

Confidentiality Guidelines

Herne Bay High School

Guidelines reviewed by	Mr J Boyes	Date of last review	16/07/2021	Date of next review	07.2022	Ratified by Governors	September 2021
Purpose of guidelines							
It is important that schools have an established procedure for dealing with confidentiality, which is understood by students, staff, parents, carers and visitors rather than develop ad hoc arrangements in response to a crisis. The procedures need to be consistent and protect the interests of both students and staff. Having guidelines will help to ensure there is a shared understanding of how confidentiality operates within Herne Bay High School. A consistent, shared ethos and practice will help students, staff, parents, carers and visitors deal with and know where they stand with confidential issues and will help the school to deal with disclosure of information and establish ways of working which respect privacy and avoid unnecessary personal disclosure.							
Legislation that underpins this guidelines							
Human Rights Act		Data Protection Act		Freedom of Information Act			

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This document does not suggest that all members of the school community should offer the same levels of confidentiality. Steps need to be taken to ensure that confidential disclosures are made to the appropriate person at the appropriate time. In order to ensure this, all members of the school community need to be aware of the limits of confidentiality available in different circumstances and by different individuals.

The schools has shaped its guidelines in line with the expectations of the:

Human Rights Act: Gives everyone the right to “respect for his private and family life, his home and his 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: Applies to personal data of living, identifiable individuals, not anonymised data; manual and electronic records. Schools need to be clear, when collecting personal data, what purposes it will be used for and schools should have policies to clarify this to staff, students and parents.

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

Rationale and statement on the importance of confidentiality

At Herne Bay High School we believe that:

- The safety, well being 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 well being and safety.
- It is an essential part of the ethos of our school 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 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, sex and relationship or other personal issue they want to discuss.

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 at Herne Bay High School. We have tried 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 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 clear that there are limits to confidentiality, at the beginning of the conversation. These limits relate to ensuring childrens' 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 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 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 with the same boundaries of confidentiality as a teacher.

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 both students and parents/carers 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 Herne Bay High 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. (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 refer this to the Designated Safeguarding Lead (DSL) as soon as is practically possible).

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 the student are paramount and the school nurse will not insist that a student'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.

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 member of this school's staff can or should give such a promise. The safety, wellbeing 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 safeguarding/child protection is or may be an issue, however, at Herne Bay High 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 the guidance and support they need and the students' safety and well being is maintained. School staff should discuss such concerns with their line manager or the DSL.

Teachers, counsellor 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 safeguarding/child protection issues.

All teachers at this school receive training in safeguarding/child protection, and are expected to follow the schools' safeguarding/child protection guidelines and procedures.

Counsellors and Health Professionals: At Herne Bay High School we offer students the support of a school counsellor and the school nursing service support students as well. These services are confidential between the counsellor or health professional and the individual student. No information is shared with school staff except as defined in the school's safeguarding/child

protection guidelines (note – students and parents are made aware of the disclosure approach used by the school counselling service), and guidance from KCC and relevant legislation. This is essential to maintain the trust needed for these services to meet the needs of our students.

Visitors and non-teaching staff:

At Herne Bay High 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 personal nature to the DSL as soon as practicable 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 DSL will decide what, if any, further action needs to be taken, both to ensure the student gets the help and support they need and that the member of staff also gets the support and supervision they need.

Parents/carers:

Herne Bay High 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 Herne Bay High 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 staff at this school make about confidentiality.

Complex cases:

Where there are areas of doubt about the sharing of information, seek a consultation with the school's Designated Safeguarding Lead (DSL), the Area Safeguarding Adviser (03000 418503) or the Local Area Designated Officer (03000 410888) or Social Services (03000 411111).

Referrals to Social Services will be made using the Front Door process. See - [Kent Children's Portal](#)

When confidentiality should be broken and procedures for doing this:

See the Safeguarding/Child Protection Guidelines - 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.

If the Executive Principal issues instructions that she should be kept informed, all staff must comply. There is always a good reason for this, which you may not know about.

The principles we follow at Herne Bay High School re. discussing issues with students are that 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.
- tell the child we cannot guarantee confidentiality.
- do not interrogate the child or ask leading questions

- do not 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 his/her own parents/carers

Support for staff

Staff may have support needs themselves in dealing with some of the personal issues of our students. At Herne Bay High School we prefer you to ask for help rather than possibly making a poor decision because you don't have all the facts or the necessary training, or taking worries about students or situations home with you. There are specialised agencies we can refer students to who need additional support and we have procedures 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 Herne Bay High School is a happy and safe learning environment.

Herne Bay High School teaching and non teaching staff should discuss any concerns about students with the DSL. Any unresolved issues should be discussed with the Executive Principal.

Onward referral:

Mr C. Harris, the Lead DSL, is responsible for overseeing the referral of students to the school counsellor and to outside agencies from the school. Please do not make referrals yourself.

Students can also obtain confidential help themselves, e.g., GP, local drug and alcohol agencies, Childline, Sexual Health Clinic etc.