



CHATHAM & CLARENDON GRAMMAR SCHOOL

Confidentiality Policy

Agreed by Governors: May 2019

1. Introduction

Chatham & Clarendon Grammar School aims to have a clear and explicit confidentiality policy which is advertised to students, staff, parents and visitors and that takes into account the requirements of the Data Protection, Freedom of Information and Human Rights Acts.

Human Rights Act 1998: Gives everyone the right to “respect for his/her private and family life, his/her home and his/her correspondence, unless this is overridden by the ‘public interest’ e.g. for reasons of Child Protection, for the protection of public safety, public order, health or morals or for the rights and freedoms of others”.

Data Protection Act 2018: Applies to personal data of living identifiable individuals, not anonymous data; manual and electronic records. Schools need to be clear, when collecting personal data, the purposes for which it will be used, and schools should have policies to clarify this to staff, students and parents.

Freedom of Information Act 2000: Gives everyone the right to request any records that a public body, including a school, holds about them. A school may withhold information it has if it is considered the information may damage the recipient, if disclosed. A school’s data or record keeping policy should also cover the requirements of this Act.

2. Rationale

At Chatham & Clarendon Grammar School we believe that:

- The safety, wellbeing 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 wellbeing and safety.
- It is an essential part of the ethos of our schools that trust is established to enable students, staff and parents/carers to seek help both within and outside the school and 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 in 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 that they can make informed decisions about the most appropriate person to whom they should talk about any health, sex and relationship, or other personal issue they want to discuss.

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

A wide consultation has taken place within the whole school community, including relevant partner agencies, and their feedback has been taken on board. The policy has been agreed by the Senior Leadership Team and the Governing Body, and has been widely disseminated to staff, students, parents and carers and partner agencies.

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 Chatham & Clarendon Grammar School. We have tried to strike a balance between ensuring the safety, wellbeing and protection of our students 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 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 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 will be encouraged to do this for them self 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 students that this is not the time or place to disclose confidential, personal information.

When a health professional is contributing to a school health education programme in a classroom setting, s/he is working within the same boundaries of confidentiality as a teacher.

2) **One to one disclosures to members of school staff (including voluntary staff)**

It is essential that all members of staff know the limits of the confidentiality they can offer to both students and parents/carers*(see below), and any required actions and sources of further support or help available both for the student or parent/carer and for the staff member within the school and from other agencies, where appropriate. All staff at this school encourage students to discuss difficult issues with their parents or carers, and vice versa. However, the needs of the student are paramount and school 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

*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 Child Protection Co-ordinator, or in their absence the Deputy Headteacher, as soon as 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. (see 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 students 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 students to discuss issues with their parents or carers. However, the needs of a student are paramount and the school nurse will not insist that a student's parents or carers are informed about an advice or treatment they give.

4) **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.

Note: *It is the view of Kent 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 purposes of prosecution, unless the 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.*

3. **The Legal Position for School Staff**

School staff (including non-teaching and voluntary staff) should not promise confidentiality.

Students do not have the right to expect that incidents will not be reported to his/her parents/carers and may not, in the absence of an explicit promise, assume that information conveyed outside that context is private. No members 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 Chatham & Clarendon Grammar School we believe it is important staff are able to share their concerns about students with colleagues in a professional and supportive way, on a need to know basis, to ensure staff receive guidance and support they need and the students' safety and wellbeing is maintained. School staff should discuss such concerns with their line manager or the Designated Safeguarding Leads.

4. 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 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 child protection as part of their induction to this school and are expected to follow the schools' child protection policy and procedures.

5. Counsellors and Health Professionals

At Chatham & Clarendon Grammar School we offer students the support of a school counsellor, with appointments accessed discreetly through the Heads of House or Deputy Headteacher. This service is confidential between the counsellor and the individual student. No information is shared with school staff except as defined in the school's child protection policy, and guidance from the Kent Safeguarding Children Board and child protection law. This is essential to maintain the trust needed from these services to meet the needs of our students.

6. Visitors and non teaching staff

At Chatham & Clarendon Grammar School, we expect all non teaching staff, including voluntary staff, except those identified in the paragraph above, to report any disclosures by students or parents/carers, of a concerning nature, to the designated child protection co-ordinator 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 students and staff. The designated child protection co-ordinator will decide what, if any further action needs to be taken, both to ensure that the student gets the support they need and that the member of staff also gets the support and supervision they need.

7. Parents and Carers

Chatham & Clarendon Grammar 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 students can share any concerns and ask for help when they need it. Where a student does discuss a difficult personal matter staff at Chatham & Clarendon Grammar School, they will be encouraged to also discuss the matter with their parent or carer themselves.

The safety, well-being and protection of our students is the paramount consideration in all decisions that staff at this school make about confidentiality.

8. Complex Cases

Where there are areas of doubt about the sharing of information, seek a consultation with local KCC Area Safeguarding Advisor (Education Safeguarding Service).

Links to other school policies and procedures:

This policy is intended to be used in conjunction with the school's policies on:

Sex and Relationship
Child Protection
Bullying
Behaviour
Whistle-Blowing

9. E-Safety – Electronic Registration and Internet Use

Staff need to take care not to project the electronic register onto their whiteboard as this may contain confidential information about students. Staff should not leave their computer unattended when they are logged in. The computer should be locked to prevent student access (Control-Alt-Delete, then select 'lock this workstation'). Staff should change their password at regular intervals.

10. Statement of Ground Rules to be used in Lessons

We adopt ground rules to ensure a safe environment for teaching, in particular in PSHE. This reduces anxiety to students and staff and minimises unconsidered, unintended personal disclosures.

At the beginning of PSHE lessons, students will be reminded of the ground rules by the teacher or any outside visitor. The teacher establishes the ground rules together with the students at the beginning of each term.

These are examples of ground rules which may be applied:

- 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 students, 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

11. When Confidentiality should be broken and Procedures for doing this

See the Child Protection Policy

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 Designated Safeguarding Lead.

If the Headteacher or the Deputy Headteachers issue instructions that he/she/they should be kept informed, all staff must comply. There is always a good reason for

this, which you may not know about.

12. The principles we follow at Chatham & Clarendon Grammar 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 the case 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 that we cannot guarantee confidentiality if we think they will:
 - Hurt themselves
 - Hurt someone else
 - Or tell us that someone is hurting them or others
- Not interrogate the child or ask leading questions
- We won't put children in the position of having to repeat distressing matters to several people
- Inform the student first before any confidential information is shared, with the reasons for this
- Encourage the student, whenever possible to confide in her/his own parents/carers

13. Support for Staff

Staff may have support needs themselves, when dealing with some of the personal issues of our students. At Chatham & Clarendon Grammar School, we prefer staff to ask for help rather than possibly making a poor decision because they do not have all the facts or the necessary training, or taking worries about students home with them. There are many agencies to whom we can refer students when they need additional support, and we have procedures within the pastoral system to ensure this happens. We all work together as part of a team to support our students, and asking for help is a way we ensure Chatham & Clarendon Grammar School is a happy and safe learning environment.

Chatham & Clarendon Grammar School teaching staff should discuss any concerns about students in the first instance with the appropriate Head of House, who often has background knowledge about the student and any relevant home circumstances. LSAs should discuss any concerns with the SENCO, Learning Mentor with the appropriate Head of House. Any unresolved issues should be discussed with Deputy Headteacher.

14. Onward Referral

The Deputy Headteachers are responsible for referring students to the school counsellor. The Heads of House and the SENCO are responsible for referring students to other outside agencies. Other staff should not make referrals independently unless they believe a child protection referral to the police or SSD is necessary, and the designated person does not agree. ("What to do if you're worried a child is being abused", DfE 2015).

Students can also obtain confidential help themselves, from The Deputy Headteachers, who will be able to give them guidance on this. This might include the school nurse, 4YP clinics, GP, Childline, Relation.

15. Dissemination and Implementation

This policy will be distributed to all teaching and non-teaching staff, including volunteers. The

policy will be available on the school network.

All new staff, including volunteers will be advised to read the policy prior to receiving basic training on the school's Child Protection Policy and procedures from the Designated Safeguarding Lead.

The school council will develop a simplified version for students and parents/carers, which will form part of the school prospectus. This will be available on the school website.