

CONFIDENTIALITY POLICY

Rationale

DfES Sex and Relationship Education Guidance (July 2000) states 'Schools should have a clear and explicit confidentiality policy, which is advertised to pupils, governors, staff, parents and visitors'.

At TWGGS :

- The safety, well being and protection of our pupils are the paramount consideration in all decisions members of staff make about confidentiality. The appropriate sharing of information between school staff members is an essential element in ensuring our pupils' wellbeing and safety.
- It is an essential part of the ethos of TWGGS 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 and staff are supported and safe.
- Pupils, parents/carers and members of staff need to know the boundaries of confidentiality that can be offered by individuals in order to feel safe and comfortable in discussing personal issues and concerns, including sex and relationships.
- The school's attitude to confidentiality is clearly stated in this policy and regularly shared with staff by the Deputy Headteacher. All staff should be able to trust the boundaries of confidentiality operating within the school, as defined in this policy.
- Everyone in the school community needs to know that no one can offer absolute confidentiality to a pupil if there are child protection concerns. 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 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.

The Data Protection, Freedom of Information, Human Rights, Children Act and the Information Sharing: Practitioners Guide all need to be taken into consideration (Appendix 1).

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 absolute confidentiality is not offered in school. A balance needs to be struck between ensuring the safety, well-being and protection of pupils and members of staff, ensuring there is an ethos of trust where pupils and members of staff can ask for help when they need it and ensuring that, when it is essential to share personal information, good child protection practice is followed.

This means that in most cases what is possible 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 members of 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 pupil will be informed when a confidence has to be broken for this reason and will be encouraged to do this for herself 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 within the same boundaries of confidentiality as a teacher, as recognised in their professional training

2. One to one disclosures to members of school staff (including volunteers).

It is essential that all members of staff know the limits of the confidentiality they can offer to both pupils and parents/carers. (See note below). They must be aware of 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 members of staff 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 members will not automatically share information about the pupil with her parents/carers unless it is considered to be in the child's best interests.

[Note: 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 these might appear to be, the member of staff should discuss this with the Designated Safeguarding Lead (DSL) (Appendix 1) 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's 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 pupils, provided they are competent so to do 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 young people 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 pupil's parents or carers are informed about any advice or treatment she gives.

Contraceptive advice and pregnancy:

The DoH 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 she 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 Kent Police that the force 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. Any information to be shared should be passed to the Social Services Central Duty Team in the

first instance, who will then convene a strategy discussion to include Police and Social Services to make an assessment and decide the appropriate course of action.

The legal position for school staff:

School staff (including non-teaching and voluntary staff) should not promise confidentiality. Pupils do not have the right to expect that incidents will not be reported to parents/carers and may not, in the absence of an explicit promise, assume that information conveyed outside that context is private. No member of staff can, or should, give such a promise. The safety, well being and protection of the child are the paramount consideration in all decisions members of staff at this school make about confidentiality.

Members of the school staff are NOT obliged to break confidentiality except where child protection is or may be an issue. At TWGGS it is important that members of 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 are maintained. In these situations the concern must not be ignored. Members of school staff should discuss such concerns with the Director of Achievement or the DSL.

Seeking consent for sharing information should always be the first option. Children aged twelve or over may generally be expected to have sufficient understanding to give informed consent. The sharing of confidential information without consent will normally be justified when there is either evidence or a reasonable cause to believe that the child is suffering or at the risk of suffering significant harm. It is also justified to ensure there is neither significant harm to children nor serious harm to adults by the prevention, detection and prosecution of serious crime.

In any safeguarding interview the person must be told at the outset that any information given may have to be shared with other professionals in order to support them.

Teachers, counsellor and health professionals:

Professional judgement is required by a teacher, counsellor 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 his/her professional judgement, the teacher, counsellor or health professional must consider the best interests of the child, including the need to ensure trust, to provide safeguards for pupils and to be aware of possible child protection issues.

Record keeping:

All records involving confidential disclosures are stored in the pupil's file. If they are of a sensitive nature they are stored in a sealed envelope with a signature over the seal. Any disclosures which may involve child protection issues are stored in a secure filing cabinet in the Headteacher's office.

All teachers receive basic training in child protection as part of their induction to this school and are expected to follow the school's Child Protection Policy and procedures.

Counsellors and Health Professionals:

At TWGGS pupils are offered the support of a school counsellor with appointments accessed discreetly through the DSL (Deputy Headteacher). The school nursing service operates a drop in service for pupils. These services are confidential between the counsellor or health professional and the individual pupil. No information is shared with school staff, except as defined in the school's Child Protection Policy, and guidance from the Kent Child Protection Committee and Child Protection law. This is essential to maintain the trust needed for these services to meet the needs of pupils.

Habitual Visitors and support staff:

All support staff, including volunteers, except those identified in the paragraph above, are expected to report any disclosures by pupils or parents/carers, of a concerning personal nature to the DSL 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 pupils and staff. The DSL will decide what, if any, further action needs to be taken, to ensure that the pupil gets the help and support she needs and that the member of staff also gets the support and supervision she/he needs. This information is contained in Appendix 2.

Parents/carers:

It is essential to work in partnership with parents and carers, and the school endeavours to keep parents/carers informed of their daughter's progress at school, including any concerns about her progress or behaviour. However, there also needs to be a balance so that pupils can share any concerns and ask for help when they need it. Where a pupil does discuss a difficult personal matter with a member of staff at school, she will be encouraged also to discuss the matter with her parent or carer herself.

The safety, well-being and protection of pupils is the paramount consideration in all decisions made by members of staff at TWGGS about confidentiality.

Complex cases:

Where there are areas of doubt about the sharing of information, the DSL will seek a consultation with the KCC Children's Safeguards Service Child Protection Co-ordinator.

Links to other school policies and procedures:

This policy is intended to be used in conjunction with the school's policies for:

- PSHE
- Drugs
- Sex and Relationships
- Child Protection/ Safeguarding
- SEND
- Behaviour
- Anti-bullying
- Whistle-blowing
- Looked After Children

and the Information Sharing and Confidentiality Protocols

When confidentiality should be broken and procedures for doing this:

See the Child Protection Policy.

Where this does not apply and a member of staff is still concerned and unsure of whether the information should be passed on or other action taken, he/she should speak to the DSL.

N.B. If the Headteacher issues instructions that she should be kept informed, all members of staff must comply. There is always a good reason for this, of which members of staff may be unaware.

The principles followed are that in all cases:

- The time and place must be appropriate. When they are not, the pupil should be reassured that it is understood that if she needs to discuss something very important that it warrants time, space and privacy.

- The pupil should usually (and always in cases of neglect or abuse) be seen before the end of the school day. More serious concerns must be reported immediately to ensure that any intervention necessary to protect the pupil is accessed as early as possible.
- The pupil must be told that confidentiality cannot be guaranteed if it seems she might hurt herself, hurt someone else or that she says someone is hurting her or others.
- The pupil should not be interrogated or asked leading questions
- Children should not be placed in the position of having to repeat distressing matters to several people.
- The pupil must be informed first before any confidential information is shared, with the reasons for this.
- The pupil should be encouraged, whenever possible, to confide in her own parents/carers, unless this is a safeguarding matter

Support for staff

Members of staff may have support needs themselves in dealing with some of the personal issues of pupils. They must know that they can seek support from the DSL and Headteacher. Members of staff should ask for help from the DSL rather than possibly making a poor decision because they do not have all the facts, or the necessary training. Equally they may need support personally. There are many agencies to which pupils who need additional support can be referred and there are procedures to ensure this happens.

Teaching and support staff should discuss any concerns about pupils with the relevant Director of Achievement or DSL and should also feel free to discuss any anxieties or stresses about such cases. Any unresolved issues should be discussed with the DSL or Headteacher.

At times, additional external support (eg counselling) is required for staff and provided, where possible, by the school

Onward referral:

The Directors of Achievement and the SENCO discuss with the DSL any pupils requiring counselling. The DSL is responsible for referring pupils to the school counsellor and to outside agencies from the school. Pastoral Support may make referrals under their direction. Other members of staff do not make referrals. Pupils can also obtain confidential help themselves, eg: school nurse drop ins, 4YP clinics, GP, local drug and alcohol agencies, Relateen, Childline, etc.

Statement of ground rules to be used in lessons

Ground rules help to ensure a safe environment for teaching, in particular in PSHE. This reduces anxiety for pupils and members of staff and minimises unconsidered, unintended personal disclosures. At the beginning of some PSHE lessons, pupils are advised of some ground rules by the teacher or outside visitor. For an example, see Appendix 1

Dissemination and implementation:

This policy will be available to all teaching and support staff, including volunteers, through the school intranet. It will be also be placed on the school web site. 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 DSL or Deputy DSL.

Review:

This policy is reviewed every 3 years, or whenever deemed necessary by the Headteacher and Governors in the light of events and changes in the law.

Appendix 1

Human Rights Act 1998: Gives everyone the right to “respect for his 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, not anonymised data; manual and electronic records. Schools need to be clear, when collecting personal data, what purposes it will be used for and schools should have policies to clarify this to staff, pupils and parents.

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.

Children Act 2004: Provides the legal underpinning for Every Child Matters: Change for Children programme.

Information Sharing: Practitioners Guide 2006: The most recent non-statutory guidance on information sharing and confidentiality can be found at www.ecm.gov.uk/informationsharing.

Code of Conduct

This is an example of possible ground rules for a Key Stage 3/4 class:

- We won't ask each other or the teacher any personal questions
- We will respect each other and not laugh, tease or hurt others
- We won't say things we want to keep confidential
- We can pass or opt out of something if it makes us feel uncomfortable
- If we do find out things about other pupils, which are personal and private, we won't talk about it outside the lesson
- If we are worried about someone else's safety we tell a teacher

The Designated Safeguarding Lead (DSL) is the Deputy Headteacher.

Appendix 2

School Visitors and Confidentiality

The school has a Confidentiality Policy, in line with DCSF Guidance. Visitors are welcome to obtain a copy from the DSL, (Deputy Headteacher).

All support staff including voluntary staff, with the exception of Counsellors and Health Professionals, are expected to report any disclosures made by pupils or parents/carers, of a concerning personal nature to the DSL as soon as possible after the disclosure. This should be done in an appropriate setting, so that others cannot hear. This is to ensure the safety, protection and well being of all pupils and staff. The DSL will decide what, if any, further action needs to be taken.

The Designated Safeguarding Lead (DSL) is the Deputy Headteacher