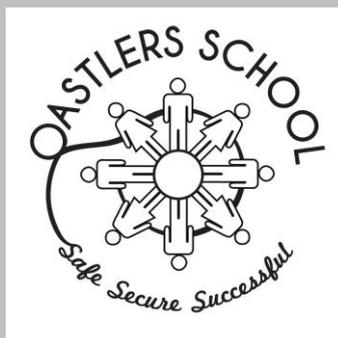


Confidentiality Policy



Oastlers Policy

Updated March 2015

Approved by Governing Body On	March 2015
To be Reviewed On	March 2018
Signed on Behalf of the Governing Body	Robert Fairbairn 

Confidentiality Policy

Rationale and statement on the importance of confidentiality

At Oastlers School we believe that:

- The safety, well-being and protection of our young learners are the paramount
- consideration 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 young learners' wellbeing and safety.
- It is an essential part of the ethos of our school that trust is established to enable learners, 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 learners, staff are supported and safe.
- Learners, 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 open and 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.

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. However, we have tried to strike a balance between ensuring the safety, well-being and protection of our learners and staff, ensuring there is an ethos of trust where learners 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 is followed.

This means that in most cases what is on offer in school 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 that there are limits to confidentiality, at the beginning of the conversation. These limits relate to ensuring children's safety and well-being. The learner 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.

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 learners 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.**

It is essential all members of staff know the limits of the confidentiality they can offer to learners. In all cases of disclosure from a learner that clearly indicates child protection, report immediately to the schools Named Person (Joanne Taylor), ensuring the learner is informed this will happen.

All staff at Oastlers School encourage learners to discuss difficult issues with their parents/carers, and vice versa. However, the needs of the learner are paramount and school staff will not automatically share information about the learner with his/her parents/carers unless it is considered to be in the child's best interests.

Staff will be advised to begin a conversation with the following advice:

“You will be supported with any problems you may share with me but if you have been or are at risk of harm (from self or others) or if you are involved in anything illegal we will share this information with others who can help.”

3. **Disclosures to the school nurse or health professional operating a confidential service in the school.**

Health professionals such as school nurses can give confidential medical advice to learners 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 learners to discuss issues with their parents/carers. However, the needs of the learner are paramount and the school nurse will not insist that a learner's parent/carers is informed about any advice or treatment they give.

On a “need to know basis” they will share with appropriate staff in school any details which would enable better ‘in school’ support.

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 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 through child protection procedures.

The Government Guidance, "Working Together to Safeguard Children" states.

Note: *It is the view of 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:

All Oastlers School staff should not promise confidentiality. Learners 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.

Conversely, school staff are NOT obliged to break confidentiality except where child protection is or may be an issue. However, we believe it is important staff are able to share their concerns about learners 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 learners' safety and well-being is maintained. School staff should discuss such concerns with their line manager or the Named Person for child protection, Joanne Taylor by completing a 'cause for concern' form.

Teachers, counsellor and health professionals:

Professional judgement is required by a teacher, counsellor or health professional in considering whether he/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.

Counsellors and Health Professionals:

We offer learners the support of a school counsellor and the school nursing service visits the school offering a service for learners. These services are confidential between the counsellor or health professional and the individual young learner. No information is shared with school staff except as defined in the school's Child Protection Policy, and guidance from Child Protection law. This is essential to maintain the trust needed for these services to meet the needs of our learners.

Visitors and non-teaching staff:

We expect all non-teaching staff, including voluntary staff, except those identified in the paragraph above, to report any disclosures by learners or parents/carers, of a concerning personal nature to the designated Child Protection Co-ordinator (Joanne Taylor) 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 learners and staff. The designated Child Protection Co-ordinator (Joanne Taylor) will decide what, if any, further action needs to be taken, both to ensure the learner gets the help and support they need and that the member of staff also gets the support and they need.

Parents/carers:

We believe 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 learners can share any concerns and ask for help when they need it. Where a learner does discuss a difficult personal matter with staff they will be encouraged to also discuss the matter with their parent/carer themselves, if appropriate.

The safety, well-being and protection of our young learners 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, seek a consultation with your local Children's Safeguards Service Child Protection Co-ordinator.

Links to other school policies and procedures:

- Sex and Relationship Education Policy
- Child Protection Policy
- Anti Bullying Policy
- Positive Behaviour Policy
- Rewards and Sanctions Policy
- Whistle-Blowing Policy

Statement of ground rules to be used in lessons

We adopt ground rules to ensure a safe environment for teaching in particular in PSHE/Citizenship. This reduces anxiety for learners and staff and minimises unconsidered, unintended personal disclosures.

At the beginning of each PSHE/Citizenship lesson, learners are reminded of the ground rules by the teacher or outside visitor. The teacher establishes the ground rules together with the learners at the beginning of each half term of teaching PSHE/Citizenship.

This is an example of the ground rules for a Year 10 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 young learners, 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

When confidentiality should be broken and procedures for doing this:

See the Child Protection Policy

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 Joanne Taylor.

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.

The principles we follow are that in all cases we:

- Ensure the time and place are appropriate, when they are not we reassure the child that we understand 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
- Not interrogate the child or ask leading questions
- We won't put children in the position of having to repeat distressing matters to several people
- Inform the learner first before any confidential information is shared, it may have to be shared with others and the reasons for this
- Encourage the learner, whenever appropriate 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 learners.

All staff must 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 learners home with you.

There are many agencies we can refer learners 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 learners and asking for help is a way we ensure that our school is a happy, caring and safe learning environment.

Onward referral:

The school is able to refer learners for additional support from the schools counsellor, play therapist, sanctuary and other agencies via the Safeguarding Group.

Any member of the school team can request additional support for any learner they believe would

benefit from additional therapeutic support by completing a cause for concern form. These are highly visible in the staff room. The referral will then be discussed at the Safeguarding Group Meeting and allocated as appropriate.

The school is also able to refer to multiple outside services. All referrals to support agencies will be made by Joanne Taylor.

Dissemination and implementation:

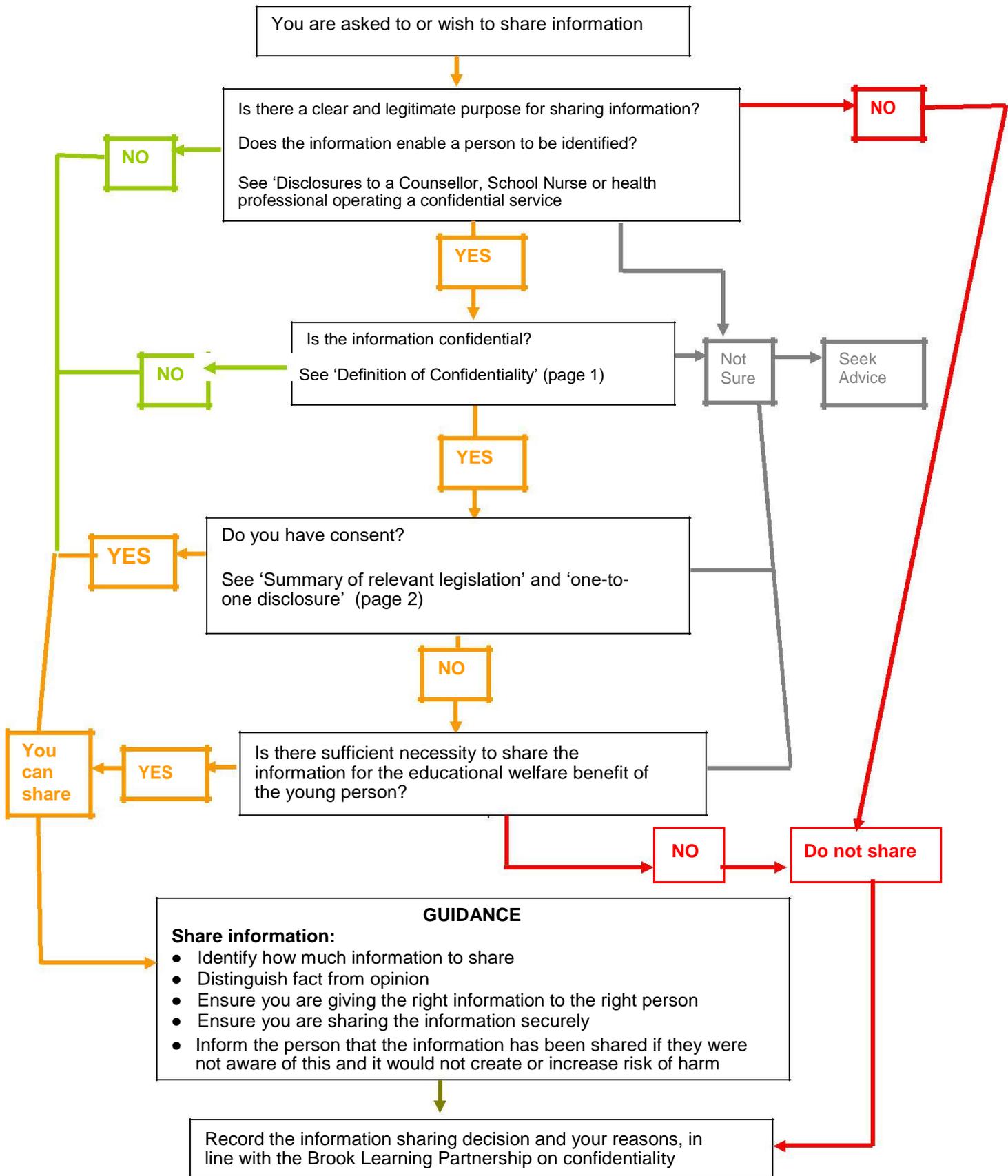
This policy has been distributed to all teaching and non-teaching staff and is held in the school policy file.

All new staff receive a copy of the policy, together with basic training on the school's Child Protection Policy and procedures from the Designated Child Protection Co-ordinator.

Reviewed and adapted by Governing Body

Signed _____ Date _____

FLOWCHART OF KEY QUESTIONS FOR INFORMATION SHARING



GUIDANCE

Share information:

- Identify how much information to share
- Distinguish fact from opinion
- Ensure you are giving the right information to the right person
- Ensure you are sharing the information securely
- Inform the person that the information has been shared if they were not aware of this and it would not create or increase risk of harm

Record the information sharing decision and your reasons, in line with the Brook Learning Partnership on confidentiality

If there are concerns that a child may be at risk of significant harm or an adult may be at risk of serious harm, then follow the relevant procedures without delay. Seek advice if you are not sure what to do at any stage and ensure that the outcome of the discussion is recorded.

Policy Revised Mar 15, Policy Review Mar 18 7

SUMMARY OF RELEVANT LEGISLATION

The Crime and Disorder Act 1998 S.115 provides a legal power and duty to share information for the purposes of the Act, i.e. crime prevention. This will apply to majority of domestic violence cases (vii)

Data Protection Act 1998 includes new provision for the regulation of the processing of information relating to individuals, including the obtaining, holding, use or disclosure of such information. (viii)

The Human Rights Act 1998 Article 8 precludes information sharing if it may interfere with the rights which include respect for private and family life, home and correspondence, unless it is in accordance with the law and necessary in a democratic society in the interests of national security, public safety or for the prevention of disorder or crime, the protection of health or morals or the protection of rights and freedoms of others. (ix)

The Common Law of Confidence requires that information may not lawfully be disclosed when given in certain circumstances of confidentiality except when an exemption applies, such as it being in the 'overriding public interest'. (x)

Consent should be obtained from relevant individuals as a matter of good practice, and where appropriate and possible, explicit consent should be sought and freely given by the data subject.

Sharing data without consent: data should be shared with consent, however the Home Office gives guidance on conditions when information can be shared other than with consent:

1. In matters of life and death or to prevent serious harm to the individual.
2. For the administration of justice.
3. For public/statutory functions.
4. For the prevention or detection of crime, or the apprehension or prosecution of offenders.
5. For the purpose of child protection (xi). If consent has not been given to share information or there is no disclosure required by a court order, information may still be shared if the public interest in safeguarding the child's welfare overrides the need to keep the information confidential.

Data Protection: Designated Officers must follow the principles set out in the Data Protection Act when processing personal information or requesting information from other agencies. The Data Protection principles state that personal information must be:

1. Processed lawfully and fairly
2. Obtained for a lawful purpose
3. Relevant and not excessive in relation to the purpose for which it is processed.
4. Accurate and kept up-to-date
5. Retained no longer than is necessary for the required purpose.
6. Processed in accordance with the rights of data subjects.

7. Stored securely to prevent unauthorised access.

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