



Hayeswood First School is a Rights Respecting School. As such it is committed to upholding children's rights and promoting their responsibilities under the UN Convention for the Rights of the Child (UNCRC). The contents of this policy are fully in keeping with this commitment.

# **Confidentiality Policy for schools**

**Date of Adoption: Summer 2019**

**This policy should be read in conjunction with the school's child protection procedures and the Good Practice Guide for Volunteers Working in School**

## **Rationale and statement on the importance of confidentiality**

### **At Hayeswood First School we believe that:**

- The safety, well being and protection of our pupils is our paramount consideration in all decisions made regarding confidentiality at Hayeswood First School. The appropriate sharing of information between staff and other agencies 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 and secure the necessary support, whether from within the school or outside. In doing so, we share information following the confidentiality principles set out in this policy.
- The duty of confidentiality applies to every person in the school, whether they are a pupil, a member of staff, a parent, an Academy Committee member, a volunteer or a visitor.
- The school will follow its child protection procedures which are adopted by the Trust Board and modelled on the LSCB inter-agency Safeguarding Procedures.

### **The principles we follow at Hayeswood First School are that in all cases we will:**

- Ensure the time and place are appropriate for discussions which may be personal and sensitive; 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.
- For children: 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.
- For adults: See the person - normally before the end of the day.
- Tell the child/adult that we cannot guarantee confidentiality if we think they have or will:
  - hurt themselves
  - hurt someone elseor if they tell us that someone is hurting them or others  
or if they have committed a criminal offence
- Not interrogate the child/adult or ask leading questions.
- Not put children/adults in the position of having to repeat distressing matters to several people.
- Inform the child/adult first before any confidential information is shared, with the reasons for this.
- Encourage a pupil, whenever possible to confide in his/her own parents/carers.

## **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 **Hayeswood First 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 safeguarding procedures and models of good practice are followed.

This means that in most cases only limited confidentiality is offered. 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 principle of confidentiality**

The general rule is that all staff<sup>1</sup> should make clear that there are limits to confidentiality, at the beginning of the conversation, or as soon as the issue arises during a conversation. These limits relate to ensuring children's safety and well-being. The pupil or adult (confider) 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 everyone involved in the lesson that this is not the time or place to disclose confidential, personal information. An example of setting ground rules to avoid personal disclosures or to manage them if they arise is included later in this policy.

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.

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<sup>1</sup> Staff refers throughout this document to all adults working within the school, or on the school's behalf, whether on a permanent, paid basis or not

## **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 pupils, parents/carers and other staff and any required actions and sources of further support or help available for the confider and for the confidant 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, that 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 (DSL) i.e. the Head Teacher Mr A Turrall, or deputy DSL's i.e. Deputy Heads Mrs J Simmonds and Mrs S Fairman, 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 child protection policy).

## **3. Disclosures to a 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 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.

### **Guidance for staff**

School staff (including non-teaching and voluntary staff) should never promise confidentiality. Pupils do not have the right to expect that incidents will not be reported to 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.

School staff are NOT obliged to break confidentiality except where child protection is or may be an issue. However, at **Hayeswood First 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 is maintained. School staff should discuss such concerns with a school leader or the DSL.

### **Teachers and health professionals:**

Professional judgement is required by a teacher 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 receive basic training in safeguarding as part of their induction to this school and are expected to follow the school's Safeguarding Policy, child protection and related procedures.

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

At **Hayeswood First School**, we expect all non teaching staff, including voluntary staff, except those identified in the paragraph above, to report any disclosures by pupils or parents/carers, of a concerning personal nature to the Designated Safeguarding Lead (DSL) 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 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:**

**Hayeswood First School** believes that it is essential to work in partnership with parents and carers and we endeavour to keep parents/carers informed of their child's progress at school, including any concerns about their well-being 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 **Hayeswood First School**, they will be encouraged to also discuss the matter with their parent or carer themselves. Full guidance for volunteer parent helpers is given in Appendix 1 attached.

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, all staff should seek advice from the headteacher and/or a LA Safeguarding Officer.

### **Use 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.

This is an example of the ground rules for a Year 10 class:

- We won't ask each other or the teacher any personal questions
- We will respect each other and not laugh, 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
- 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:**

Reference to confidentiality must not jeopardise the safety and wellbeing of pupils at the school. In cases of possible abuse or neglect staff **must** use the procedures within the school's child protection procedures to disclose relevant 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 the DSL or deputy DSL.

If the DSL issues instructions that s/he should be kept informed, all staff must comply. There is always a good reason for this, which staff may not necessarily be made aware of.

**Support for staff**

Staff may have support needs themselves in dealing with some of the personal issues of our pupils and/or parents and carers. At **Hayeswood First School** we prefer staff to ask for help rather than to make a decision based on incomplete information or due to a lack of training. There are many agencies to which we can refer pupils if they 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 **Hayeswood First School** is a happy and safe learning environment.

All staff should discuss any concerns about pupils with **the Head Teacher** / Deputy Head Teacher.

**Onward referral:**

The DSL is responsible for referring pupils to outside agencies from the school. However, if staff feel that there is an urgent issue, or that concerns are not being acted upon, they can make referrals themselves.

Referrals should be made to the Multi Agency Safeguarding Hub (MASH) on 01202 228866.

**Dissemination and implementation:**

This policy is distributed to all staff, including volunteers.

All new staff, including volunteers, receive a copy of the policy, together with basic training on the school's Safeguarding Policy and child protection procedures from the Headteacher/DSL.

**Links to other school policies and procedures:**

**This policy is intended to be used in conjunction with the school's**

PSHE

Drugs

Sex and Relationships

Safeguarding

Anti-Bullying

Behaviour

Whistle-Blowing

& WAT policies.

**Review:**

This policy is reviewed whenever deemed necessary by the Headteacher in the light of events and changes in the law.

Reviewed:	Summer 2019 (New Policy)
Approved by the Academy Committee	
Next Review:	Summer 2021