possible, it is desirable that a careful written record is kept, either immediately or as soon as practicable afterwards. This should be stored in a secure environment. Information recorded in this way, from pupils or their parents/carer should itself be treated in the light of this policy, including deciding who should be made aware of its contents, on a need to know basis.

## **10) Support for staff**

Staff may have support needs themselves in dealing with some of the personal issues of our pupils. The College asks all staff to ask for help rather than possibly making a decision based on incomplete facts, or inadequate training, and to avoid taking worries about pupils home with them. 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 Sidmouth College is a happy and safe learning environment.

The "Designated Child Protection Co-ordinator is responsible for referring pupils to outside agencies. Pupils can also obtain confidential help themselves, through a self-referral to the school nurse, by visiting their GP, through local drug and alcohol agencies, Relateen, Child line, etc. The College can refer pupils or families to a range of agencies, including CAMHS, Ysmart for a range of drugs-related issues, and others on request.

**11) Review:** This policy is reviewed every three years or whenever deemed necessary by the Principal and Governors in the light of events and changes in the law.

## **12) Conclusion:**

We seek to make Sid mouth College a safe learning environment for all children, where staff and pupils feel supported, safe and comfortable in their working lives. Consistent practices on confidentiality, and the involvement of those who can and do support our most vulnerable students and those enduring times of crisis or concern, allow us to provide the levels of support we should demand of ourselves as an aspiring Healthy School and a school that promotes the key outcomes of Every Child Matters.

**Approved: FGB (20<sup>th</sup> May 2013)**