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## 1.0 INTRODUCTION

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**Implementation:** It is the responsibility of line managers to ensure that staff members are aware of and understand this policy and any subsequent revisions.

**Compliance:** This policy complies with all relevant regulations and other legislation as detailed in the *Compliance with Regulations & Legislation Statement* and GDPR policy.

## 2.0 RATIONALE

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At Baston House School we believe that:

- The safety, well-being and protection of our pupils 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 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 help both within and outside the school in order to minimise the number of situations when personal information is shared to ensure pupils and staff are supported and safe
- Pupils, 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 school's attitude to confidentiality is easily understood and everyone should be able to trust the boundaries of confidentiality operating within the school
- Issues concerning personal information 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, relationship and sex or other personal issue they want to discuss



### **3.0 DEFINITION OF CONFIDENTIALITY**

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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 school. We strive 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/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 pupil 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:

#### **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, but ensure that you address the issue before the end of the school day. When a health professional is contributing to a school’s health education programme in a classroom setting, they are working within the same boundaries of confidentiality as a teacher.

#### **One-to-one disclosures to members of school staff**

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

However, the needs of the pupil are paramount and the 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. There are occasions when sharing information with parents/carers could put the safety of the pupil at risk.

#### **Disclosures to a counsellor, school nurse or health professional operating a confidential service in the school**

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 school 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. At Baston House School all staff are required to consider the cognitive ability of the student concerned as well as the possible limitations of their understanding of social situations to make this decision.
- 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.

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.

## 4.0 GENERAL

### 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. With children who have an autistic spectrum condition, the understanding of potentially abusive situations will need to be kept in mind when information is being disclosed. Cases of grave concern should be referred through child protection/safeguarding procedures.

### The Legal Position for School Staff

School staff should not promise confidentiality. Pupils do not have the right to expect that information will not be shared with 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 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 Baston House School we believe it is important staff are able to share their concerns about 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 staff at this school receive basic training in child protection/safeguarding as part of their induction to this school and are expected to follow the school's child protection/ safeguarding policy and procedures.

## **Counsellors/health professionals/non-teaching staff**

Therapy services are confidential between the counsellor or health professionals and the individual pupil. This is essential to maintain the trust needed for these services to meet the needs of our pupils. However professional teams may discuss information about pupils in team meetings which are held in the interest of the pupil with a Statement of Special Needs if that information is relevant. This information will remain confidential to the professionals directly involved with the child concerned.

At Baston House School we expect all non-teaching staff to report any disclosures by pupils or parents/carers of a concerning nature to the designated child protection/safeguarding co-ordinator as soon as possible after the disclosure and in an appropriate setting, so others cannot over hear. The designated child protection/ safeguarding co-ordinator will decide what, if any, further action needs to be taken.

## **Parents/carers**

Baston House School 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 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 issue with staff, the pupil 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, the Designated Senior Person will consult with the Children's Social Care. See Child Protection Policy.

## **5.0 WHEN INFORMATION MUST BE SHARED**

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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:

- They are hurting themselves
- Someone is hurting them



- They are hurting someone else.
- Also, confidentiality cannot be guaranteed where:
  - a pupil needs urgent medical treatment
  - where a serious crime is involved
  - where safeguarding national security is involved, for example terrorism.

**The principles we follow at Baston House 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
- 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.

**Support for Staff**

Staff may have support needs themselves in dealing with some of the personal issues of pupils. 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 school based issues to transgress into their personal life. Staff should discuss any concerns with Ciaran Walsh, Primary Head teacher, Paul Robertson, Secondary Head teacher. In either of their absence, the Assistant Head teachers are expected to deputise.

**Review**

This policy will be reviewed annually and amended as necessary.



APPENDIX 1: DEALING WITH DISCLOSURES FLOWCHART

