

ST. CHAD'S C.E.(C) PRIMARY SCHOOL

CONFIDENTIALITY POLICY

'Building together for a better future.'

Introduction:

DfES Sex & Relationship Education Guidance July 2000 states that schools should have a clear and explicit Confidentiality Policy which is advertised to pupils, staff parents and visitors.

The Data Protection, Freedom of Information and Human Rights Acts all need to be taken into consideration.

It is important that schools have an established procedure for dealing with confidentiality which is understood by pupils, staff, parents, carers and visitors rather than develop ad hoc arrangements in response to a crisis. The procedures need to be consistent and protect the interest of both pupils and staff. A policy will ensure there is a shared understanding of how confidentiality operates in St. Chad's. A consistent shared ethos and practice will help pupils, staff, parents, carers and visitors both deal with and know where they stand with confidential issues, and help the school community with the disclosure of information and establish ways of working, thus avoiding unnecessary and damaging personal disclosure.

It is not the purpose of this policy that 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.

As part of a whole school policy on confidentiality the school will also take into account other aspects such as data, the code of conduct and practice for registered teachers as published by the GTC and the standards of conduct - Guidance for Employees as published by Staffordshire County Council.

The school also recognises the need for professional support and supervision that teachers, non teaching staff and volunteers need to ensure protection, health and safety and well being of both pupils and staff, and the considerations that need to be taken into account when sharing information.

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 the rights and freedoms for 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 all staff and parents.

Freedom of Information Act 2000; Amends the data protection act. 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.

Rationale and statement on the importance of confidentiality

At St. Chad's we believe:

- The safety, wellbeing 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' wellbeing and safety.
- It is an essential part of the ethos of our school that trust is established, enabling pupils, staff and parents/carers to seek help both within the school and outside it in order to minimise the number of situations when personal information is shared to ensure that pupils and 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 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.

Policy development

Consultation has taken place with the school community. The final policy was agreed by the leadership team and the school's governing body, and has been disseminated to staff and via the website to parents and pupils. The policy is disseminated to all new staff joining the school.

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, wellbeing 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 wellbeing. 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:

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 that 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, he/she is working with the same boundaries of confidentiality as a teacher.

2. One-to-one disclosures to members of school staff

It is essential that all members of staff know the limits of the confidentiality they can offer both to pupils and parents/carers as well as any required actions and sources of further support or help available both for the pupil and the 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 / 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 unless it is considered to be in the child's best interests.

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 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 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 they give.

Contraceptive advice and pregnancy

The Department of Health has issued guidance (July 2004) which clarifies and confirms that health professionals owe young people under the age of 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 he/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 should be referred through child protection procedures.

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.

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

School staff are NOT obliged to break confidentiality except where child protection is or may be an issue, however, at St Chad's Primary School we believe it is important staff are able to share their concerns about pupils' safety and wellbeing.

Teachers, counsellors 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 their professional judgement the teacher, counsellor 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 teachers at this school 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.

Visitors and non-teaching staff

At St Chad's Primary School we expect all non-teaching staff to report any disclosures of a concerning nature by pupils or parents / carers to the designated child protection co-ordinator as soon as possible after the disclosure and in an appropriate setting, so that others cannot overhear. The designated child protection co-ordinator will decide what, if any, further action needs to be taken.

Parents/Carers

St Chad's Primary School believes 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. When a pupil does discuss a difficult personal issue with staff at St Chad's School he or she will be encouraged to also discuss the matter with their parents or carers and may be supported to do so where appropriate.

The safety, wellbeing and protection of pupils is the paramount consideration in all decisions staff at this school make about confidentiality.

Complex cases

Where there are areas of doubt about the sharing of information, St Chad's School will consult with the local area Safeguarding Board.

When confidentiality should be broken and the procedures for doing this

See the Safeguarding Policy first and foremost.

If there is still a concern whether the information should be passed on, speak to the designated Safeguarding Officer.

Support for staff

Staff may have support needs themselves in dealing with some of the personal issues of our pupils. At St Chad's Primary School we prefer staff to ask for help rather than possibly making a poor decision because they don't have all the facts of the necessary training, or taking worries about pupils home with them.

Staff should discuss any concerns with the Designated Safeguarding Officers

Links to other policies

PSHE

Drugs

Relationship and Sex Education

Safeguarding

Bullying

Behaviour

Whistle Blowing

Medicines

Equality

Looked After Children policies

E safety

Data protection

Dissemination and implementation

This policy has been distributed to all teaching and non-teaching staff as part of whole-school training on Child Protection / safeguarding. A copy of the policy can always be found in the staffroom , the shared area of the school network and on the school website. All new staff receive a copy of the policy when they join the school.

Review

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

Approved	Autumn 2016
Review Date	Summer 18