

# Palace Wood Primary School

## Confidentiality Policy



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This policy has been impact assessed by Clare Cairns in order to ensure that it does not have an adverse effect on race, gender or disability equality

## **Aim**

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

## **Rationale**

- ☐ The safety, well-being 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 well-being 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 and 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 sex and relationships.
- ☐ 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 sex and relationships 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, sex and relationship or other personal issue they want to discuss.
- ☐ This policy has been written in consultation with a wide range of stakeholders and has been disseminated to staff, pupils and parents and partner agencies.
- ☐ The policy forms part of the induction of all new staff, including voluntary staff and is reviewed every 3 years.

## **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 Palace Wood Primary School. We have tried to strike a balance between ensuring the safety, well-being and protection of

our pupils and staff, 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 are 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 at the beginning of the conversation that there are limits to confidentiality. These limits relate to ensuring children's' safety and well-being. 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. All children have a right to the same level of confidentiality irrespective of gender, race, religion, medical concerns and special educational needs.**

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 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 setting ground rules 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. However, it is important that pupils know who they can talk to. Posters are up around the school to show the children who the Designated Safeguarding Leads (DSLs) are as well as information for Childline.

**2. 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 (see note below) 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. 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: That is 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 Lead 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 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 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 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 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. Any concerns would be reported following the Safeguarding policy guidelines.

***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 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, well-being and protection of the child is the paramount consideration in all decisions staff at this school make about confidentiality.

### **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 school safeguarding training as part of their induction and then annually and are expected to follow the school's safeguarding policy and procedures.

**Counsellors and Health Professionals:** At Palace Wood Primary School we offer pupils the support of a counsellor from an external agency as well as pastoral support. 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 safeguarding policy. This is essential to maintain the trust needed for these services to meet the needs of our pupils.

### **Visitors and non-teaching staff:**

At Palace Wood Primary School, we expect all non-teaching staff, including volunteers to report any disclosures by pupils or parents/carers, of a concerning personal nature to the Designated Safeguarding Lead (DSL) immediately 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 Designated Safeguarding Lead (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:**

Palace Wood Primary 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 with staff at school, 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.

#### **Complex cases:**

Where there are areas of doubt about the sharing of information, seek a consultation with your Local Area Education Officer.

#### **Links to other school policies:**

This policy is intended to be used in conjunction with our:

- ☐ Personal, Social, Health Education (PSHE)
- ☐ Drugs
- ☐ Relationship and sex education
- ☐ Safeguarding
- ☐ Anti-Bullying
- ☐ Behaviour
- ☐ Whistle-Blowing
- ☐ Looked After Children

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

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

At the beginning of each PSHE lesson and Circle time, pupils are reminded of the ground rules 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 PSHE and Circle time.

- ☐ We won't ask each other or the teacher any personal questions
- ☐ We will respect each other and not laugh at, 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 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 Safeguarding 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 DSL.

**If the Headteacher and other DSLs issue instructions that s/he 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 Palace Wood Primary 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.
- ☐ 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
  - ☐ or we are concerned for their safety and wellbeing
- ☐ We will 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 Palace Wood Primary 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. We all work together as part of a team to support our pupils and asking for help is a way in which we ensure this is achieved.

**Onward referral:**

Designated Safeguarding leads are responsible for referring pupils for pastoral support and to outside agencies from the school. Please do not make referrals yourself unless you believe a child protection referral to the police or social services is necessary and the designated person does not agree. ('What to do if you're worried a child is being abused', Department for Education DfES, 2015 and Keeping Children Safe in Education 2019). The exception to this is if you suspect FGM or have any concerns following the Prevent area of safeguarding. These should be reported to the police yourself.

**Conclusion**

Copley and New Road Federation has a duty of care and responsibility towards pupils, parents/carers and staff. It also needs to work with a range of outside agencies and share information on a professional basis. The care and safety of the individual is the key issue behind this document.

**Dissemination and implementation:**

This policy has been distributed to all teaching and non-teaching staff, including volunteers, at the school as part of a whole school training day, where all staff received training on the content and practical applications of the policy.

All new staff, including volunteers, receive a copy of the policy, together with safeguarding training, including Prevent and Online Safety. Whole School safeguarding training occurs annually and safeguarding reminders are given in weekly briefings.