

HIGH SCHOOL FOR GIRLS



Confidentiality Policy

Reviewed and Updated: September 2017

This policy has been formally approved and adopted by The Governing Body at a formally convened meeting.

Policy approved: _____ Date: _____
(Chair of HR and Pastoral Committee)

Date of Policy Review: _____

Rationale

Schools should have a clear and explicit Confidentiality Policy, which is advertised to students, governors, staff, parents and visitors (DfE Sex and Relationships Guidance, July 2000).

At the High School for Girls/High School Sixth Form we believe that:

- The safety and wellbeing of our students are important considerations in all decisions staff at this school make about confidentiality. The appropriate sharing of information between school staff is an essential element of ensuring our students' wellbeing and safety.
- It is an essential part of the ethos of the High School for Girls/High School Sixth Form that trust is established to enable students, staff and parents/carers to seek help, both within and outside school, and minimise the number of situations when personal information is shared to ensure students and staff are supported and safe.
- Students, parents/carers and members of staff need to know the boundaries of confidentiality so that they feel safe and comfortable when discussing personal concerns and issues, including gender, sex and relationships.
- The High School for Girls'/High School Sixth Form's attitude to confidentiality is clearly indicated in this policy and it is shared by the Designated Safeguarding Lead at the first staff meeting of the academic year. All staff should be able to trust the boundaries of confidentiality operating at the High School for Girls/High School Sixth Form as defined in this policy.
- Everyone in the school needs to know the limits of confidentiality that can be offered by individuals within the school community so that they can make informed decisions about the most appropriate person to talk to about any safeguarding, health, sex and relationship or other personal issues they want to discuss.

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

Definition of confidentiality

The dictionary definition of confidentiality is "something which is spoken or given in confidence; private, and entrusted with another's secret affairs." The person confiding 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 her or his conversation completely secret and discuss it with no one.

Within the High School for Girls/High School Sixth Form absolute confidentiality is not offered in the school. We strive to strike a balance between ensuring the safety, wellbeing and protection of students and members of staff, ensuring that there is an ethos of trust where students and members of staff can ask for help when they need it and ensure that, when it is essential to share personal information, child protection practices are followed in accordance with our Safeguarding procedures.

This means that in most cases what is possible 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 members of staff should make clear that there are limits to confidentiality, at the beginning of the conversation. These limits relate to ensuring a young person's safety and well-being. The student will be informed when a confidence has to be broken for this reason and will be encouraged to do this for herself/himself 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 each lesson, setting the climate and establishing ground rules to ensure confidential disclosures are not made. It should be made clear to students that this is not the time or place to disclose confidential, personal information. When a health professional is contributing to a school health education programme in a classroom setting, s/he is working within the same boundaries of confidentiality as a teacher, as recognised in their professional training.

- 2. One to one disclosures to members of school staff (including volunteers).**

It is essential that all members of staff know the limits of the confidentiality they can offer to both students and parents/carers. (See note below). They must be aware of any required actions and sources of further support or help available, both for the student or parent/carer, and for the staff member within the school and from other agencies, where appropriate. All members of staff should encourage students to discuss difficult issues with their parents or carers, and vice versa. However, the needs of the student are paramount, and school staff members will not automatically share information about the student with her/his parents/carers unless it is considered to be in the young person's best interests.

[Note: When concerns for a young person come to the attention of staff, for example through observation of behaviour or injuries or disclosure, however insignificant these might appear to be, the member of staff should discuss this with the Designated Safeguarding Lead (DSL), the Headteacher, as soon as is practically possible. More serious concerns must be reported immediately to ensure that any intervention necessary to protect the young person is accessed as early as possible. Please see the school's 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 students, provided they are competent so to do 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 students to discuss issues with their parents or carers. However, the needs of the student are paramount, and the school nurse will not insist that a student's parents or carers are informed about any advice or treatment she gives.

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 she/he 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 legal position for school staff

School staff (including non-teaching and voluntary staff) should not promise confidentiality. Students do not have the right to expect that incidents will not be reported to parents/carers and may not, in the absence of an explicit promise, assume that information conveyed outside that context is private. No member of staff can, or should, give such a promise. The safety, wellbeing and protection of the young person are the paramount consideration in all decisions members of staff at the High School for Girls make about confidentiality.

Members of the school staff are NOT obliged to break confidentiality except where child protection is or may be an issue. At the High School for Girls/High School Sixth Form it is important that members of staff are able to share their concerns about students 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 students' safety and well-being are maintained. In these situations the concern must not be ignored. Members of school staff should discuss such concerns with the DSL.

Seeking consent for sharing information should always come first. Young people aged twelve or over may generally be expected to have sufficient understanding to give informed consent. The sharing of confidential information without consent will normally be justified when there is either evidence or a reasonable cause to believe that the young person is suffering or at the risk of suffering significant harm. It is also justified to ensure there is neither significant harm to the young person nor serious harm to adults by the prevention, detection and prosecution of serious crime.

In any safeguarding interview the person must be told at the outset that any information given may have to be shared with other professionals in order to support them.

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 student that the student could make a disclosure in confidence and whether such a confidence could then be maintained having heard the information. In exercising his/her professional judgement, the teacher, counsellor or health professional must consider the best interests of the young person, including the need to ensure trust, to provide safeguards for students and to be aware of possible child protection issues.

Record keeping

All records involving confidential disclosures are stored in the student's file. If they are of a sensitive nature they are stored in a sealed envelope with a signature over the seal. Any disclosures which may involve child protection issues are stored in a secure filing cabinet in the Headteacher's office.

All staff at the High School for Girls/High School Sixth Form receive regular (every three years) training in Safeguarding and are expected to follow the school's Safeguarding Policy and Procedures.

All new teachers receive basic training in child protection as part of their induction to the High School for Girls/High School Sixth Form and are expected to follow the school's Safeguarding Policy and Procedures.

Counsellors and health professionals

At the High School for Girls/High School Sixth Form students are offered the support of Student Support, Mrs Kittle (main school) and Miss Black (Sixth Form). The school nursing service operates a drop in service for students and Teens in Crisis hold counselling sessions in school. These two services are confidential between the counsellor or health professional and the individual student. No information is shared with school staff, except as defined in the School's Safeguarding Policy. This is essential to maintain the trust needed for these services to meet the needs of students.

Visitors and support staff

At the High School for Girls/High School Sixth Form, we expect all support staff, including volunteers, except those identified in the paragraph above, to report any disclosures by students or parents/carers, of a concerning personal nature to the DSL, as soon as possible after the disclosure and in an appropriate setting, so others cannot overhear. This is to ensure the safety, protection and wellbeing of all students and staff. The DSL will decide what, if any, further action needs to be taken, to ensure that the student gets the help and support she needs and that the member of staff also gets the support and supervision she/he needs.

All visitors are welcome to obtain a copy of this Confidentiality Policy from the DSL (Headteacher) or it can be read on the School's website.

Parents/carers

The High School for Girls/High School Sixth Form believes it is essential to work in partnership with parents and carers, and the school endeavours to keep parents/carers informed of their daughter's/son's progress at school, including any concerns about her progress or behaviour. However, we also need to maintain a balance so that students can share any concerns and ask for help when they need it. Where a student does discuss a difficult personal matter with a member of staff at school, she/he will be encouraged also to discuss the matter with her/his parent or carer herself/himself.

The safety, well-being and protection of students is the paramount consideration in all decisions made by members of staff at the High School for Girls about confidentiality.

Complex cases

Where there are areas of doubt about the sharing of information, the DSL will seek a consultation with the GCC Local Authority Designated Officer, Jane Bee or with Georgina Summers, Assistant Safeguarding Development Officer.

Links to other school policies and procedures

This policy is intended to be used in conjunction with the school's policies for:

- PSHE.
 - Drugs.
 - Sex and Relationships.
 - Child Protection/ Safeguarding.
 - SEND.
 - Behaviour.
 - Anti-bullying.
 - Whistle-blowing.
 - Looked After Children.
 - Missing Pupils from Education.
- and the Information Sharing and Confidentiality Protocols.

When confidentiality should be broken and procedures for doing this

See the Safeguarding Policy. Where this does not apply and a member of staff is still concerned and unsure of whether the information should be passed on or other action taken, he/she should speak to the DSL.

N.B. If the Headteacher issues instructions that she should be kept informed, all members of staff must comply. There is always a good reason for this, of which members of staff may be unaware.

The principles to be followed at the High School for Girls/High School Sixth Form in all cases:

- The time and place must be appropriate. When they are not, the student should be reassured that it is understood that if she/he needs to discuss something very important that it warrants time, space and privacy.
- The student should usually (and always in cases of neglect or abuse) be seen before the end of the school day. More serious concerns must be reported immediately to ensure that any intervention necessary to protect the student is accessed as early as possible.
- The student must be told that confidentiality cannot be guaranteed if it seems she/he might hurt herself/himself, hurt someone else or that she says someone is hurting her or others.
- The student should not be interrogated or asked leading questions.
- The student should not be placed in the position of having to repeat distressing matters to several people.
- The student must be informed first before any confidential information is shared, with the reasons for this.
- The student should be encouraged, whenever possible, to confide in her/his own parents/carers, unless this is a safeguarding matter.

Support for staff

Members of staff may have support needs themselves in dealing with some of the personal issues of students. They must know that they can seek support from the DSL or DDSL. Members of staff should ask for help from the DSL/DDSL rather than possibly making a poor decision because they do not have all the facts, or have the necessary training. Equally they may need support personally. There are many agencies to which students who need additional support can be referred and there are procedures to ensure this happens.

Teaching and support staff should discuss any concerns about students with the relevant Year Co-ordinator/DDSL or DSL and should also feel free to discuss any anxieties or stresses about such cases. Any unresolved issues should be discussed with the DSL.

At times, additional external support (eg counselling) is required for staff and provided, where possible, by the school. If staff require support they should see the Headteacher or the Business Manager.

If further referrals are needed then the Year Co-ordinators, Assistant Head: Student Support, Student Support or the SENCO discuss this with the DSL. Pastoral Support may make referrals for students under their direction but need to inform the Assistant Head: Student Support. **Other members of staff do not make referrals.** Students can also obtain confidential help themselves, eg: school nurse drop ins, Teens in Crisis, GP, Childline, etc.

Statement of ground rules to be used in lessons

At the High School for Girls/High School Sixth Form ground rules for lessons help to ensure a safe environment for teaching, in particular in PSHE. This reduces anxiety for students and members of staff and minimises unconsidered, unintended personal disclosures. At the beginning of some PSHE lessons, students need to be advised about ground rules by the teacher or outside visitor.

Code of Conduct

This is an example of possible ground rules for a Key Stage 3/4 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 students, 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.

Implementation and dissemination

This policy will be available to all teaching and support staff, including volunteers, through the school intranet. It will be also be placed on the school web site. All new staff, including volunteers, receive a copy of the policy, together with basic training on the school's Safeguarding Policy and procedures from the DSL or Deputy DSL.

Review

This policy is reviewed every 3 years, or whenever deemed necessary by the Headteacher and Governors in the light of events and changes in the law.

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, students and parents.

Freedom of Information Act 2000: Amends the Data Protection Act. This 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. School’s 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.

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.