

The Orchard School



Confidentiality Policy

Draft: September 2018

Ratified: September 2018

Review: September 2019

Chair of Governors:

Headteacher :

The Orchard School Confidentiality Policy

DfES Sex and Relationship Education Guidance (July 2000) states 'Schools should have a clear and explicit Confidentiality policy, which is advertised to pupils, staff, parents and visitors'.

The Data Protection, Freedom of Information, Human Rights, Children Act and The Information Sharing: Practitioners Guide all need to be taken into consideration (Appendix 1).

Rationale

At The Orchard School, we believe that:

- The safety, wellbeing and protection of our pupils 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 pupils wellbeing 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 and minimise the number of situations when personal information is shared to ensure pupils, 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 relationships and sex.
- 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 relationships and sex 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, relationship and sex or other personal issue they want to discuss.

Definition of Confidentiality

The dictionary definition of Confidentiality 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 in The Orchard School. We have tried to strike a balance between ensuring the safety, wellbeing and protection of our pupils, staff and stakeholders, 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 is 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 that there are limits to confidentiality, at the beginning of the conversation. These limits relate to ensuring childrens' safety and wellbeing. 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.

Different levels of confidentiality are appropriate for different circumstances.

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 groundrules 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 groundrules 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.

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* 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 and from other agencies, where appropriate. All staff at this School encourage pupils to discuss difficult issues with their parents or carers, and vice versa.

RATIFIED

09.18

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 the Designated Safeguarding Leads (Tracey North 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 child is accessed as early as possible. (Please see the school Child Protection Policy.)

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 through child protection procedures. The revised, "Working Together to Safeguard Children" DfES 2006 provides the Statutory Guidance on such issues.

***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

RATIFIED
09.18

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, wellbeing and protection of the child are the paramount considerations 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 The Orchard School we believe it is important that 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 or the DCPC.

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 they could make a disclosure in confidence. Such professional judgement is also required as to 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 schools' Child Protection Policy and procedures.

Record Keeping

All records involving confidential disclosures are stored in the pupil's file. Any disclosures which may involve Child Protection issues are stored in secure files, with limited staff access. Pupils with confidential CP files are identified by a marker on their pupil file stored in the PSO office.

All staff receives basic training in Child Protection as part of their induction, and are expected to follow the school's Child Protection Policy and procedures.

Counsellors and Health Professionals

At The Orchard School we offer pupils the support of a School Counsellor with appointments accessed discreetly through the Pastoral Support Officers in consultation with the Leadership Team. Staff may also refer pupils for Counselling through Intervention referral forms, which are discussed at termly Pupil Development Meetings. 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.

Visitors and non-teaching staff

At The Orchard School, we expect all non teaching staff, including voluntary staff, except those identified in the paragraph above, to report any disclosures by pupils or parents/carers, of a concerning personal nature to the Designated Safeguarding Leads 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 DSL 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.

Parents/carers

The Orchard 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 The Orchard School, they will be encouraged to also discuss the matter with their parent or carer themselves.

The safety, wellbeing 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, seek a consultation with your LADO (Local Area Designated Officer) for Child Protection.

Statement of ground rules to be used in lessons

We adopt groundrules to ensure a safe environment for teaching in particular in Personal Development and Circle time. This reduces anxiety to pupils and staff and minimises unconsidered, unintended personal disclosures.

At the beginning of each Personal Development lesson and Circle time, pupils are reminded of the groundrules by the teacher or outside visitor. The teacher establishes the ground rules together with the pupils at the beginning of each half term of teaching Personal Development and Circle time.

This is an example of the groundrules 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

RATIFIED

09.18

- If we do find out things about other pupils, which are personal and private, we won't talk about it outside the lesson
- 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 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 a member of the Senior Leadership Team.

If the Headteacher issues instructions that she 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 at The Orchard School 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 pupil first before any confidential information is shared, with the reasons for this
- 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 The Orchard 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 The Orchard School is a happy and safe learning environment. The Orchard School teaching staff should discuss any concerns about pupils with the Leadership Team, Form Tutors and Pastoral Support Officers.

RATIFIED
09.18

Any unresolved issues should be discussed with Tracey North or The Headteacher (DSLs).

Onward referral

All staff have responsibility for referring pupils to the School Counsellor and any other internal source of Intervention (through Pupil Development Meetings.) The Headteacher and Tracey North are required to make referrals that are external to School support including referrals to The Duty Team and Social Services. Please do not make referrals yourself unless you believe a Child Protection referral to the police or SSD is necessary and the DSL does not agree. ('What to do if you're worried a child is being abused', DfES, HO, etc., 2003).

Pupils can also obtain confidential help themselves, (e.g. see the information available from the School Nurse, Breakthrough, Childline, GP etc)

Appendix 1

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 for the rights and freedoms of 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 staff, pupils 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.

Children Act 2004: Provides the legal underpinning for Every Child Matters: Change for Children programme. Can be found at www.everychildmatters.gov.uk/strategy/guidance.

Information Sharing: Practitioners Guide 2006: The most recent non-statutory guidance on information sharing and confidentiality. Can be found at www.ecm.gov.uk/informationsharing.

Keeping Children Safe in Education Act 2018
<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>