



# **Lincoln Christ's Hospital School**

## **Confidentiality Policy**

**SLT Link member of staff:** Claire Owens

**Date presented to Governors:** May 2016

**Review Date:** May 2018

## **1.0 INTRODUCTION AND CONTEXT**

- 1.1 This policy has been prepared using a model template provided by the LEA Healthy Schools team. It takes into account the Human Rights Act 1998, the Data Protection Act 1998 and the Freedom of Information Act 2000. Having been drafted it was then put out to consultation via our school Website/ICT system for Parents and all other Stakeholders, via our School Council for our students and via the relevant Governors' Committee(s) for the school Governors.
- 1.2 This school recognises its legal duty under section 175 Education Act 2002 to work with other agencies in safeguarding children and protecting them from “*significant harm*”.
- 1.3 This school recognises that a clear confidentiality policy will support the school in meeting the Every Child Matters outcomes of “be healthy” and “stay safe”.
- 1.4 The staff seek to adopt an open and accepting attitude towards children and young people as part of their general responsibility for pastoral care.
- 1.5 Staff hope that parents and children will feel free to talk about any concerns or worries which may affect educational progress and that they will see the school as a safe place if there are any difficulties at home.
- 1.6 This school recognises the following benefits of working to a confidentiality policy:
- It highlights the importance of pupils being able to talk to adults in the school to share their problems in a safe and supportive environment.
  - It safeguards the well-being of those involved in the disclosure of confidential information.
  - It builds trust between pupils and staff.
  - It empowers each pupil to exercise control over the choices that will affect their life.
  - It prevents the need to deal with each disclosure as a crisis in isolation. (See guidance on school specific information 1 – Appendix 1)

## **2.0 A DEFINITION OF CONFIDENTIALITY**

- 2.1 Confidentiality is an understanding that any information shared with someone in trust can only be passed on to a third party with the agreement of the person disclosing it.

***Please note, in this policy, a ‘disclosure’ is the sharing of any private/personal information.***

***It is a general term and does not just relate to child protection issues.***

## **3.0 THE LIMITS OF CONFIDENTIALITY**

- 3.1 Staff, pupils, parents/carers will be informed about the limits of confidentiality in this school. N.b some issues must be shared with other people/agencies e.g. child protection.
- 3.2 Pupils will be advised (wherever possible prior to a disclosure) what kinds of disclosure will require information to be shared, what will be done with the information and who else will have access to it.
- 3.3 Members of staff will be made aware of who (if anyone) to inform in the event of different types of disclosures of a personal nature. In normal circumstances this will be their line manager. The line manager for all pastoral issues is the relevant Progress Leader, if this is not appropriate the

Pastoral Assistant Head teacher: Designated Safeguarding Officer, Deputy Safeguarding Officer, Head teacher or Chairman of Governors.

- 3.4 This school recognises that confidential discussions need to take place in a confidential environment. Public places such as the staffroom, the classroom and the playground are not, in general, confidential environments.
- 3.5 This school will provide opportunities for its pupils to access confidential support on school premises by allowing them confidential access to their form tutor/HProgress Leader/Pastoral Manager/Teaching Assistant/Mentor/other appropriate adult who is a member of the school staff or other workers from agencies that the school works with e.g. School Nursing Service.
- 3.6 Parents/carers and pupils have the right to view educational records upon written request. It is therefore not possible to guarantee the confidentiality of recorded information (see – Recording of information in Supporting Information).
- 3.7 **Staff are required to pass on confidential information in the following circumstances:**
- where there is risk of serious harm or threat to life
  - where a pupil needs urgent medical treatment
  - where potential or actual serious crime (e.g. murder, rape) is involved
  - where safeguarding national security is involved e.g. terrorism
  - On all matters relating to child protection, please refer to the School Child Protection Policy.

### 3.8 **Responsibilities to parents/carers**

- Members of staff are not legally obliged to inform parents/carers in many instances when personal information has been disclosed. However, pupils do not have the right to expect that incidents will not be reported to their parents/carers and may not in the absence of any explicit promise; assume that information conveyed outside that context is private. No member of staff can or should give that promise. The safety, well-being and protection of the student are the paramount considerations in all decisions staff at this school make about confidentiality. We also believe that it is important for staff to share their concerns about pupils with colleagues both in school and in agencies with whom we work in a professional and supportive way, on a 'need to know' basis. School staff should discuss any concerns they may have with their line manager. (See Guidance on school specific information 3 – Appendix 1).
- Where it is believed that the pupil may be at emotional or physical risk or in breach of the law, staff will ensure that the pupil is aware of the risks they face.
- Staff will encourage the pupil to inform and seek support from their parents/carers.
- In most cases information provided by a pupil will only be passed to their parents/carers with the pupil's consent.
- When the school chooses to inform parents/carers it will only be done if it is in the best interests of the child.

### 3.9 **Illegal activity**

- Members of staff are not obliged to inform the police on most matters relating to illegal activity e.g. illegal drugs activity, unless these relate to activities that have taken place either on school

premises or during an approved educational activity which has taken place away from the school premises.

- In the case of illegal activity not relating to school, the school will discuss the possible consequences with the pupil and seek the course of action with the most positive outcomes for the pupil. This may involve the reporting of the disclosure to the Police or other relevant agencies.

#### **4.0 STAFF ROLES AND RESPONSIBILITIES**

- 4.1 All staff (teaching and non-teaching staff) will be made aware of the confidentiality policy and their entitlement to training and support in its implementation.
- 4.2 All staff are under a contractual obligation to uphold the policy as with all other school policies. Failure to comply with this policy will result in disciplinary procedures being followed.
- 4.3 This policy will form part of the staff handbook. This is situated on the School's T drive on the IT network. This handbook is highlighted to all staff during the induction programme.
- 4.4 Staff can seek advice and support for themselves when dealing with a disclosure whilst keeping the individual's identity anonymous; if appropriate (refer to 3.7). The school will maintain an up-to-date list of appropriate contacts for staff so that they can seek support. This will include the following members of staff at this school.

The Head teacher: Martin Mckeown

The Assistant Head teacher and Designated Safeguarding Officer: Claire Owens

The Deputy Safeguarding Officer: Wayne Murray

All Progress Leaders

All Pastoral Managers

and includes the following external agencies and LEA support (details available from Claire Owens).

#### **5.0 WORKING WITH EXTERNAL AGENCIES**

- 5.1 Anyone working with pupils from the school particularly on sensitive areas of the curriculum needs to be made aware of the school's confidentiality policy.
- 5.2 School staff and staff from external agencies will establish at the beginning of lessons dealing with potentially sensitive topics that it is inappropriate to disclose personal information during the lesson. Ground rules need to be agreed which ensure individuals do not pressure one another to answer questions about their own experiences. (See Appendix 1)
- 5.3 Staff will outline the sources of support available to any pupil who may wish to discuss the topics and/or their feelings further on a one-to-one basis. Staff are requested to seek the help of the school staff as outlined above to help them to provide the information that is being sought.
- 5.4 This school acknowledges and supports the differences between the role of any non-school staff as educators, and as providers of information and support to pupils. The boundaries between these roles will be clarified and agreed prior to involvement. Any distinctions in terms of confidentiality need to be made clear to pupils.
- 5.5 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 Health professionals used when giving medical advice to under 16s.) and also the DoH guidance (July 2004) When

giving advice the needs of the student are paramount and the school nurse will not insist that a student's parents/carers are informed about any advice or treatment they give. The Guidance makes clear that health professionals must take time to consider the student's disclosure carefully mindful that in cases of sexual activity or drug abuse there may be coercion or abuse. Cases of grave concern will be referred to child protection procedures. It is important to note that the younger the student, the greater the concern that they may be being abused or exploited.

## **6.0 RECORDING INFORMATION** (See Supporting Information)

6.1 The school acknowledges that:

- pupils and their parents/carers have a right to gain access to *processed* information upon written request.
- agencies such as the Police and Social Services Dept. may be able to get a court order to gain access to *processed* information which the school deems confidential. This can also include the Local Authority's legal department and insurers, as well as other solicitors e.g. in custody cases.

6.2 Any information recorded about a pupil will be written in a way that assumes it will be read by either the subject or their parents/carers.

6.3 In order to comply with the Lord Chancellor's Code of Practice on the Management of Records (issued under section 46 of the Freedom of Information Act 2000), any *processed* information will be stored in accordance with the Schools Record Management Systems.

## **7.0 MONITORING AND EVALUATION**

7.1 The policy will be reviewed regularly as per the review schedule. If the law alters in the meantime the policy will be amended to reflect any such changes. This is to ensure that the policy and procedures work appropriately.

7.2 Pupils will be consulted during the regular review process via the School Council.

## **8.0 COMMUNICATING THE POLICY**

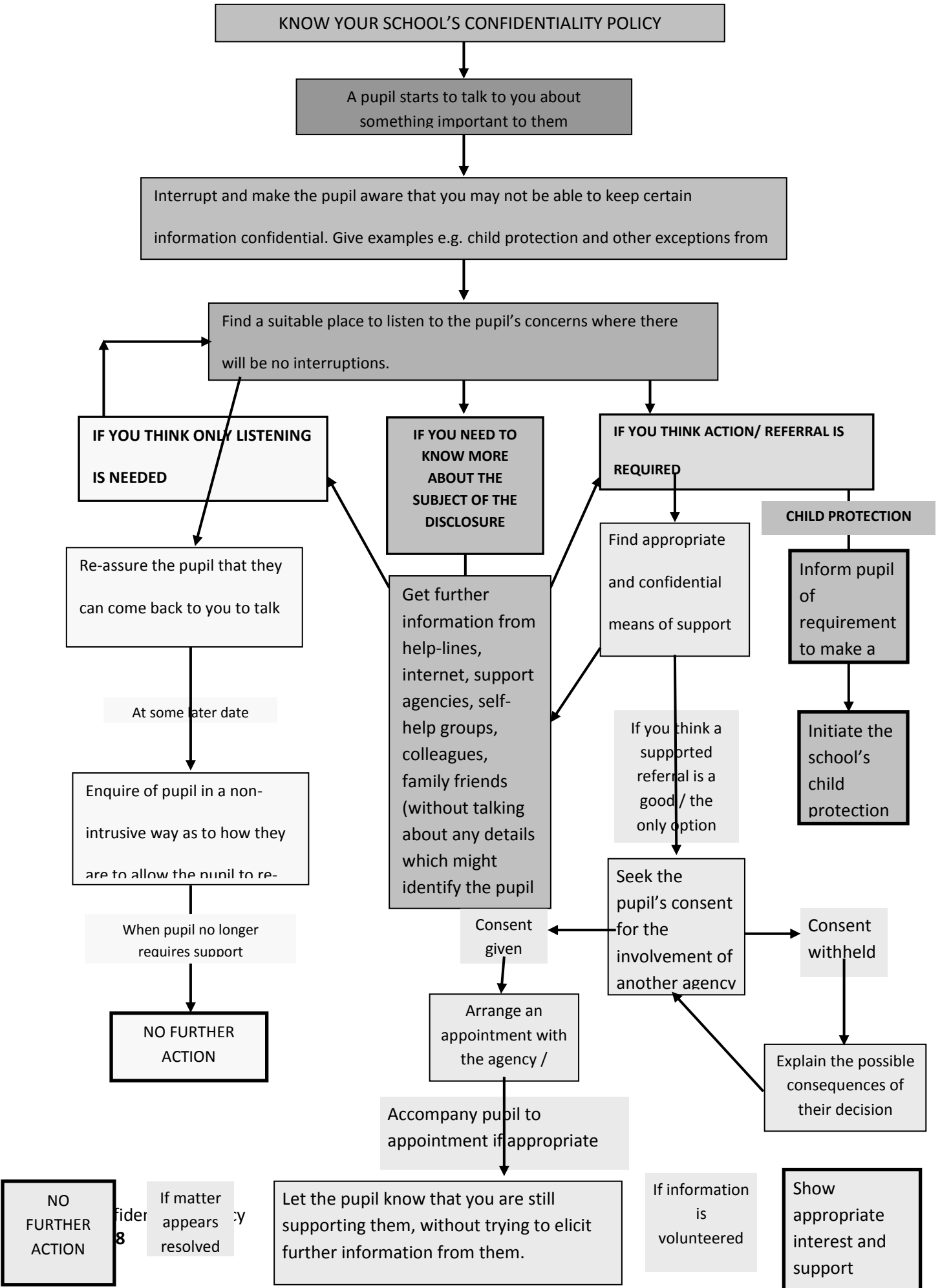
8.1 The policy will be communicated to all school staff, governors, parents/carers, students' partner agencies and relevant visitors via the School Website. Paper copies will be available on written request from the School reception office.

8.2 The policy will be included in the staff handbook.

8.3 The policy will be listed on the school's publication scheme (Freedom of Information Act 2000).

8.4 The flow chart for how to deal with confidential disclosures will be displayed on appropriate staff room notice board(s).

8.5 **FLOWCHART TO SHOW THE PROCESS FOR HANDLING A DISCLOSURE OF CONFIDENTIAL INFORMATION**



## GUIDANCE ON SCHOOL SPECIFIC INFORMATION

### 1. Examples of where a confidentiality policy might be of use:

- a pupil knows someone who is bullying others at the school but is unsure about whether or not to tell
- a pupil starts sharing something very personal in a classroom situation
- a school uses staff or peers as a support system for pupils e.g. listening, befriending
- a pupil tells a member of staff that they are pregnant or sexually active
- a pupil informs a lunchtime supervisor that their Dad is hitting their Mum
- a pupil talks to a member of staff about their knowledge of a crime e.g. shoplifting, assault

### 2. **Exceptions to confidentiality**

Likely exceptions requiring consideration by the school might include:-

- where there is risk of serious harm or threat to life
- where a pupil needs urgent medical treatment
- where potential or actual serious crime (e.g. murder, rape) is involved
- where safeguarding national security is involved e.g. terrorism
- child protection

This must be consistent with other policies e.g. managing drug related incidents.

### 3. **Age-related considerations**

Confidentiality issues need to take into consideration the differing abilities of pupils to understand the consequences of their choices. This understanding depends on the level of maturity of each individual, but there may be some correlation to their age.

The judge in the Victoria Gillick case gave the following general advice:-

*"It is suggested that a child or young person's ability to make decisions about his/her life depends on him/her having "sufficient understanding and intelligence to be capable of making up his/her own mind".*

Before sharing any disclosed information with parents/carers, schools need to either obtain the consent of the pupil or consider the possible consequences of sharing the information, taking into account knowledge of family circumstances. This will need to be done on a case by case basis.

Each school will need to consider issues relating to confidentiality and the age/maturity of their pupils.

**4. Statement of Ground Rules to be used in lessons. See also PSHE Policy/ Sex & Relationships Policy and Drug Education.**

We adopt ground rules to ensure a safe environment for teaching in certain Citizenship/PSHE lessons. This is important to reduce the anxiety of the students and staff and to minimise unconsidered, unintended personal disclosures. Ground rules will also be set by any external visitor who may be delivering a PSHE lesson. Below is an example of the types of rules that may be established:

- a. We will not ask each other or the teacher/visitor any personal questions.
- b. We will respect each other and will not laugh, tease or comment inappropriately.
- c. We will not say things that we want to keep confidential.
- d. We can pass or opt out if we feel uncomfortable.
- e. We will not talk about what people say outside the lesson.
- f. If I am concerned about my or someone else's safety as a result of the lesson I know that I can tell the teacher.