

# Haven High Technology College

## Confidentiality policy

### **Introduction:**

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

The Data Protection, Freedom of Information and Human Rights Acts all need to be taken into consideration (see below).

This document is intended to help Haven High Technology College develop its policy and practice in confidentiality (with particular reference to giving support and advice to children and young people on issues relating to sex and relationships).

It is important that all schools have an established procedure for dealing with confidentiality, which is understood by students, staff, parents, carers and visitors rather than develop ad hoc arrangements in response to a crisis. The procedures need to be consistent and protect the interests of both students and staff. Having a policy will help to ensure there is a shared understanding of how confidentiality operates in your school community. A consistent, shared ethos and practice will help students, staff, parents, carers and visitors deal with and know where they stand with confidential issues and will help you to deal with disclosure of information and establish ways of working (for example in PSHE) which respect privacy and avoid unnecessary personal disclosure.

This document does not suggest that all members of the college community should offer the same levels of confidentiality. Steps need to be taken to ensure that confidential disclosures are made to the appropriate person at the appropriate time. In order to ensure this, all members of the college community need to be aware of the limits of confidentiality available in different circumstances and by different individuals. As part of a whole college policy on confidentiality we have considered other aspects of college life where confidentiality may be pertinent, such as handling student data.

Consideration should also be given to the professional support and supervision that teaching and non-teaching staff, including volunteers, such as mentors, need to ensure the protection, health, safety and well being of both the students and staff and practical considerations which require college staff to share information in the best interests of individual students and all students collectively.

**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. Colleges need to be clear, when collecting personal data, what purposes it will be used for and colleges should have policies to clarify this to staff, students 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.

*Parents can request information held about their child. A charge will be made to cover the cost of photocopying.*

Member of staff responsible: **ECR**

Date of next review: **2010**

**At Haven High we believe that:**

- The safety, well being and protection of our students are the paramount consideration in all decisions staff at this college make about confidentiality. The appropriate sharing of information between college staff is an essential element in ensuring our students well-being and safety.
- It is an essential part of the ethos of our college that trust is established to enable students, staff, and parents/carers to seek help both within and outside the college and minimise the number of situations when personal information is shared to ensure students, staff are supported and safe
- Students, 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 college's attitude to confidentiality is open and easily understood and everyone should be able to trust the boundaries of confidentiality operating within the college.
- Issues concerning personal information including sex and relationships and other personal matters can arise at any time.
- Everyone in the college community needs to know that no one can offer absolute confidentiality.

- Everyone in the college community needs to know the limits of confidentiality that can be offered by individuals within the college 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 in Haven High Technology College. We have tried to strike a balance between ensuring the safety, well being and protection of our students and staff, ensuring there is an ethos of trust where students 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 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 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 groundrules 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. (See setting groundrules and working agreements). When a health professional is contributing to a college 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 college staff (including voluntary staff).**

It is essential all members of staff know the limits of the confidentiality they can offer to both students and parents/carers (see note below) and 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 college and from other agencies, where appropriate. All staff at this college encourage students to discuss difficult issues with their parents or carers, and vice versa. However, the needs of the student are paramount and college staff will not automatically share information about the student with his/her parents/carers unless it is considered to be in the child's best interests.

(Note: That is, that 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 Child Protection Co-ordinator Mrs Carr 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 college Child Protection Policy.)

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

Health professionals such as school nurses can give confidential medical advice to students 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 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 they give.

## **Other areas of confidentiality in college:**

### **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 Government Guidance, "Working Together to Safeguard Children" is currently being revised following the Bichard report and will be published at a later date.

### **The legal position for college staff:**

College 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 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 college'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 college make about confidentiality.

College staff are NOT obliged to break confidentiality except where child protection is or may be an issue, however, at Haven High we believe it is important 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 is maintained. College staff should discuss such concerns with their line manager.

### **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 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 college receive basic training in child protection as part of their induction to this college and are expected to follow the colleges' child protection policy and procedures.

**Counsellors and Health Professionals:** At Haven High we offer students the support of a student and family counsellor and the school nursing service operate drop in service for students. These services are confidential between the counsellor or health professional and the individual student. No information is shared with college staff except as defined in the college's child protection policy, and guidance from the \* Child Protection Committee and Child Protection law. This is essential to maintain the trust needed for these services to meet the needs of our students.

**Visitors and non-teaching staff:**

At Haven High we expect all non teaching staff, including voluntary staff, except those identified in the paragraph above, to report any disclosures by students or parents/carers, of a concerning personal nature to the designated child protection co-ordinator 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 students and staff. The designated child protection co-ordinator will decide what, if any, further action needs to be taken, both to ensure the student gets the help and support they need and that the member of staff also gets the support and supervision they need.

**Parents/carers:**

Haven High 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 college, 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 staff at Haven High, they will be encouraged to also discuss the matter with their parent or carer themselves.

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

**Complex cases:**

Where there are areas of doubt about the sharing of information, seek a consultation with your LA's Child Protection Co-ordinator.

**Links to other college policies and procedures:**

**This policy is intended to be used in conjunction with the college's**

PSHE

Drugs

Sex and Relationship

Child Protection

Bullying

Behaviour

**Statement of ground rules to be used in lessons**

*This is used/adapted by the Social Studies faculty during PSHE/RE/Citizenship lessons where appropriate in particular, but should be considered by other areas during lessons where students might disclose information about themselves.*

We adopt groundrules to ensure a safe environment for teaching in particular in PSHE and RE. This reduces anxiety to students and staff and minimises unconsidered, unintended personal disclosures.

At the beginning of each PSHE/RE lesson, students are reminded of the groundrules by the teacher or outside visitor.

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
- 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 do find out things about other students, 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

Updated May 2009