



CONFIDENTIALITY POLICY

THIS DOCUMENT IS a statement of the principles for the Confidentiality Policy at Vivid Mind Schools.

- **IT WAS DEVELOPED during April 2020.**
- **IT WAS APPROVED by the Full Governing Body in April 2020.**
- **THIS POLICY WILL BE REVIEWED in September 2020 and annually thereafter.**

Objectives:

The safety, well-being and protection of our pupils are the paramount considerations 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/guardians 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/guardians and staff need to know the boundaries of confidentiality in order to feel safe and comfortable 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.

Confidentiality is a whole school issue and ground rules are set in lessons for the protection of all.

We recognise that health professionals are bound by a different code of conduct.

Involvement of the staff, pupils, parents and the wider community in developing this confidentiality policy

A working group consisting of representatives of staff, pupils, parents, guardians and governors established the draft of this policy. A wide consultation has taken place with the whole school community, including our partner agencies, and their feedback taken on board. The final policy was agreed by the Senior Leadership Team and the

school's Governing body, and has been widely disseminated to staff, pupils, parents and guardians and partner agencies.

It forms part of the induction of all new staff, including volunteers, and is reviewed every 2 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 at our 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 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 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.

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.

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

It is essential all members of staff know the limits of the confidentiality they can offer to both pupils and parents/guardians (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 guardians, 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/guardians unless it is considered to be in the child's best interests.

Note: 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 (Headteacher) 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's Child Protection 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 guardians. However, the needs of the pupil are paramount and the school nurse will not insist that a pupil's parents or guardians are informed about any advice or treatment they give.

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. Latest Government Guidance is "Keeping Children Safe in Education", September 2016.

Note: *It is the view of the 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/guardians 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.

School staff are NOT obliged to break confidentiality except where child protection is or may be an issue. However, at our school 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 are maintained. School staff should discuss such concerns with their line manager or the DCPC.

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 staff at this school receive training in child protection as part of their induction to this school and are expected to follow the school's Child Protection Policy and Procedures.

Counsellors and Health Professionals:

At Vivid Minds Schools we can offer pupils the support of a counsellor or the school nursing service when appropriate. 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 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 pupils.

Volunteers, Governors and Non-Teaching Staff:

At Chalfont St Giles Village School, we require all non-teaching staff, governors and volunteers, except those identified in the paragraph above, to act immediately to report any disclosures by pupils or parents/guardians of a concerning personal nature to the Designated Safeguarding Lead, following the Child Protection Policy procedures. This should be undertaken 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 Designated Safeguarding Lead will decide what further action, if any, needs to be taken, both to ensure the pupil gets the help and support they need and that the member of staff, governor or volunteer also gets the support and supervision they need.

Parents/guardians:

The school prides itself on good communication with parents and guardians and staff are always available to talk to both children and parent/guardians about issues that are causing concern. We believe that it is essential to work in partnership with parents and guardians and we endeavour to keep parents/guardians informed 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 are paramount considerations in all decisions about confidentiality made by staff at this school.

Complex cases:

Where there are areas of doubt about the sharing of information, seek a consultation with the School Proprietress.

Statement of ground rules to be used in lessons

(This should also be contained in any policies relating to the teaching of PSHE, including sex and relationship education and drug education)

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.

When confidentiality should be broken and procedures for doing this:

See the Child Protection Policy. See below Onward Referral below, regarding sharing of information.

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 Elen Peal, Headteacher and Designated Safeguarding Lead.

If the Headteacher issues 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 this 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. See the child normally (and always in cases of neglect, or abuse) before the end of the

school day. More serious concerns must be reported immediately to ensure that any intervention necessary to protect the child is accessed as early as possible.

- 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 Not interrogate the child or ask leading questions.
- 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/guardians.

Support for staff

Staff may have support needs themselves in dealing with some of the personal issues of our pupils. At our 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. There are many agencies to which we can refer pupils who need additional support and we have procedures to ensure this happens. We all work together as part of a team to support our pupils and asking for help is a way we ensure our school is a happy and safe learning environment.

Onward referral:

“Keeping Children Safe in Education” 2018 states that:

“If staff have any concerns about a child’s welfare, they should act on them immediately. See page 13 for a flow chart setting out the process for staff when they have concerns about a child.

If staff have a concern, they should follow their own organisation’s child protection policy and speak to the designated safeguarding lead (or deputy).

Staff should not assume a colleague or another professional will take action and share information that might be critical in keeping children safe. They should be mindful that early information sharing is vital for effective identification, assessment and allocation of appropriate service provision. ‘Information Sharing: Advice for Practitioners Providing Safeguarding Services to Children, Young People, Parents and Guardians’ supports staff who have to make decisions about sharing information. This advice includes the seven golden rules for sharing information and considerations with regard to the Data Protection Act 2018 and General Data Protection Regulation (GDPR). If in any doubt about sharing information, staff should speak to the designated safeguarding lead or a deputy. Fears about sharing information must not be allowed to stand in the way of the need to promote the welfare, and protect the safety, of children.”

Dissemination and implementation:

This policy is distributed to all teaching and non-teaching staff at the school as part of a whole school training day, where all staff receive training on the content and practical applications of the policy.

All new staff receive a copy of the policy, together with training on the school's Child Protection Policy and Procedures from the Designated Safeguarding Lead.

Volunteers attend a briefing session given by Mrs Peal which includes guidance on confidentiality and are given a copy of the school's Safeguarding Advice and Parental Support in School Leaflet, which includes advice issued by Bucks County Council.

Review:

This policy is reviewed every 2 years or whenever deemed necessary by the Headteacher and Governors in the light of events and changes in the law.