



# **CONFIDENTIALITY POLICY**

**(non-statutory)**

Policy Date	May 2015
Policy approved:	by Headteacher May 2015
Next review:	May 2020

## **UN Convention on the Rights of the Child**

### **Article 19**

You have the right to be protected from being hurt and mistreated, in body or mind.

All schools are asked on occasions to keep information confidential. This can relate to a variety of issues. It is important the whole school follows the same clear and explicit policy.

### **Aims**

- 1 All relevant parties working on the school site are clear about the levels of confidentiality they can offer to the school community and can expect themselves.
- 2 Staff, pupils and parents are clear about the areas in which the school community may have obligations to breach otherwise fundamental principle of the confidentiality of personal information.

### **Objectives**

- 1 To be transparent about the process for developing and reviewing the policy.
- 2 For all relevant parties to understand the varying levels of confidentiality which may be offered in different circumstances; including the limits on their ability to maintain the confidentiality of personal information and to set out the circumstances in which staff and pupils would make clear those limits.

### **All school staff members: confidentiality and pupils**

We recognise that there are occasions when pupils are worried about something and feel that they cannot talk about it to their parents/carers. This can result in enormous stress for the individual which impacts on their education and health. Some pupils may feel that they can turn to teachers and other staff members for support and we want to be as helpful as we can whilst recognising that there may be some potential difficulties in being supportive. All staff will adhere to the following policy:

When talking with pupils, it is important for you to be aware of maintaining your professional boundaries. Whilst being supportive where you can, distancing techniques should be used when appropriate and pupils encouraged to access the confidential services offered on the school site.

You must make it clear to pupils that you cannot offer unconditional confidentiality when a pupil first begins to talk about something where confidentiality may become an issue.

Pupils should be warned that if there is a child protection issue where the pupil, or others, are likely to be at risk of significant harm, you are under a duty to inform the school's Child Protection Liaison Officer (now known as Designated Safeguarding Lead or DSL) who may have to involve other agencies. (Please refer to the school's child protection procedures for further advice on this aspect.)

It is important that each member of staff deals with this sensitively and explains to the pupil that they must inform the appropriate people who can help the child, but that they will only tell those who need to know in order to help.

School staff can only offer confidentiality to pupils on issues that do not involve significant illegal activities, such as drug trafficking, arson. If the conversation begins to move to this kind of issue, the pupil must be warned that confidentiality cannot be guaranteed.

In all cases where you feel that you have to break confidentiality with the pupil, you must inform the pupil and reassure them that their best interests will be maintained.

In talking with pupils, you need to encourage them to talk to their parents/carers about the issue that may be troubling them and support in doing this should be offered where appropriate.

Pupils should be reminded that they can share information with any member of staff they feel comfortable with.

### **Pupil/Adult Mentoring & ELSA**

All mentoring and support programmes will cover confidentiality in their training.

- The Mentor/ELSA must tell the Head Teacher if a pupil discloses any form of abuse or any other information that may lead the mentor to worry about their safety.
- If the pupil is about to disclose this sort of information, the mentor/ELSA must inform them that they will need to inform the Head teacher.

### **The school nurse and school-based health service: confidentiality and pupils.**

The Government has recognised that for some young people, unless they are able to speak to someone confidentially away from their family, their health and well-being can be at great risk. Health services (including doctors and our school nurse) can offer confidential health services to pupils under the age of 16, providing they follow the Fraser Guidelines which require:

the young person understands the advice and has sufficient maturity to appreciate what is involved in terms of moral, legal, social and emotional implications for themselves

they cannot be persuaded to tell their parents/carers, or allow them to be informed (if appropriate) they are likely to begin or continue having sex

the young person's physical or mental health is likely to suffer unless they receive advice or treatment

It is in the young person's best interests to give advice or treatment.

The requirement to offer a confidential service is within the professional code of practice for school nurses and other health service staff. The Government has also signed up to international legislation and charters which entitle young people to access health services.

However, health professionals, like everyone else, must inform appropriate services if they become aware of a child protection issue in discussions with a young person.

### **Parents**

We recognise that sometimes there are family issues which might affect a pupil which the family will only disclose to us if they are confident that the information will remain confidential. Such information will be treated sensitively and discussed with the parent if the need is felt to share such information. This does not apply if the pupil is considered to be at immediate risk or a child protection issue.

### **Staff and Governors**

All staff can normally expect that their personal situations and health will remain confidential unless:

- It impinges on the terms of their contract.
- Endangers pupils or other members of staff
- There is a legal obligation to disclose such information
- It is necessary for legal proceedings
- Despite the duty of confidence it is in the staff member's interest or the wider public interest justifies disclosure

### **Linked policies:**

This policy is linked to the following school policies; Anti-bullying, Child Protection, Health and Safety, PSHE, Sex and Relationships Education, Personal Development Learning, Drug Abuse and Misuse.