

Park Community School
CONFIDENTIALITY POLICY

Approved by Governors 13/09/2017

Introduction

- This policy outlines the ways of working that will underpin the practice of all agencies and professionals operating within the school in order to safeguard young people and staff, and promote their welfare.
- 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 policy aims:

1. To underpin the school's ethos and support students' best interests and therefore enable students to seek appropriate help or counselling in confidence
2. To promote a professional and consistent approach to confidentiality throughout the school and give clear guidelines to staff on how to respond to confidences given by students
3. To reassure parents that the school is acting in the best interests of their child and that their parental role is being respected
4. To support the school in meeting the five outcomes from Every Child Matters

This policy needs to be used alongside other school based policies, including sex and relationships education, substance use and misuse, child protection and safeguarding policies.

General Confidentiality Principles

1. The duty of confidentiality owed to a person under the age of 16 is as great as the duty owed to any other person.
2. Staff do not have to agree to such a request but should bear in mind that the student may not feel comfortable talking to any other adult at that particular time and that they may have been chosen as a confidante for a particular reason.
3. All staff are required to abide by a common law Duty of Confidentiality. This law requires that information provided in confidence should only be used for the purposes that the person has been informed about and consented to. This duty should only be overridden in those circumstances outlined in Section F.
4. Staff are not able to offer students unconditional confidentiality and should make clear that there are limits to confidentiality at the beginning of the conversation.
5. If staff receive information about behaviour likely to cause harm to the student or to others, they must pass it on to the appropriate agency, following the school's Child Protection procedures, and providing support to the student during the process.

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6. Students should be encouraged to talk with their parents / carers and given support to do so.

Different levels of confidentiality

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 safety and well being.

In the classroom in the course of a lesson

Careful thought needs to be given to setting the climate and establishing ground rules to ensure confidential disclosures are not made. It should be made clear to students that this is not the time or place to disclose confidential, personal information.

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 students and parents/carers, and any required actions and sources of further support for the student, parent/carer, or staff member. All staff at this school encourage students to discuss difficult issues with their parents or carers. However, the needs of the students are paramount and school staff will not automatically share information about the student with his/her parents/carers unless it is considered to be in the student'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 must discuss this with the Designation Safeguarding Lead or the Headteacher, as soon as is practically possible. More serious concerns must be reported immediately to ensure that any intervention necessary to protect the student is accessed as early as possible, as per the school's Child Protection Policy.

Disclosures to a counsellor, school nurse or health professional operating a confidential service in the school.

Professionals such as school nurses, counsellors etc. can give confidential advice to students provided they are competent to do so and follow the Fraser Guidelines (guidelines for doctors and other health professionals on giving advice to under 16s). These professionals are skilled in discussing issues and possible actions with young people and always have in mind the need to encourage students to discuss issues with their parents or carers. However, the needs of the student are paramount and they will not insist that a student's parents or carers are informed about any advice or treatment they give.

HIV Disclosures

Childrens HIV Association (CHIVA) has published the following guidelines for disclosures that involve personal or family HIV infection:

If a child tells you about their own or their parent's HIV infection:

Step 1: Reassure the child that this information will be kept confidential.

Step 2: Explain that the school wants to support them and has simple systems to do this.

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Step 3: Suggest that they tell their parent about the information you have been told, and arrange for their parent to come to meet you.

If a parent tells you about their own or their child's HIV infection or the parent is informed that the child has disclosed.

Step 1: Reassure the parent that this information will be kept confidential.

Step 2: Explain that the school wants to support all its students and that there is a simple system for supporting infected and affected children.

Step 3: Explain the system and the different roles staff have in these systems. Ask consent to arrange a meeting with other appropriate members of staff, the parent and child (where appropriate). It may be that the parent requests the school nurse is involved, or additional staff. That is their choice.

Step 4: Organise the meeting with appropriate staff, parent and child (where appropriate). At this meeting the following issues can be discussed and agreed:

- confidentiality and reassurance that the child will not be treated differently
- arrangements on attendance due to hospital appointments, illness or caring responsibilities
- the level of educational and pastoral support needed and how this will be reviewed
- how confidential records will be kept on the child's health and of the meetings in regards to this

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 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.

The legal position for school staff:

School staff should not promise confidentiality. Students 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 conveyed outside that context is private. No member of this school's staff can or should give such a promise.

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

At Park Community School we believe it is important staff are able to share their concerns about students 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 student's safety and well being is maintained. School staff should discuss such concerns with their line manager, senior staff, or the Headteacher.

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All staff at this school receive basic training in Child Protection and safeguarding as part of their induction to this school and are expected to follow the schools' Child Protection and Safeguarding policies and procedures.

Counsellors and Professionals:

At Park Community School we offer students the support of a counsellor or other professional with appointments accessed discreetly. These services are confidential between the counsellor or professional and the individual student.

Parents/carers

Park Community School believes that it is essential to work in partnership with parents and carers and we endeavour to keep parents/carers informed 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 students can share any concerns and ask for help when they need it. Where a student does discuss a difficult personal matter with staff at this school, he/she will be encouraged to also discuss the matter with his/her parent or carer.

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

Specific Issues

1. Recording of information

The school acknowledges that students and their parents / carers have a right to access processed information upon written request. Any information recorded about a student should be written in a way that assumes it will be read by either the young person or their parents / carers. **It is essential that all information is recorded within 24 hours of the incident, timed, dated and signed.** A minimum amount of information about service users (contacts) will be recorded and shared between staff in a school based Health Service in order to be able to identify and intervene early in situations where students may need additional support. A daily log of contacts will be maintained. Where cases are ongoing, case files will be created and held by the professional who opened the file.

2. Staff role and responsibilities

Staff working in a school based Health Service can seek advice and support when dealing with a disclosure by a student, while keeping the individual's identity anonymous. Contact the Designated Safeguarding Lead (DSL) in the first instance.

3. Disclosures to a health professional operating a confidential service

Other health professionals working with students in a school based Health Service are bound by their own professional codes of confidentiality. Staff and students should be aware that health professionals can, after an assessment of Fraser competence, offer confidentiality in circumstances where other staff cannot. All such professionals should also be made aware of the school's confidentiality policy, know who the Designated Safeguarding Lead is and how to access him/her within school.

4. Illegal activity

In the case of staff being informed of an illegal activity by a student, action should be taken in the best interests of the student. This will not necessarily involve

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informing the police. For example, teachers are not statutorily required to inform the police about illegal drug activity. The school has a separate Drugs Policy for dealing with such incidents.

Deciding whether to break confidentiality

1. Issues of a Child Protection nature

- a. If a student begins to reveal information of a Child Protection or Safeguarding nature, the member of staff must inform the student that they cannot promise to keep it confidential. If, having been told this, the student still wishes to reveal the information they can do so. It is necessary to tell the student who it will then be shared with and when. The need for the student to be kept informed and to be supported during the process should also be taken into account.
- b. In all cases of allegations of a Child Protection or Safeguarding nature, the member of staff should follow Child Protection procedures, and inform the Designated Safeguarding Lead within the school if a referral is made to Children's Services.

2. Issues of a non-Child Protection nature

- a. In order to resolve or move on certain issues presented by a student, the member of staff may wish to share some information with another agency or professional. In such circumstances; it is the policy of the Park Community School for the member of staff to discuss with the student the exact course of action to be taken and to seek their consent wherever possible.
- b. If the student does not give consent for the information to be shared the following points should considered and discussed with the student where appropriate:
 - the age and maturity of the student and subsequently, their ability to make an informed decision
 - what is in the student's best interests
 - whether the student can be encouraged to seek support from their parents / carers or other support agencies
 - how the student can be best helped to protect themselves or others from harm
 - consideration of possible consequences of their decision

If the student still does not give their consent to share information, this fact should be noted in their records.

- c. In exceptional circumstances, confidentiality may have to be broken and staff may pass on client-identifiable information to a third party. The exceptional circumstances are:
 - When statute or court order requires the information
 - Where there is a serious risk to public health
 - Where there is risk of harm to other individuals
 - For the prevention, detection or prosecution of serious crime
 - The needs of the children as paramount under the Children Act 2004, and authoritative guidance for professionals
 - Knowledge or belief of abuse or neglect
 - Circumstances detailed in any Dangerous Offenders protocol

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If staff wish to consult a third party for advice, then this should always be done as an **anonymous case**. If this is not possible, the student should be informed of the need to discuss the situation with colleagues to assess whether they, or others, are at risk. If a member of staff feels it may be necessary to breach confidentiality, this should first be discussed with the Designated Safeguarding Lead, or, in their absence, the Headteacher, and only with their agreement should the information be shared with a third party.

Requests for Confidential Information

1. There may be occasions when a request for confidential information regarding a particular student is made from another individual or agency. The usual course of action would be to seek advice from the Designated Safeguarding Lead (or Headteacher) before any information is shared. There are specific circumstances where confidential information may have to be passed on.
2. Where information is released, this should usually be in the form of a written report, limited to relevant information only. Where possible the report should be shared with the student, except where doing so may compromise the safety and welfare of the student.
3. If a student leaves Park Community School for another school, the Child Protection file should be sent directly to the Designated Safeguarding Lead at the new school. Any other confidential documentation, which may not necessarily be of a Child Protection nature, may be sent to the Designated Safeguarding Lead at the new school if it is considered to be in the best interests of the student. Verbal contact should take place between the old and new Designated Safeguarding Leads prior to this happening.

Confidentiality and Parents/Carers

1. Parents /carers are entitled to have confidential discussions with a member of staff regarding concerns about their children. The children do not have to be informed that these are taking place. In keeping with this policy, the parent / carer should be encouraged to talk to their children about their concerns.
2. If the parent / carer wishes to know personal information about their child, the member of staff must ensure that the student's confidentiality is not breached during the discussion (subject to the exceptions outlined earlier), and the principles of the policy should be explained and discussed with the parent at an appropriate time.
3. During any discussion, staff are not able to offer unconditional confidentiality to parents / carers. If they are informed during the course of the discussion that behaviour of the parents / carers [or anyone else] is likely to cause significant harm to their child or to other young people, the member of staff must follow the school's Child Protection procedures. If the member of staff is in any doubt about whether the behaviour is serious enough to be acted upon, they can share their concerns anonymously with a third party.