

TADCASTER GRAMMAR SCHOOL



Toulston, Tadcaster,
North Yorkshire, LS24 9NB

CONFIDENTIALITY POLICY STATEMENT

Written by Cayte Mulhern (Deputy Headteacher)
Discussed with Senior Leadership Team
Adopted by Governors
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Confidentiality Policy and Procedures

Aim and objectives of the policy

Aim:

To protect the child at all times and to give all staff clear, unambiguous guidance as to their legal and professional roles and to ensure outstanding practice throughout the school which is understood by students, parents and staff.

Objectives:

1. To provide consistent messages about handling child related information once it has been received.
2. To foster an ethos of trust.
3. To ensure that staff, parents and students are aware of the school's confidentiality policy and procedures.
4. To reassure students that their best interests will be maintained.
5. To encourage students to talk to their parents.
6. To ensure that students and parents know that school staff cannot offer unconditional confidentiality.
7. To ensure that if there are child protection issues then the correct procedure is followed.
8. To ensure that confidentiality is a whole school issue and that in lessons ground rules are set for the protection of both students and staff.
9. To understand that health professionals are bound by a different code of confidentiality (Fraser Guidelines).
10. To ensure that parents have a right of access to any records the school may hold on their child but not to any other child for whom they do not have parental responsibility.

Policy Development

This policy was developed and agreed in consultation with Governors, Leadership, staff, teaching and support, parents, students and other relevant outside agencies.

The school recognises its legal duty under Section 175 Education Act 2002 to work with other agencies in safeguarding children and protecting them from "*significant harm*". The school recognises that a clear confidentiality policy will support the school in meeting the Every Child Matters outcomes of "being healthy" and "staying safe".

This policy has obvious links with other school policies and reference to these policies will be identified.

- ***Safeguarding & Child Protection***
- ***Substance Use and Misuse***
- ***Sex and Relationship Education***
- ***Equalities Scheme***
- ***Anti-Bullying***

A Definition of Confidentiality

Confidentiality is an understanding that any information shared with someone in trust can only be passed on to a third party with the agreement of the person disclosing it.

Values Framework

- Every student has a right to be treated with respect and dignity, as do the adults who work with them. They have a right to privacy, a safe environment and where appropriate, should be consulted and given the opportunity to express their views about decisions which may affect their lives.
- The school recognises that without these rights, our students may be unable or unwilling to talk about things which are frightening, worrying or hurting them and that confidentiality is fundamental to them feeling respected and safe.
- At all times we will aim to respect our students' point of view and adopt a non - judgmental approach in our work with them.
- Section 3[5] of the 1989 Children Act gives the school the right to:

'do what is reasonable in all circumstances for the purpose of safeguarding or promoting the child's welfare'.

- The UN Convention on the Rights of the Child states that:-

“the wishes of a young person must be taken into account when considering their best interests.”

Please note, in this policy, a 'disclosure' is the sharing of any private/personal information. It is a general term and does not relate to child protection issues.

Procedures Regarding Disclosures

- Students occasionally make personal disclosures, either in class or to individual members of staff; and both students and staff need to be clear about guidelines governing such disclosures. Information about students should not be passed on indiscriminately to others. If a student begins to disclose information of a Child Protection 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 make the disclosure to that particular person then they can do so. It is appropriate 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.
- In all cases of a disclosure of a Child Protection nature, the information should be passed directly to the Designated Senior Person. The Designated Senior Person will then follow the appropriate Child Protection procedures. The information should not be discussed with other colleagues and must be put in writing immediately, thoroughly detailing the disclosure, the member of staff's involvement and the action taken. The document must be dated, timed and signed, placed in the confidential file held with the Designated Senior Person and kept securely, regardless of whether or not it leads to the involvement of other outside agencies.

- In lessons, it should be established from the beginning that it is inappropriate to disclose sensitive personal information. Students and staff need to be clear about not putting pressure on one another to answer questions about their own experiences. Ground rules regarding the protection of privacy should be set beforehand and clarification of understanding should be checked. All case study information used in lessons should be depersonalised or anonymous. If, despite these precautions having been taken, a student begins to disclose personal information, the member of staff must discreetly and sensitively intervene. They must also see the student discreetly after the lesson to allow further disclosure or to refer the student to an appropriate professional.
- In the case of staff being informed of an illegal activity by a student, action should again be taken in the best interests of the student. The school has a separate Substance Use and Misuse Policy for dealing with such incidents and guidance regarding specific instances can also be provided by the Headteacher. In the case of a child under the age of 13 being involved in sexual activity, this would always be deemed as illegal and if a member of staff becomes aware of it, the requirement is for them to report it to the Designated Senior Person, following the school's Safeguarding and Child Protection procedures.
- Teachers are not obliged to pass on all information about students to their parents. Other members of school staff should seek advice from the Designated Senior Person or Headteacher as to whether or not parents need to be informed about an issue. Where a member of staff believes the student to be at moral or physical risk, or in breach of the law, they must ensure that the student is aware of the risks and encourage them to seek support from their parents.
- Outside agencies who work with students within the school must be made aware of and abide by the school policy about disclosures and confidentiality. However, they may also have a role in providing advice and support directly to students and as such may have their own professional guidelines on confidentiality to which they must adhere. The boundary between these two roles must be agreed with the school and the distinction, in terms of right to confidentiality, should be made clear to the students. It is the responsibility of the member of staff who invites the visitor / worker into the school to ensure that the confidentiality policy is discussed with them and in the case of student teachers and supply staff, the responsibility lies with the designated member of staff for these two areas.
- The School Health Officer and any other health professionals working with students 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, [also known as Gillick competence] offer confidentiality in circumstances where other staff cannot, whatever the age or maturity of the young person. The UKCC ¹ states that all such professionals are accountable for their own practice and can only disclose confidential information obtained in the course of professional practice with "individual consent, where required by the order of a court, or where the disclosure can be justified in the wider public interest". All such professionals should also be made aware of the school's confidentiality policy, know who the Designated Senior Person is and how to access him/her within school.
- Safeguarding and Child Protection issues fall under the "wider public interest category" of procedures, therefore everyone, including health professionals, are duty bound to pass on a disclosure. If a member of staff is in any doubt about whether they can preserve a student's confidentiality, it is advisable to refer them straight to the Designated Senior Person.

¹ The UKCC Code of Professional Conduct for Nurses, Midwives and Health Visitors. [Clause 10]

4. DEALING WITH DIFFICULT CONFIDENCES.

There are certain personal and sensitive circumstances which are free of the requirement to pass the information to the Designated Senior Person. These include:

1. A student's concerns about sexual development and sexuality.
2. Disclosure of pregnancy
3. Requests for advice on contraception
4. Disclosure of substance abuse

This must be consistent with other policies e.g. managing drug related incidents and safeguarding.

Exceptions to Confidentiality

Likely exceptions requiring consideration by the school might include:

- where there is risk of serious harm or threat to life
- where a student needs urgent medical treatment
- where potential or actual serious crime (e.g. murder, rape) is involved
- where safeguarding national security is involved e.g. terrorism.

It may be however, that your judgement under the 'personal health and safety' criteria leads you to share the confidence with the Designated Senior Person. This is an acceptable course of action for staff. [Further guidance on specific instances can be found in our Sex and Relationship Education, Substance Use and Misuse and Safeguarding & Child Protection policies.]

If you do not feel it is a matter for the Designated Senior Person, you can freely consult with appropriate colleagues as long as any information presented to them is done so as an anonymous case. You should also ensure that you act within the following guidelines:

- Staff should encourage but not force the student to talk to and seek the support of a parent. They may offer to help the student in doing this. If the parent is informed by the student, the parent then becomes responsible for any subsequent action and the member of staff no longer has any responsibility for the matter. It is advisable to check with the student that the parent has been informed and make a written record of any discussion. If you are concerned that the parent has not been informed even though the student claims they have, it will be necessary to make a professional judgement about how to proceed. An acceptable course of action would be to share your concerns with another professional.
- In the event of a refusal to discuss the concern with a parent, it is advisable to put the student in touch with an appropriate health professional e.g. the School Health Officer, School Nurse Service or the student's G.P. Any subsequent decisions regarding informing the parent becomes the responsibility of that particular professional.
- Staff may give students general information about contraception but must not recommend a specific form of contraception. Students should be encouraged to seek advice from the School Health Officer or the School Nurse Service for further help and support. All disclosures about unprotected sex within the preceding 72 hours should be referred to an appropriate source for emergency contraception and advice.

- It is important for staff to be aware that a student may be offered a confidential termination of pregnancy. This reflects a professional judgement by Medical Personnel which the school does not have the right to overturn.
- Any continued pregnancy requires parental support. If a student refuses to inform their parent or fails to seek medical advice, the Designated Senior Person should be informed. Child Protection procedures may then be instigated if the Designated Senior Person feels it is appropriate [in line with the school's Safeguarding & Child Protection policy.] In addition, if the girl is under the age of 13 years, it is also a requirement that Social Care is informed of the pregnancy.

CONFIDENTIALITY AND PARENTS

- Parents are entitled to have a confidential discussion with a member of staff regarding concerns about their child and the child does not have to be informed that this is taking place. In keeping with our policy however, the parent should be encouraged to talk to their child about their concerns.
- During any discussion, staff are not able to offer unconditional confidentiality to parents and if they are informed during the course of the discussion of some behaviour of the parents [or of anyone else], which is likely to cause harm to their child or to other young persons, the member of staff must follow the school's Safeguarding & Child Protection procedures. If there is a concern regarding neglect or emotional abuse of the child, policy is for them to discuss their concerns with the Head of Year, Head of Student Support, School Health Officer or Designated Senior Person in the first instance. It will then be necessary for the issue to be discussed with the child's parents and along with them, complete a multi agency referral to Social Care.
- The member of staff must also ensure that the student's confidentiality is not breached during the discussion and the principles of the policy should be explained and discussed with the parent at an appropriate time.

ROLES AND RESPONSIBILITIES

Governors

As part of their general responsibilities for management of the school, the governors have played a key role in the development of the schools policy for confidentiality. They will continue their involvement through regular monitoring and reviewing of it. All Governors are bound by the policy.

Name of lead governor for responsibility for this policy is Kathy Myers.

Senior Leadership Team

Takes overall responsibility for this policy and its implementation and for liaison with the governing body, parents and appropriate outside agencies.

Ensures all staff (teachers and support staff), parents and students are aware of the content of this confidentiality policy.

All Staff

All staff should be aware of the policy and how it relates to them.

Tadcaster Grammar School recognises that there are occasions when students are worried about something and feel that they cannot talk about it to their parents.. This can result in enormous stress for the individual which impacts on their education and health. Some students 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. You should adhere to the following policy:

- When talking with students, 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 students encouraged or supported to access the confidential services offered on the school site.
- **You must be clear to students that you cannot offer unconditional confidentiality when a student first begins to talk about something where confidentiality may become an issue.**
- Students should be warned that if there is a child protection issue where the student, or others, are likely to be at risk of significant harm, **you are under a duty to inform the school's Designated Senior Person who may have to involve other agencies.** (Please refer to the school's safeguarding & child protection procedures for further advice on this aspect). It is important that each member of staff deals with this sensitively and explains to the student 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.
- School staff can only offer confidentiality to students on issues that do not involve significant illegal activities. If the conversation begins to move to this kind of issue, the student must be warned that confidentiality cannot be guaranteed.
- In all cases where you feel that you have to break confidentiality with the student, you must inform the student and reassure them that their best interests will be maintained.
- In talking with students, you need to encourage them to talk to their parents about the issue that may be troubling them and support in doing this should be offered where appropriate.

Students 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 service, doctor, Targeted Youth Support, COMPASS or young people's drop-in service.

Ground Rules in Lessons

We adopt ground rules to ensure a safe environment for teaching in particular in SEAL Club, Life Skills, PSHE and Citizenship. This reduces anxiety to students and staff and minimises unconsidered, unintended personal disclosures. In such lessons students are reminded of the ground rules by the teacher, teaching assistant or outside visitor. The teacher establishes the ground rules together with the students at the beginning of each half term.

Example of the ground rules for a Life Skills class:

- We will not ask each other or the teacher any personal questions
- We will respect each other and not laugh, tease or hurt others
- We will not 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 students, which are personal and private, we will not talk about it outside the lesson

Faculty Leader – Skills for Life

The Head of Faculty together with the senior leadership team has a general responsibility for supporting other members of staff in the implementation of this policy. The Head of Faculty will provide a lead in the dissemination of information relating to Sex and Relationship Education. They are responsible for identifying and providing good quality resources and in-service training.

Parents and Families

Tadcaster Grammar School recognises that sometimes there may be family issues which might affect a student 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 parent first unless a student is considered to be at immediate risk and/or there is an overriding child protection concern.

Tadcaster Grammar School believes that it is essential to work in partnership with parents and we endeavour to keep parents 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 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 Tadcaster Grammar School, they will be encouraged to also discuss the matter with their parent themselves.

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

Parents are invited to comment on the policy as part of its development.

Students

Students are consulted, asked to comment and contribute to the policy as part of its development. This is undertaken by the Student Services sub committee of the Student Leadership Team.

Working with Outside Agencies

Anyone working with students from the school, particularly on sensitive areas of the curriculum, needs to be made aware of the school's confidentiality policy.

At the beginning of lessons school staff and staff from external agencies will establish if any potentially sensitive topics will be covered and strategies to deal with that and inform students that it is inappropriate to disclose personal information during the lesson. Once again ground rules need to be agreed which ensure individuals do not pressure one another to answer questions about their own experiences.

Staff will outline the sources of support available to any student who may wish to discuss the topics and/or their feelings further on a one-to-one basis.

This school acknowledges and supports the differences between the role of any non-school staff as educators, and as providers of information and support to students. The boundaries between these roles will be clarified and agreed prior to involvement. Any distinctions in terms of confidentiality need to be made clear to students. The co-ordinating member of staff is responsible for informing any outside visitor of the policy.

The Head of Student Development/Student Development Leader/School Health Officer:

The above named professionals can be approached by any student for a confidential discussion. Sometimes we may also refer students to them for discussions. They cannot offer confidentiality over a child protection issue but because sometimes it is necessary for a student to be able to talk about deep-seated troubling issues in order to help the student through their situation, we do not require them to inform the Designated Senior Person about illegal activities unless there is a child protection issue or other significant risk.

The School Nurse 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 Public Health Nurse, Healthy Child Team), can offer confidential health services (including contraception) to students under the age of 16 providing they follow the Fraser Guidelines which require:

- 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.
- They cannot be persuaded to tell their parents, or allow them to be informed.
- (If appropriate) they are likely to begin or continue having sex.
- The young person's physical or mental health is likely to suffer unless they receive advice or treatment.
- 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 Public Health 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 issue in discussions with a young person.

NB On site services must be very clear in their publicity about the levels of confidentiality offered e.g. the school based health service will offer more confidentiality than will be offered by school staff

Implementation of the policy

The policy is available for each member of staff via the VLE – School Information/Policies and each member of the governing body. Reference copies are available from the Head Teacher for all other persons who come into contact with the students. A copy of this policy is available to download from the school's Virtual Learning Environment.

Monitoring and evaluating the policy

This policy will be reviewed regularly by the lead Governor, Head Teacher, students, the governing body, the Designated Senior Person and the Faculty Leader – Skills for Life and relevant outside organisations (e.g. Local Authority Advisor/Consultant). This will include evaluation of teaching and learning activities, current resources and staff training and the use (if any) of outside visitors. Evaluation tools will include focus groups, feedback from external inspection and formal testing procedures.