

Confidentiality Policy

New End Primary School

Date Reviewed: **Spring Term 2020**

Review Date: **Spring Term 2022**

Children occasionally make personal disclosures, either in class or to individual teachers. For example, they may disclose that they or their friends or relatives are using drugs, that they are engaging in illegal activity or that they have been abused. As there are many circumstances through which teachers or other adults working at New End may come to possess sensitive information about children or their families, a school policy about confidentiality has been developed to provide guidance for teachers and other adults at New End. The following general principles should be considered.

All members of the New End School community need to be clear about the rules of confidentiality contained within this policy and contained within other school policies.

Information about children should not be passed on indiscriminately. The head teacher should be informed of any information received by any adult and that adult should also make a note of the details of the disclosure and the date and time recorded with the note.

Teachers/other adults are not able to offer children or their parent's unconditional confidentiality. If staff receives information about behaviour likely to cause harm to the child or to others, they must pass it on to the appropriate agency where relevant, following the school's child safeguarding procedures.

Teachers/other adults should make it clear to children that it is not possible to keep all information confidential and that it is sometimes necessary to tell someone else. However, the children need to know when this has to happen, what will be done with the information, and who will have access to it.

In the case of illegal activity, action should be taken in the best interests of the child. This does not necessarily involve informing the police. The best interests of the child will be the main factor in whether, when and how teachers/other adults communicate information or concerns about children to their parents, but this should always be in consultation with the head teacher.

Where outside agencies and others (e.g. the school nurse, the school's education welfare officer) provide support for the PSHE and citizenship provision at New End, they will be made aware of, and abide by, the policy about disclosures and confidentiality. However, they may also have a role in providing advice and support directly to children. The boundary between these two roles must be agreed and in any case, referral and consultation to the head teacher applies in the same way as for adults who work at New End. The distinction, in terms of right to confidentiality, will be made clear to the children. Other professions are bound by their own codes of confidentiality. For example, health professionals, such as the school nurse, are bound by the medical code of confidentiality in their work with children.

In lessons, teachers and/or teaching assistants should establish from the beginning that it is inappropriate to disclose some personal information. If a child begins to disclose information in the classroom inappropriately, then it is the responsibility of the adult leading the lesson to prevent continuation of the disclosure as quickly as possible and remind the child that such disclosures can be made later to the adult privately. It is also the responsibility of the adult to follow up such foreshortened disclosures and/or consult the head teacher, in line with the school's safeguarding procedures and policy. Children need to be clear about not putting pressure on one another to answer questions about their own experiences. This also applies to any adult in the school.

Confidentiality in the Workplace

It is our intention to respect the privacy of children and their parents and carers, while ensuring that they access high quality school care and education.

We aim to ensure that all parents and carers can share their information in the confidence that it will only be used to enhance the welfare of their children.

To ensure that all using – and working in – the school can do so with confidence, we respect confidentiality in the following ways:

- Parents have ready access to the files and records of their own children but do not have access to information about any other child.
- Staff will not discuss personal information given by parents with other members of staff, except when it affects planning for the child's needs. Staff induction includes awareness of the importance of confidentiality in the Child Protection role of the Designated Teacher.
- Any concerns / evidence relating to a child's personal safety are kept in a secure, confidential file and are shared with as few people as possible on a "need to know" basis.
- Personal information about children, families and staff is kept securely whilst remaining as reasonably accessible as possible.
- Issues to do with the employment of staff, whether paid or unpaid, remain confidential to the people directly involved with making personnel decisions.
- Students on training when they are observing in school, are advised of our confidentiality policy and are required to respect it.

All the undertakings above are subject to the paramount commitment of the school, which is to the safety and well-being of the child.

Rationale

- 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.
- 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. We, therefore, minimise information sharing to those occasions which are appropriate to ensure 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.
- 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 that there are 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.

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 there are few situations where absolute confidentiality is offered. We have 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 procedures and good practice are 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 but the confider would not be identified except in certain circumstances. The general rule is that staff should make clear at the beginning of the conversation that there are limits to confidentiality. 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 themselves whenever this is possible.

3 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. (See setting ground rules and working agreements). 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 voluntary staff). It is essential all members of staff know the limits of the confidentiality they can offer to both pupils and parents/carers (see note below and safeguarding policy) 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. This includes support/advice 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. 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 this might appear to be, the member of staff should discuss this with one of the Designated Safeguarding Leads as soon as 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 Safeguarding 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 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 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 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 on using child protection procedures. Note: It is the view of Kent Police that they 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.

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 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 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 Woodlands Primary School we believe it is important 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. School staff should discuss such concerns with their line manager/supervisor or the DSL (Designated Safeguarding Lead).

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 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 staff at Woodlands receive basic training in child protection as part of their induction to this school and are expected to follow the Safeguarding Policy and procedures. Any concerns should be discussed with the Designated Safeguarding Lead.

Counsellors and Health Professionals: At Woodlands Primary School we offer pupils the support of a school counsellor with appointments accessed discreetly through the Inclusion Manager. In addition, the school nursing service operate a drop-in service for parents/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 our pupils.

5 Visitors and non-teaching staff: At Woodlands Primary School, we expect all non-teaching staff, including voluntary staff, to report any disclosures by pupils or parents/carers, of a concerning personal nature to the Designated Safeguarding Lead 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 Safeguarding Lead 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. Visitors are given information about these procedures when they sign-in at reception.

Parents/carers: Woodlands 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. Where a pupil does discuss a difficult personal matter staff at school, they will be encouraged to also discuss the matter with their parent or carer themselves. The safety, well-being and protection of our 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, a consultation should be sought with the local KCC Children's Safeguards Service Child Protection Co-ordinator (information in the staffroom or through the Designated Safeguarding Lead). Links to other school policies and procedures: This policy is intended to be used in conjunction with our: PSHE Drugs Sex and Relationship Safeguarding Behaviour Whistle-Blowing & Children in Care policies 6 Ground rules to be used in lessons We adopt ground rules to ensure a safe environment for teaching, in particular in PSHE lessons and circle time. This reduces anxiety to pupils and staff and minimises unconsidered, unintended personal disclosures. At the beginning of each PSHE lesson and circle time, pupils are reminded of the ground rules by the teacher or outside visitor. • 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, but • If we are worried about someone else's safety we tell a teacher When confidentiality should be broken and procedures for doing this: • See the Safeguarding Policy – generally any situation where the health, well-being or safety of a child are in question. • Where this does not apply and you are still concerned and unsure of whether the information should be passed on or other action taken you should speak to either the Headteacher or Inclusion Manager. • If the Headteacher issues instructions that s/he should be kept informed, all staff must comply. There is always a good reason for this, which you may not know about. Principles of Confidential Discussion: • Ensure the time and place for a discussion are appropriate. When they are not, we reassure the child that we understand that 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 • Do not interrogate the child or ask leading questions. • Do not put children in the position of having to repeat distressing matters to several people but we will inform the pupil first before any confidential information is shared, with the reasons for this. 7 • Encourage the pupil, whenever possible, to confide in his/her own parents/carers Support for staff Staff may have support needs themselves in dealing with some of the personal issues of our pupils. At Woodlands Primary School we prefer you to ask for help rather than possibly making a poor decision because you don't have all the facts or the necessary training, or taking worries about pupils home with you. 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 certain staff have supervision sessions (Inclusion Team and Pastoral Support) to support them. Onward referral Mrs Rita Tarrant-Blick (Inclusion Manager and Designated Safeguarding Lead) is normally responsible for referring pupils to the school counsellor and to outside agencies from the school. If there is an emergency safeguarding concern, following a discussion, and either she or the other DSLs are unavailable, advice should be sort from the Area Safeguarding Officer and/or the Central Duty Team (contact details in the staffroom). Dissemination and implementation: This policy has been distributed to all staff and is discussed in briefings on an annual basis. All visitors are given summarised information in the form of a leaflet when signing in in reception. This policy forms part of the induction process of new sta