



Pent Valley
TECHNOLOGY COLLEGE

Policy: Confidentiality

Pent Valley Technology College
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Introduction:

DfES Sex and Relationship Education Guidance (July 2000) states 'Colleges should have a clear and explicit confidentiality policy which is advertised to pupils, staff, parents and visitors'.

The Data Protection, Freedom of Information and Human Rights Acts all need to be taken into consideration (see below).

Human Rights Act 1998: 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 1998: Applies to personal data of living, identifiable individuals, not anonymised data; manual and electronic records. Colleges need to be clear, when collecting personal data, what purposes it will be used for and Colleges should have policies to clarify this to staff, pupils and parents.

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

Rationale and statement on the importance of confidentiality

At Pent Valley Technology College 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 and minimise the number of situations when personal information is shared to ensure pupils, staff are supported and safe.
- Pupils, 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 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.

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

A wide consultation has taken place with the whole school community, including our partner agencies and their feedback taken on board. The final policy was agreed by the Senior Leadership Team and the school's Governing body, and has been widely disseminated to staff, pupils, parents and carers and partner agencies.

It forms part of the induction of all new staff, including voluntary staff and is reviewed every 3 years.

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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 Pent Valley Technology College. 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 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 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 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 pupils that this is not the time or place to disclose confidential, personal information. (Set ground rules and working agreements).

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 disclosure 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 pupils and parents/carers (see note below) and any required actions and sources of further support or help available both for the pupil or parent/carer and for the staff member within the College 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 College 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 Child Protection Co-ordinators (Mr M Kelly/Mr Barnes/ Mrs

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Barnes/ Mrs Matthewman) 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 Safeguarding 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 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 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 purpose of prosecution, unless that 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.

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 PVTc's staff can or should give such a promise. The safety, well-being and protection of the child are 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 Pent Valley Technology College 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 their line manager or the DCPC.

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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 issues.

All teachers at this school receive basic training in child protection as part of their induction to PVTC and are expected to follow the safeguarding policy and procedures.

Counsellors and Health Professionals: At Pent Valley Technology College we offer pupils the support of a school counsellor. The School Nursing service operate a drop in service for pupils accessed discreetly through the medical room, after school on Tuesday 330-5pm (Young person's clinic) . The KCA operate in the college via referral from Minischools through the Forum. These services are confidential between the counsellor or health professional and the individual pupil. No information is shared with PVTC staff except as defined in the Safeguarding policy, and guidance from the Kent Child Protection Committee and Child Protection law. This is essential to maintain the trust needed for these services to meet the needs of our pupils.

Visitors and non-teaching staff:

At Pent Valley Technology College, 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 Child Protection Co-ordinators 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 Designated Child Protection Co-ordinators 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

Pent Valley Technology College 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 matter with staff at Pent Valley Technology College, they will be encouraged to also discuss the matter with their parent or carer themselves. Staff at Pent Valley Technology College will offer to help the child to do this in College when necessary and if the child so wishes. However, teachers are not legally bound to inform parents of any disclosure. (DFES guidelines 2000)

The safety, well-being and protection of our pupils are the paramount consideration in all decisions staff at PVTC make about confidentiality.

Complex cases:

Where there are areas of doubt about the sharing of information, seek a consultation with your local KCC Children's Safeguards Service Child Protection Co-ordinator.

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Links to other College policies and procedures:

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

PSHE

Drugs

Sex and Relationship

Safeguarding

Bullying

Behaviour

& Looked After Children policies

Statement of ground rules to be used in lessons

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 are worried about someone else's safety we tell a teacher

When confidentiality should be broken and procedures for doing this:

See the Safeguarding Policy

Where this does not apply and staff are still concerned and unsure of whether the information should be passed on or other action taken they should speak to the Child Protection officers.

If the headteacher issues instructions that he 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 Pent Valley Technology College 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.
- Tell the child we cannot guarantee confidentiality if we think they will:
 - hurt themselves
 - hurt someone else
 - or they tell us that someone is hurting them or others
- Do not interrogate the child or ask leading questions

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- We won't 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

Support for staff

Staff may have support needs themselves in dealing with some of the personal issues of our pupils. At Pent Valley Technology College 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 pupils home with them. There are many agencies to which we can refer pupils needing 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 Pent Valley Technology College is a happy and safe learning environment.

Pent Valley Technology College staff should discuss any concerns about pupils with Heads of School, IUS managers/leaders or line managers. Any unresolved issues should be discussed with the Deputy Head teachers or the Head teacher.

Onward referral:

The AEN forum will meet regularly and is responsible for referring pupils to outside agencies from the school. Please do not make referrals yourself unless you believe a child protection referral to the police or SSD is necessary and the Designated Child Protection Co-ordinators not agree. ('What to do if you're worried a child is being abused', DfES, HO, etc., 2003).

Pupils can also obtain confidential help themselves, see information notice boards.

Dissemination and implementation:

This policy has been distributed to all teaching and non-teaching staff, including volunteers, at PVTC.

All new staff, including volunteers, will receive a copy of the policy, together with basic training on the school's Safeguarding Policy and procedures from the Designated Child Protection Co-ordinator.

This policy has been equality impact assessed to consider all members of the school community and especially the vulnerable groups in the school.

Consideration has been made for age of staff and students, disability (physical, learning and mental health needs), gender, race, religion and sexual orientation. Pent Valley Technology College believes that this policy does not affect any group adversely.

Pent Valley Technology promotes equality and good inter-group relations at all times.

As this policy is a major policy of the school, it will be subject to a review biennially by the governors of the school.

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