

Testwood Sports College Confidentiality Policy	
Key Responsibility area:	Mrs J. Pitman
Last Review:	November 2016
Next Review:	November 2017

*Appendices follow on from policy

Aim

All members of staff working on the school site are clear about the levels of confidentiality that they can offer to the school community and expect themselves.

1. Principles

- a) The safety, well-being and protection of our pupils are the paramount considerations 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.
- b) 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.
- c) Pupils, parents/carers and staff need to know the boundaries of confidentiality in order to feel safe and comfortable discussing personal issues and concerns, including sex and relationships.
- d) The school's policy on confidentiality is easily understood and everyone should be able to trust the boundaries of confidentiality operating within the school.
- e) Everyone in the school community needs to know that no-one can offer absolute confidentiality.
- f) 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.
- g) A clear, explicit and well publicised confidentiality policy ensures good practice throughout the school which everyone can easily understand.

The policy is disseminated to all new staff joining the school.

2. Where and to whom the policy applies

- a) All teaching and non-teaching staff employed by the school.
- b) All visiting staff working with young people on the school site during the school day. Including all Counsellors, invigilators, trainee teachers, peripatetic staff, casual claim staff, tutors, coaches and volunteers.
- c) Depending on their contractual arrangements, staff from external agencies delivering services on the school site e.g. Youth Service and Voluntary Organisations.
- d) Members of the Governing Body

3. Definition of Confidentiality

Confidentiality is defined as '*something which is spoken or given in private, entrusted with another's secret affairs*'. 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 circumstances where absolute confidentiality is offered in our school. We strive 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 are followed.

This means that in most cases what is offered 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. Staff should make it 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 be involved in the information sharing.

Different levels of confidentiality are appropriate for different circumstances:

- a) **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's health education programme in a classroom setting, they are working with the same boundaries of confidentiality as a teacher.
- b) **One-to-one disclosures to members of school staff.** It is essential all members of staff know the limits of the confidentiality they can offer to both pupils and parents and carers and any required actions and sources of further support or help available both for the pupil or parent/carer, within the school and from other agencies where appropriate. All staff at this school encourage pupils to discuss different issues with their parents or carers and vice versa. However, the needs of the pupil are paramount and the school staff will not automatically share information about the pupil with his/her parents unless it is considered to be in the child's best interests.
- c) **The Legal Position for School Staff**
School staff should not promise confidentiality. Pupils do not have the right to expect they will not be reported to their parents or carers and may not, in the absence of an explicit promise, assume that information conveyed outside that context is private. No member of this school's staff can or should give such a promise.
- d) The safety, well-being and protection of the child are the paramount consideration in all decisions staff at this school make about confidentiality.

- e) School staff are not obliged to break confidentiality except where child protection is or may be an issue. However, we believe it is important that staff are able to share their concerns about pupils' safety and feel assured that well-being is maintained.

4. The Policy

- a) We recognise that there are occasions when pupils are worried about something and feel that they cannot talk about it to their parents/carers. This can result in enormous stress for the individual which impacts on their education and health. Some pupils may feel that they can turn to teachers and other staff members for support and we want to be as helpful as we can whilst recognising that there may be some potential difficulties in being supportive.
- b) When talking with pupils, it is important for you to be aware of maintaining your professional boundaries. Whilst being supportive where you can, distancing techniques should be used when appropriate and pupils encouraged or supported to access the confidential services offered on the school site.
- c) You must be clear to pupils that you cannot offer unconditional confidentiality when a pupil first begins to talk about something where confidentiality may become an issue.
- d) Pupils should be warned that if there is a child protection/ safeguarding issue where the pupil, or others, are likely to be at risk of significant harm (or were harmed in the past, historic abuse), you are under a duty to inform the school's Designated Safeguarding Lead who may have to involve other agencies. (Please refer to the school's child protection/ safeguarding procedures for further advice on this aspect). It is important that each member of staff deals with this sensitively and explains to the pupil that they must inform the appropriate people who can help the child, but that they will only tell those who need to know in order to help.
- e) School staff can only offer confidentiality to pupils on issues that do not involve significant illegal activities e.g. drug trafficking, arson, etc. If the conversation begins to move to this kind of issue, the pupil must be warned that confidentiality cannot be guaranteed.
- f) In all cases where you feel that you have to break confidentiality with the pupil, you must inform the pupil, (unless there is a good reason not to inform them e.g. risk of harm) and reassure them that their best interests will be maintained.
- g) In talking with pupils, you need to encourage them to talk to their parents/carers about the issue that may be troubling them and support in doing this should be offered where appropriate.
- h) Pupils should be made aware of the specialist confidential services that may be available on the school site or in the school community e.g. school nurse, counsellor, doctor or young people's drop-in service. Helplines – Childline, NSPCC, Barnardos.

Counsellors employed by the school: (none at present)

Sometimes we may refer pupils to the counsellor for discussions. The school counsellor cannot offer confidentiality over a child protection/ safeguarding issue but because sometimes it is necessary for a pupil to be able to talk about deep-seated troubling issues in order to help the pupil through their situation, we do not require

our counsellor to inform senior or pastoral staff about illegal activities unless there is a child protection/ safeguarding issue or other significant risk.

The school nurse and school based health service:

The government has recognised that for some young people, unless they are able to speak to someone confidentially away from their family, their health and well-being can be at great risk. Health services (including doctors, our school nurse and health drop-in) can offer confidential health services (including contraception) to pupils under the age of 16 providing they follow the Fraser Guidelines which require:

- a) The young person understands the advice and has sufficient maturity to appreciate what is involved in terms of moral, legal, social and emotional implications for themselves.
- b) They cannot be persuaded to tell their parents/carers, or allow them to be informed.
- c) (If appropriate) they are likely to begin or continue having sex.
- d) The young person's physical or mental health is likely to suffer unless they receive advice or treatment.
- e) It is in the young person's best interests to give advice or treatment.

The requirement to offer a confidential service is within the professional Code of Practice for school nurses and other health service staff. The government has also signed up to international legislation and charters which entitle young people to access health services. However, health professionals like everyone else, must inform appropriate services if they become aware of a child protection/ safeguarding issue in discussions with a young person.

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 should be referred through child protection procedures.

Prefects, Peer Supporters and other support

All mentoring and support programmes cover confidentiality issues in their training.

Pupils are not allowed to promise to keep secrets but all conversations between the mentor and mentee will be kept confidential except in the following circumstances:

- The mentor must tell either the Progress Leader or Pastoral Support Worker if a pupil discloses either any form of abuse or anything else that would make them worry about their safety.
- If the mentee is about to disclose this sort of information, the mentor must tell them that they will need to take them to a member of staff, possibly as an advocate to help them.
- If the mentor has a concern about the content of a mentoring meeting, they are encouraged to discuss it with the Progress Leader or Pastoral Support Worker – it will not go further unless it is one of the above.

Pupil mentoring programmes involving adult mentors

The above applies equally to adult mentors.

Parents/carers and Families

We recognise that sometimes there may be family issues which might affect a pupil and which the family will only disclose to us if they can be sure the information will be treated confidentially. We will respect the wishes of the family and where it is felt necessary to share the information given to us, this will be discussed with the parents/carers first unless a pupil is considered to be at immediate risk and/or there is an overriding child protection/ safeguarding concern.

It should be suggested to the caller/adult to speak with the Headteacher or CPLO with their concerns.

Anonymous Callers

Persons who call into reception, passing on concerns regarding pupils in school, are often concerned about whether the information will be treated confidentially. We will respect the wishes of anonymous callers and where it is felt necessary the information will be passed on if it is related to a safeguarding issue.

Reception staff who take these calls (or hear these messages) are trained to encourage the called to reveal their source; contact relevant agencies themselves (Children's services, police etc) or be re-assured that the school will do so.

Visitors and support staff

We expect all support staff to report any disclosures by pupils or parents/carers of a concerning nature to the designated child protection co-ordinator as soon as possible after the disclosure and in an appropriate setting, so others cannot over hear. The designated child protection co-ordinator will decide what, if any, further action needs to be taken.

Staff and Governors

All staff can normally expect that their personal situations and health will remain confidential unless

- a) it impinges on their terms of contract or
- b) endangers pupils or other members of staff or
- c) there is a legal obligation to disclose such information or
- d) it is necessary for legal proceedings or
- e) despite the duty of confidence, the staff member's interest or the wider public interest justifies disclosure.

Support for Staff

Staff may have support needs themselves in dealing with some of the personal issues of our pupils. We prefer staff to ask for help rather than possibly making a poor decision because they lack all the facts or the necessary training, or they risk taking worries about pupils home with them. **Staff should discuss any concerns with the Headteacher or one of the Leadership Team.**

DISSEMINATION

This policy will be widely publicised to all in the school community

- a) through the school prospectus
- b) through school newsletters
- c) with job details to applicants
- d) through agreements with other agencies working on the school site,
- e) through tutor groups assemblies and the school council
- f) on the school website

Links with other policies

This policy has links with the following school policies:

Child Protection

PSHE (Personal Development)

Sex and Relationships

Drugs Education

Bullying

Social Inclusion

Inclusion of those with Physical Disability

Pastoral Care and Pupils with Medical Needs

This policy was approved by the Governing Body and will be reviewed annually.

Signature of Panel Chair:

Date:

Approved by Governing Body:

Date: November 2016

Signed by Chair of Governors:



References and further information

- **Guidance to schools on Sex and Relationships Education** Department for Education and Skills (Ref DfES 0116/2000) www.dfes.gov.uk
- **What to do if you are worried a child is being abused** Department of Health (Ref 31553/"What to do if you're worried a child is being abused") www.dh.gov.uk
- **Developing sex and relationships education in schools-guidance and training for school governors** Sex Education Forum (National Children's Bureau, 2003) www.ncb.org.uk
- **HIV in Schools – good practice guide to supporting children infected or affected by HIV** (National Children's Bureau 2005) www.ncb.org.uk
- **Sex and Relationships Education in Pupils Referral Units** Sex Education Forum (National Children's Bureau 2004) www.ncb.org.uk
- **National Healthy School Status- A Guide for Schools** www.wiredforhealth.gov.uk August 2005
- **Managing the support and reintegration of pregnant pupils and school age parents – Guidance for Schools** from Hampshire Local Education Authority, November 2004 www.hants.gov.uk
- **Protocol for sharing information about children and young people** (Hampshire Children & Young People's Strategic Partnership, February, 2005) www.hants.gov.uk
- **Information Sharing: Practitioners' guide** (DfES 2006) www.dfes.gov.uk
- **Information sharing: Case examples** (DfES 2006) www.dfes.gov.uk
- **Information sharing: Further Guidance on Legal issues** (DfES 2006) www.dfes.gov.uk
- **Hampshire Safeguarding Children Board Protocol for working with sexually active young people under the age of eighteen** (2006 - see Appendix 4 of this document) www.hants.gov.uk