

THE EAST STAFFORDSHIRE & TAMWORTH PRUs FEDERATION CONFIDENTIALITY POLICY

NAME OF POLICY: CONFIDENTIALITY POLICY		FEDERATION KSSS ONLY BPRU ONLY		POLICY NUMBER:	
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CONFIDENTIALITY POLICY

RATIONALE

At the Kettlebrook Short Stay School (KSSS) and Burton Pupil Referral Unit (BPRU) who are Federated, we believe that:

- The safety, well-being and protection of our students is the paramount consideration in all decisions made by staff across all the sites in this Federation, in relation to 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 PRUs, that trust is established to enable students, staff and parents/carers to seek help both within and outside our schools. This will 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.
- The School's attitude to confidentiality is easily understood and everyone should be able to trust the boundaries of confidentiality operating within the schools across all sites.
- Issues concerning personal information 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 our school community so they can make informed decisions about the most appropriate person with whom to discuss any health, sex and relationship or other personal issue they want to discuss.

AIM

We aim to ensure all members of staff are clear about the levels of confidentiality across the Federation and how these might be offered in different circumstances. Information sharing is to be done in restricted areas and only in front of those that need to know. Staff do not share information with other agencies / professionals/people unless directed to by the Head of School or Executive Headteacher (unless in an emergency).

OBJECTIVES (within GDPR):

- To ensure that all parents and carers can share their information in the confidence that it will only be used to enhance the welfare of their children.
- To ensure that students are able to share information with members of staff and outside agencies in confidence.

RACIAL EQUALITY STATEMENT

Education is the right of all and we aim to provide an atmosphere where all feel safe, respected and valued as individuals. Regardless of age, gender, ethnic, and religious background etc.

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POLICY DEVELOPMENT

The ethos of confidentiality within our schools, across the federation is established with all staff and other professional agencies etc.

The policy is disseminated to all staff; the ethos of this confidentiality policy is shared with supply staff and visitors; Head of School will refresh all staff of the need for confidentiality at various times during the school year via staff briefings.

GUIDELINES

1. All information about individual students is private and should only be shared with those staff who have a need to know (as determined by the Head of School / Executive Headteacher).
2. All social services, medical and personal information about a child is kept in a safe and secure place and meets the statutory requirements of the Data Protection Act under GDPR (refer to Privacy Notices). The school's use My Concern and Arbor as a MIS system. Access to these is on a restricted password basis with different levels of access. All computers in the schools are monitored weekly with a IT security monitoring system – Securus.
3. KSSS & BPRU promotes a positive ethos and respect for the individual:
 - a) The Head of School is the DSL and is responsible for Child Protection and receives regular training. All staff are trained at Child Protection level 1 annually in September. DSL will discuss CP L1 information from slides when necessary.
 - b) There is clear guidance for procedures for the handling of Child Protection incidents. All staff have regular training on Child Protection issues and are aware of the KSSS`s/BPRU's Child Protection Safeguarding Policy.
 - c) There is clear guidance for procedures if a member of staff is accused of inappropriate conduct.
 - d) Staff are aware that topics covered throughout the curriculum, particularly in PSHE can lead to disclosure of a child protection/safeguarding issue.
 - e) Any intolerance about gender, faith, disability, race, culture or sexuality, sexual harassment/violence is unacceptable and inform the Head of School/SLT immediately.
4. Parents/carers and children should be aware that neither school cannot guarantee total confidentiality as KSSS & BPRU has a duty to report & escalate Child Protection issues.
5. KSSS & BPRU has good communication and positive relationships with parents/carers and staff are always available to talk to both pupil and parents/carers about issues that are causing concern. KSSS & BPRU encourages its students to talk to parents/carers about issues causing them concern and may in some cases support the pupil to talk to their parents. The Head of School & DSL in each school, will judge each situation before deciding to share it with parents any Child Protection disclosure before going on to inform the correct authorities.

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6. All student's have a right to the same level of confidentiality irrespective of gender, sexuality, race, religion, medical concerns and special educational needs etc. A lot of data is generated in schools by these categories but individual students should not be identified.
7. Photographs of students should not be used without parents'/carers' permission.
8. Information about students is shared with parents/carers but only about their child. Parents do not have access to any other child's books, marks and progress grades at any time especially at a Performance Review Day. However, parents should be aware that information about their child will be shared with the receiving school when they change school or move onto Alternative Provision.
9. All personal information about the students, including social services records, are regarded as confidential. This should be clearly understood by those who have access to it.
10. Logs of administration of medication to students is kept secure and each pupil has their own individual log.

DEFINITION OF CONFIDENTIALITY

Confidentiality is defined as 'something which is spoken or given in private, entrusted with someone else about someone else.'

The confider is asking for the content of the conversation to be kept private.

Anyone offering absolute confidentiality to someone else would be offering to keep the content of his or her conversation completely private and discuss it with no-one.

In practice there are few circumstances where absolute confidentiality is offered in our schools.

Across the Federation, we strive to strike a balance between ensuring the safety, well-being and protection of our students and staff, ensuring there is an ethos of trust. Where necessary, students and staff can ask for help in the knowledge that when it is essential to share personal information, child protection 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:

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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 or another visitor is contributing to the School's education programme in a classroom setting, they are working within the same boundaries of confidentiality as a teacher.

2. 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 students and parents/carers and are aware of 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 across the school sites, encourage the students to discuss different issues with their parents or carers and vice versa. However, the needs of the pupil are paramount and the 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 – staff will discuss with DSL/Head of School.

3. Disclosures to a counsellor, school nurse or health professional operating a confidential service in the Centre:

- 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 16's). 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 the pupil are paramount and the school nurse will not insist that a pupil's parents/carers are informed about any advice or treatment they give.

NOTE: Contraceptive advice and pregnancy

The Department of Health 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 to under 16's. The duty of care and confidentiality applies to all under-16's. 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 should be referred through child protection procedures.

THE LEGAL POSITION FOR SCHOOL STAFF

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All staff should not promise confidentiality. Students do not have the right to expect they will not be reported to their 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 KSSS & BPRU make about confidentiality.

School staff are NOT obliged to break confidentiality except where Child Protection is or may be, an issue. However, across the Federation, we believe it is important that staff are able to share their concerns about students' safety and well-being – in professionally conducted staff briefings/meetings.

School staff, health professionals, visitors.

Professional judgement is required by a teacher, staff, 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, staff, 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.

The School's enjoy excellent relations with the local Primary Care Trust and the school nursing service. The school nursing service operate a drop-in service for students. These services are confidential between the health professional and the individual pupil.

Across the Federation we expect all staff to report any disclosures by students or parents/carers of a concerning nature to the DSL as soon as possible after the disclosure and in an appropriate setting, so others cannot overhear. The DSL will decide what, if any, further action needs to be taken.

KSSS & BPRU 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 pupil does discuss a difficult personal issue, staff will be encouraged to also discuss the matter with their parents or carers and may be supported to do so where it is appropriate.

The safety, well-being and protection of our students is always the paramount consideration in all decisions made by staff across the Federation in regard to confidentiality.

COMPLEX CASES

Where there are areas of doubt about the sharing of information, DSLs /HoS will consult with Staffordshire Safeguarding Board.

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SUPPORT FOR STAFF

Staff may have support needs themselves in dealing with some of the personal issues of our students and their families. The EHT and HoS encourage staff to inform them if they find particular situations/events difficult and need to be signposted for additional specialist support. EHT and HoS will try very hard not to put staff into difficult situations that have a personal impact on them – but if staff don't let EHT/HoS know they can't do anything about preventing other situations from arising.

All staff have access to weekly off site supervision; can be signposted to other agencies; the schools ethos is embedded in well-being for all – so staff can access other staff activities to support general well being etc.

SUMMARY OF ACTION TO BE FOLLOWED WITH REGARD TO CONFIDENTIALITY AT KSSS & BPRU.

All staff members: Confidentiality and students:

N B: This applies to both teaching and non teaching members of staff, visiting staff and outside agencies

We recognise that there are occasions when students 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 students 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. You should adhere to the following principles:

- When talking to students, 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.
- You must be clear to students that you cannot offer unconditional confidentiality when a pupil first begins to talk about something where confidentiality may become an issue. It is important that you never promise confidentiality. If a pupil discloses any illegal activity eg drug trafficking you should inform the Centre Manager immediately and ensure the pupil is aware that confidentiality cannot be guaranteed.
- Students should be warned that if there is a child protection/safeguarding issue where the pupil, or others, are likely to be at risk of significant harm, **you are under a duty to inform the DSL, who may have to involve other agencies.** 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 individual, but they will only tell those who need to know in order to be able to help.
- In talking to students, 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.
- Outside services have their own confidentiality policy to follow, but share information with the Executive Headteacher and or Head of School in line with their policies.
- Students should be made aware, if appropriate, of the specialist confidential services that is available through the school via the School Nurse

Parents and Families: Confidentiality and information about parents/carers and families:

We recognise that sometimes there may be family issues which might affect a pupil and which the family will only disclose to us if they can be sure that the information will be treated confidentially. We will respect the wishes of the family and, where it is felt necessary to share the information given to us, this will be discussed

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with the parents/carers first unless a pupil is considered to be at immediate risk and/or there is an overriding child protection/safeguarding concern.

Parents can have access to the files and records of their own children but do not have access to information about any other child or safeguarding files.

Staff and the Management Committee: Confidentiality and information about staff and members of the Management Committee:

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

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

LINKS WITH OTHER POLICIES

This policy has links with the following school policies:

- Safeguarding
- PSHE
- RSE
- Drug Education
- Anti Bullying
- E Safety

DATA PROTECTION & GDPR

KSSS & BPRU will ensure that it is compliant with the requirements of the 1998 Data Protection Act and the 2000 Freedom of Information Act. All parents/carers have had the opportunity to sign a 'sharing of information agreement' which is in line with this Act. This is part of the Induction Pack that parents/carers sign at pre-admissions meetings.