POLICY FOR CONFIDENTIALITY

Rationale

At Chellaston Academy we believe that:

- the safety, well-being and protection of our students 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 students’ well-being and safety.

- it is an essential part of the ethos of our Academy that trust is established to enable students, staff and parents/carers to seek help both within and outside the Academy in order to minimise the number of situations when personal information is shared to ensure students and staff are supported and safe.

- students, parents/carers and staff need to know the boundaries of confidentiality in order to feel safe and comfortable discussing personal issues and concerns, including relationships.

- the Academy’s attitude to confidentiality is easily understood and everyone should be able to trust the boundaries of confidentiality operating within the Academy.

- issues concerning personal information can arise at any time.

- everyone in the Academy’s community needs to know that no-one can offer absolute confidentiality (eg; in the case of a Child Protection Issue).

- everyone in the Academy community needs to know the limits of confidentiality that can be offered by individuals within the Academy community so they can make informed decisions about the most appropriate person to talk to about any health, relationship and sex or other personal issue they want to discuss.
**Definition of Confidentiality**

Confidentiality is defined as ‘something which is spoken or given in private, entrusted with another’s secret affairs’.

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 own conversation completely secret and discuss it with no-one.

In practice there are few circumstances where absolute confidentiality is offered in our Academy. We strive to strike a balance between ensuring the safety, well-being and protection of our student 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/safeguarding issues and good practice are followed.

This means that in most cases what is offered 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.

**Staff should make it clear that there are limits to confidentiality at the beginning of the conversation. These limits relate to ensuring children’s safety and well-being. The student will be informed when a confidence has to be broken for this reason and be involved in the information sharing.**

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 student that this is not the time or place to disclose confidential personal information, but ensure that you address the issue before the end of the school day.

2. **One-to-one disclosures to members of Academy staff**

   It is essential all members of staff know the limits of the confidentiality they can offer to both student and parents/carers and any required actions and sources of further support or help available both for the student or parent/carer, within the school and from other agencies where appropriate. All staff at this Academy encourage student to discuss different issues with their parents/carers and vice versa.

   However, the needs of the pupil are paramount and the Academy 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. There are occasions when sharing information with parents/carers could put the safety of the student at risk.
3. **Disclosures to a counsellor, Academy nurse or health professional operating a confidential service in the Academy**

Young people under 16 have a right to confidential advice from a health professional. When providing advice or treatment to under-16s, it is considered good practice for doctors and health professionals, including Academy nurses, to follow the ‘Fraser Guidelines’ below. The school nurse will use these guidelines to help them make an assessment about the young person's ability to make decisions about their own health and to consider if there are any risks which means that information has to be shared. Information will only be shared if the young person gives their consent or if they are considered to be in danger. Even then information will be shared on a ‘need to know’ basis.

The criteria within the guidelines require the professional to be satisfied that:

- the young person will understand the health professional’s advice
- the young person cannot be persuaded to inform his or her parents, or allow the health professional to inform the parent, that he or she is seeking contraceptive advice
- the young person is very likely to begin or continue having intercourse with or without contraceptive treatment
- unless the young person receives contraceptive advice or treatment, their physical or mental health, or both, are likely to suffer
- the young person’s best interests require the health professional to give contraceptive advice or treatment, or both, with or without parental consent.

Academy nurses are skilled in discussing issues and possible actions with young people and always have in mind the need to encourage student to discuss issues with their parents or carers. However, the needs of the pupil are paramount and the Academy nurse will not insist that a student’s parents or carers are informed about any advice or treatment they give.

**Contraceptive advice and pregnancy**

The Department of Health issued guidance in 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 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 the health professionals must make time to explore whether there may be coercion or abuse.

**The Legal Position for Academy Staff**

Academy staff should not promise confidentiality. Students do not have the right to expect they will not be reported to their parents or carers and may not, in the absence of an explicit promise, assume that information conveyed outside that context is private. No member of this Academy’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 Academy make about confidentiality.

Academy staff are not obliged to break confidentiality except where child protection is or may be an issue, however at Chellaston Academy we believe it is important staff are able to share their concerns about a pupil’s safety and well-being is maintained.

Illegal activity

- Members of staff are not obliged to inform the police on most matters relating to illegal activity, such as illegal drugs activity or assaults.

- In the case of illegal activity, the school will discuss the possible consequences with the pupil and seek the course of action with the most positive outcomes for the pupil.

Teachers, counsellors 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/safeguarding issues.

All teachers at this Academy receive basic training in child protection/safeguarding as part of their induction to this Academy and are expected to follow the Academy’s child protection/safeguarding policy and procedures.

Counsellors and health professionals

At Chellaston Academy we offer the student the support of an Academy counsellor. The school nursing service operates a drop-in service for students.

These services are confidential between the counsellor or health professionals and the individual pupil. No information is shared with Academy staff except as defined in the Academy’s child protection/safeguarding policy. This is essential to maintain the trust needed for these services to meet the needs of our students.

Parents/carers

Chellaston Academy 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 the Academy, 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 pupil does discuss a difficult personal issue with staff at Chellaston Academy, the student will be encouraged to also discuss the matter with their parents or carers and may be supported to do so where it is appropriate.
Complex Cases

Where there are areas of doubt about the sharing of information, Chellaston Academy will consult with Children’s Social Care. Contact details: Mark Sobey, Board Manager, Derby Safeguarding Children Board, 01332 642354 ; e-mail mark.sobey@derby.gov.uk.

When Information Must be Shared and the Procedures for Doing This

We will explain to the child or young person that we must share information to make sure they are helped if we are worried that:

a) someone is hurting them  
b) they are hurting someone else  
c) they are hurting themselves*

Also, confidentiality cannot be guaranteed where:

a) a student needs urgent medical treatment  
b) where a serious crime is involved

*However in cases of self harming please reference the Multi-Agency Self Harm Protocol – a multi-agency protocol and pathway to be used by agencies when self harm is identified. This can be found on www.derby.gov.uk/primarypshe and www.derby.gov.uk/secondarypshe websites.

The principles we follow at Chellaston Academy are that in all cases we:

- ensure the time and place are appropriate  
- 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  
- do not interrogate the child or ask leading questions  
- will not 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.

See the Child Protection Policy for further safeguarding details.

The Designated Safeguarding Lead is Miss T Stavri. In her absence, the Safeguarding and Child Protection responsibility will be assured by Mrs D Burdis.

Support for Staff

Staff may have support needs themselves in dealing with some of the personal issues of students. At Chellaston Academy we prefer staff to seek help rather than possibly make a poor decision because they don’t have all the facts or the necessary training, or allow Academy based issues to transgress into their personal life.

Staff should discuss any concerns with Miss T Stavri.
Links with Other Policies

This policy has links with the following school policies:

- Child Protection/Safeguarding
- PSHE
- Relationships and Sex Education
- Drug Education
- Anti-Bullying

Review

This policy will be reviewed annually and amended as necessary.

Date of Policy: February 2017
Review date: February 2018
Know Your School’s Confidentiality Policy

A pupil starts to talk to you about something important to them.

Make the pupil aware that you may not be able to keep certain information confidential. Give examples, such as child protection and other exceptions from your school’s policy.

Find a suitable place to listen to the pupil’s concerns where there will be no interruptions. Remember significant points for possible recording afterwards.

If you think only listening is needed

Re-assure the pupil that they can come back to you to talk about this or any other matter.

At some later date

Speak to pupil to enquire about any remaining or fresh concerns

When pupil no longer requires support

No Further Action

If matter appears resolved

Consent given

Arrange an appointment with the agency/professional.

Accompany pupil to appointment if appropriate.

Let the pupil know that you are still supporting them, without trying to elicit further information from them.

If you are unable to decide whether action is needed.

Discuss anonymously with the nominated child protection lead in order to make a professional judgement

If supported referral to a specialist health or advice service is necessary.

Seek the pupil’s consent for the involvement of another agency or person.

Consent withheld.

Explain the possible consequences of their decision.

If consent to involve a third party continues to be withheld, seek anonymous advice from child protection lead or specialist service.

If you think action/referral is required

Not Child Protection

Find appropriate and confidential means of support for both the student and yourself

Inform student of requirement to make a referral and support them through the process.

Initiate the school’s child protection procedures.

Child Protection

Seek the pupil’s consent for the involvement of another agency or person.

Consent given

Arrange an appointment with the agency/professional.

Accompany pupil to appointment if appropriate.

Let the pupil know that you are still supporting them, without trying to elicit further information from them.

Discuss anonymously with the nominated child protection lead in order to make a professional judgement

Find appropriate and confidential means of support for both the student and yourself

Inform student of requirement to make a referral and support them through the process.

Initiate the school’s child protection procedures.