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<p>This policy and procedures should be read in conjunction with other related school policies, including:</p> <ul style="list-style-type: none"> • Child protection policy • Data protection policy • Well-being and Behaviour policy • Anti-bullying policy • Dealing with sexuality and personal relationships policy • Risk assessment policy • Smoking, alcohol and drug prevention policy • Working with parents and carers policy 	



Securing the future of deaf children and young people

Date ratified by Governors:

Signed:

Mary Hare Schools Confidentiality policy

Aim

1. Mary Hare School seeks to respect the privacy and confidentiality of children and young people while ensuring that best practice is followed in child protection and safeguarding. Pupils at Mary Hare are encouraged to develop their own knowledge and understanding of their rights in relation to confidentiality.

Policy Statement

2. The safety and wellbeing of all pupils in the school are paramount in any decisions that staff make regarding confidentiality. The appropriate sharing of relevant information is essential in ensuring this wellbeing and safety.
3. 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 and staff are supported and safe.
4. This principle applies to all members of the school community: teachers, care staff, support staff, pupils and their parents and external visitors involved in delivery of service to our pupils. Pupils will be informed when and why a confidence has been broken, and will be encouraged to do this for themselves where possible
5. 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 sex and relationships.
6. The school is aware that issues of confidentiality can arise at any time, and has clear guidelines for staff to make the parameters of confidentiality clear to pupils and clear procedures in its Child Protection policies to be followed in cases of a disclosure.
7. **No one can offer absolute confidentiality.** It may be necessary to say that information may be shared with others who need to know it in the pursuit of the best interest of the individual. In relation to any safeguarding concerns, confidentiality cannot be guaranteed.
8. The school makes every effort to secure the pupil's agreement to the way in which it intends to use sensitive information, unless to withhold it would contravene any of the above, see [Appendix 1](#).

Definition

9. Confidential, in this policy, is understood as "something which is spoken, written or given in confidence, with the intention to be kept private, or as a secret."

Varying circumstances of confidentiality

In the classroom.

10. During a lesson conducted by a member of the 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 principles for confidentiality below](#))

One to one disclosures to members of school staff (*including voluntary staff*).

11. All staff need to know the boundaries of confidentiality and further procedures upon any disclosure. They 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 if it is considered to be in the child's best interests.

The Child Protection Policy and **Designated Safeguarding Lead (DSL)** can provide further detail on this.

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

12. Health professionals such as the 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 nurses will not insist that a pupil's parents or carers are 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.

Mary Hare's principles for confidentiality

13. We recognise that there are occasions when pupils are worried about something and feel that they cannot talk about it to their parents/carers. This can result in enormous stress for the individual which impacts on their education and health. Some pupils 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:

- Ensure the time and place are appropriate; when they are not, we reassure the young person that we understand they need to discuss something very important and that it warrants time, space and privacy.
- See the pupil, normally before the end of the same day. More serious concerns (cases of neglect, or abuse) must be reported immediately to ensure that any intervention necessary to protect the child is accessed as early as possible.
- You must be clear to pupils that you cannot offer unconditional confidentiality when a pupil first begins to talk about something where confidentiality may become an issue.
- Tell the young person 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 young person or ask leading questions.
- Where possible avoid putting a pupil in the position of having to repeat distressing matters to several people within Mary Hare.
- School staff cannot offer confidentiality to pupils on issues that involve significant illegal activities e.g. drug trafficking, assault, arson. If the conversation begins to touch on this kind of topic, the pupil must be warned that confidentiality cannot be guaranteed.
- In all cases where you feel that you have to break confidentiality with the young person, you must inform the pupil and reassure them that their best interests will be maintained.
- In talking with pupils, you need to encourage them to talk to their parents/carers about the issue that may be troubling them and support in doing this should be offered where appropriate.
- Pupils should be made aware of the specialist confidential services that may be available in the school community e.g. school health nurse, doctor.

14. As an example, you may wish to start your conversation with the following:

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

The legal position for school staff

15. 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 the school's staff can or should give such a promise.
16. The safety, well-being and protection of the child is the paramount consideration in all decisions staff at this school make about confidentiality.
17. 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 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 DSL.

Teachers, TAs and Care Staff

18. Professional judgement is required by teachers, TAs and care staff, in considering the best interests of the pupil, including the need to ensure trust to provide safeguards for the young person and possible child protection or well-being (including mental health) issues.
All staff at Mary Hare receive universal training in child protection as part of their induction to the school and are expected to follow the school's child protection policy and procedures.

Counsellors and Health Professionals

19. Mary Hare offers the support of a school counsellor with appointments accessed through the Wellbeing Co-ordinator, and the school medical department operate drop-in service for pupils and an appointment system to access the school's associated Doctor. These services are confidential between the counsellor or health professional and the individual pupil. If they have any concerns they would follow their safeguarding policy, then contact the DSL or Wellbeing Co-ordinator if they felt it necessary to share with the school, alternatively they may contact parents directly. No information is shared with school staff except as defined in the school's child protection policy. This is essential to maintain the trust needed for these services to meet the needs of the pupil.
20. Our in-house counselling service is provided by 'Time to Talk' a Newbury based counselling service. They have their own confidentiality form that the students are shown right at the start of their sessions. This says:
"Time to Talk operates a policy of client confidentiality. This means information about you, and what you say and do in your counselling sessions, will not be disclosed to another person, or organisation outside of Time to Talk, for example your school. However, there are two important exceptions to this policy:

1. Under the Children Act 1989, Time to Talk has a legal obligation to report to your school if you are at risk of:

- Harm from another person
- Serious self-harm
- Harming another person

This can be physical, sexual or mental harm.

2. Time to Talk has an obligation to disclose to a third party, if you know of or are involved in serious illegal activities, particularly to do with terrorism."

21. The counsellor has direct lines to the DSL and the Wellbeing Co-ordinator to report any concerns.

Visitors and non-teaching staff

22. We expect all non-teaching staff, including voluntary staff, except those identified in the paragraph above, to report any disclosures by young learners or parents/carers, of a concerning personal nature to the **Designated Safeguarding Lead, or Deputy** 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 they need. Please see *Visitors policy*.

Parents/carers

23. 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 pupils can share any concerns and ask for help when they need it. Where a pupil does discuss a difficult personal matter with staff 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.

Support for staff

24. Staff may have support needs themselves in dealing with some of the personal issues of our pupils. We prefer staff to ask for help rather than possibly making a poor decision or taking worries about young people home because they don't have all the facts or the necessary training. Staff are encouraged to talk through caseloads and individuals with their line management, the Wellbeing department or safeguarding team.

25. We all work together as part of a team to support our pupils and asking for help is a way we ensure that our school is a happy, caring and safe learning environment.

26. If staff are involved in a significant event or disclosure, or feel the need for additional support, we are able to offer a variety of options through the Human Resources Department.

Appendix 1

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.

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.

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. Mary Hare has a policy to clarify this to staff, pupils and parents. This includes provision for the regulation of the processing of information relating to individuals, including the obtaining, holding, use or disclosure of such information. [See Data Protection Policy.](#)

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. 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 Safeguarding Lead must follow the principles set out in the Data Protection Act when processing personal information or requesting information from other agencies. The Data Protection principles¹ state that personal information must be:

Necessary and proportionate: When taking decisions about what information to share, you should consider how much information you need to release.

¹ DfE, (2015). *Information sharing; Advice for practitioners providing safeguarding services to children, young people, parents and carers.* [pdf] London, p.8-9. Available at <https://www.gov.uk/government/publications/safeguarding-practitioners-information-sharing-advice> [accessed on 28 Nov. 2017].

Relevant: Only information that is relevant to the purposes should be shared with those who need it.

Adequate: Information should be adequate for its purpose. Information should be of the right quality to ensure that it can be understood and relied upon.

Accurate: Information should be accurate and up to date and should clearly distinguish between fact and opinion. If the information is historical then this should be explained.

Timely: Information should be shared in a timely fashion to reduce the risk of harm. Timeliness is key in emergency situations and it may not be appropriate to seek consent for information sharing if it could cause delays and therefore harm to a child. Practitioners should ensure that sufficient information is shared, as well as consider the urgency with which to share it.

Secure: Wherever possible, information should be shared in an appropriate, secure way. Practitioners must always follow their organisation's policy on security for handling personal information.

Record: Information sharing decisions should be recorded whether or not the decision is taken to share. If the decision is to share, reasons should be cited including what information has been shared and with whom, in line with organisational procedures. If the decision is not to share, it is good practice to record the reasons for this decision and discuss them with the requester. In line with each organisation's own retention policy, the information should not be kept any longer than is necessary. In some circumstances this may be indefinitely, but if this is the case there should be a review process.