



Carden Primary School

Policy for Confidentiality

Date Reviewed:

November 2009

Confidentiality Policy

Rationale

At Carden Primary 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 appropriate¹ 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.

Principles

This policy is based on the following principles:

- It is important our school has an established procedure for dealing with confidentiality, which is understood by pupils, staff, parents, carers and visitors rather than having ad hoc arrangements in response to a crisis.
- 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 procedures need to be consistent and protect the interests of both pupils and staff. Having a policy helps to ensure there is a shared understanding of how confidentiality operates in our school community. A consistent, shared ethos and practice will help pupils, staff, parents, carers and visitors deal with and know where they stand with confidential issues and helps us deal with disclosure of information and establish ways of working (for example in PSHE) which respect privacy and avoid unnecessary personal disclosure.
- Not 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 school's attitude to confidentiality must be open and easily understood and everyone should be able to trust the boundaries of confidentiality operating within the school.
- Staff should understand that 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.

The Law

- **DCFS Sex and Relationship Education Guidance (July 2000):** states 'Schools should have a clear and explicit confidentiality policy which is advertised to pupils, staff, parents and visitors'.
- **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. 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, 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 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 policy should also cover the requirements of this Act.

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.

When do we offer confidentiality?

In practice there are few situations where absolute confidentiality is offered in our school. 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 pupil 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 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. (See setting 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.
- **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 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 school 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 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. When concerns for a child or young person come to the attention of staff, e.g. 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 (Tessi Archer) 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 school Child Protection Policy.) Incidents such as this should also always be recorded in the class Child Protection Record book – even when the designated person has been informed.
- **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.

The legal position for school staff

School staff (including non-teaching and voluntary staff) should not promise confidentiality. Pupils 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, well being and protection of the child is the paramount consideration in all decisions staff at this school make about confidentiality.

At Carden Primary School 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 Designated Child Protection Co-ordinator.

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 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.

Counsellors

At Carden we offer pupils the support of a school counsellor, with appointments accessed discreetly through the SENCO. This service is confidential between the counsellor and the individual pupil. No information is shared with school staff except as defined in the school's child protection policy. This is essential to maintain the trust needed for these services to meet the needs of our pupils.

Visitors and non-teaching staff

At Carden 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. All volunteers and students are talked through a guidance leaflet when they come to work in school. If a disclosure takes place they should report to the class teacher in the first instance as soon as possible after the disclosure, and in an appropriate setting, so others cannot overhear. The class teacher is then responsible for speaking to the designated child protection co-ordinator and recording the incident in the class book. This is to ensure the safety, protection and well being of all our pupils and staff. The designated child protection co-ordinator 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

At Carden we believe 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 school, they will be encouraged to also discuss the matter with their parent or carer themselves.

The safety, well being and protection of our pupils 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, we seek a consultation with our local Brighton & Hove Children's Safeguarding Board and Child Protection Co-ordinator.

Links to other school policies and procedures

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

PSHE, Drugs & Sex and Relationship policy

Child Protection policy

Anti-bullying policy

Behaviour policy

Whistle-Blowing policy

Responsible use of ICT policy

Statement of ground rules to be used in lessons

(This is also contained in any policies relating to the teaching of PSHE, including sex and relationship education and drug education)

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 KS2 SRE 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

All staff should ensure they follow the Child Protection Policy when any information comes to light which compromises the safety of any child. Where the information does not strictly come under child protection issues but the member of staff is concerned and unsure of whether the information should be passed on or other action taken they should speak to the class teacher in the first instance and then senior management as appropriate.

The principles we follow at Carden Primary 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. The school uses the Bubble Time listening system in all classes from Yr2 to Yr6 to help support this. (See Appendix A).
- 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
- 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 Carden 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 pupils home with you. 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 our school is a happy and safe learning environment. All staff should see senior management to discuss any concerns about pupils.

Onward referral

The SENCO/Designated Child Protection Co-ordinator, is responsible for referring pupils to the school counsellor and 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 person does not agree. ('What to do if you're worried a child is being abused', DCFS, HO, etc., 2003). Pupils can also obtain confidential help themselves, e.g. school nurse or Child Line.

Data protection

This is an essential part of our school confidentiality policy. Staff should ensure that:

- 1) All printed material relating to particular children and families should be stored securely, not be left where it can be read by others and be disposed of correctly e.g. shredded before disposal.
- 2) All electronic material should be stored on password protected networks and not be permanently stored on home PCs or memory devices.
- 3) The responsible use of ICT policy should be signed and adhered to by all members of staff.

Phone calls, notices and conversations

All staff should be aware that phone calls and conversations can be overheard by other members of the school community. Our school office is an open area and many visitors come into our staffroom and any conversations or phone calls can be overheard. Notices in school offices or the staffroom which pertain to particular pupils should only have initials or first names on them. All risk assessments, behaviour plans and contracts are stored in a blue folder on the staffroom table.

Dissemination and implementation

This policy has been distributed to all teaching and non-teaching staff, including volunteers, at the school as part of a whole school training day, where all staff received training on the content and practical applications of the policy. The School Council has developed a simplified version for pupils and parents/carers, which forms part of the school prospectus. All new staff are given a copy of the policy, together with basic training on the school's Child Protection Policy and procedures from the Designated Child Protection Co-ordinator. All volunteers and students receive a leaflet detailing basic safe guarding and confidentiality systems.

Involvement of the school community in developing this policy

This policy has been developed with the support of staff, pupils, parents, carers and governors. 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 2 years.

Appendix A

Bubble Time

How to use Bubble time

Bubble time is a way of acknowledging that pupils need to talk to you and that their needs are important but does not allow issues to hijack the start of a lesson.

If pupils need to talk to you they can use a wipe clean pen to write their name in the bubble. You then know that they need a chat and will deal with it at a convenient time. If a child decides later that the issue is no longer urgent they can wipe their name out of the bubble.

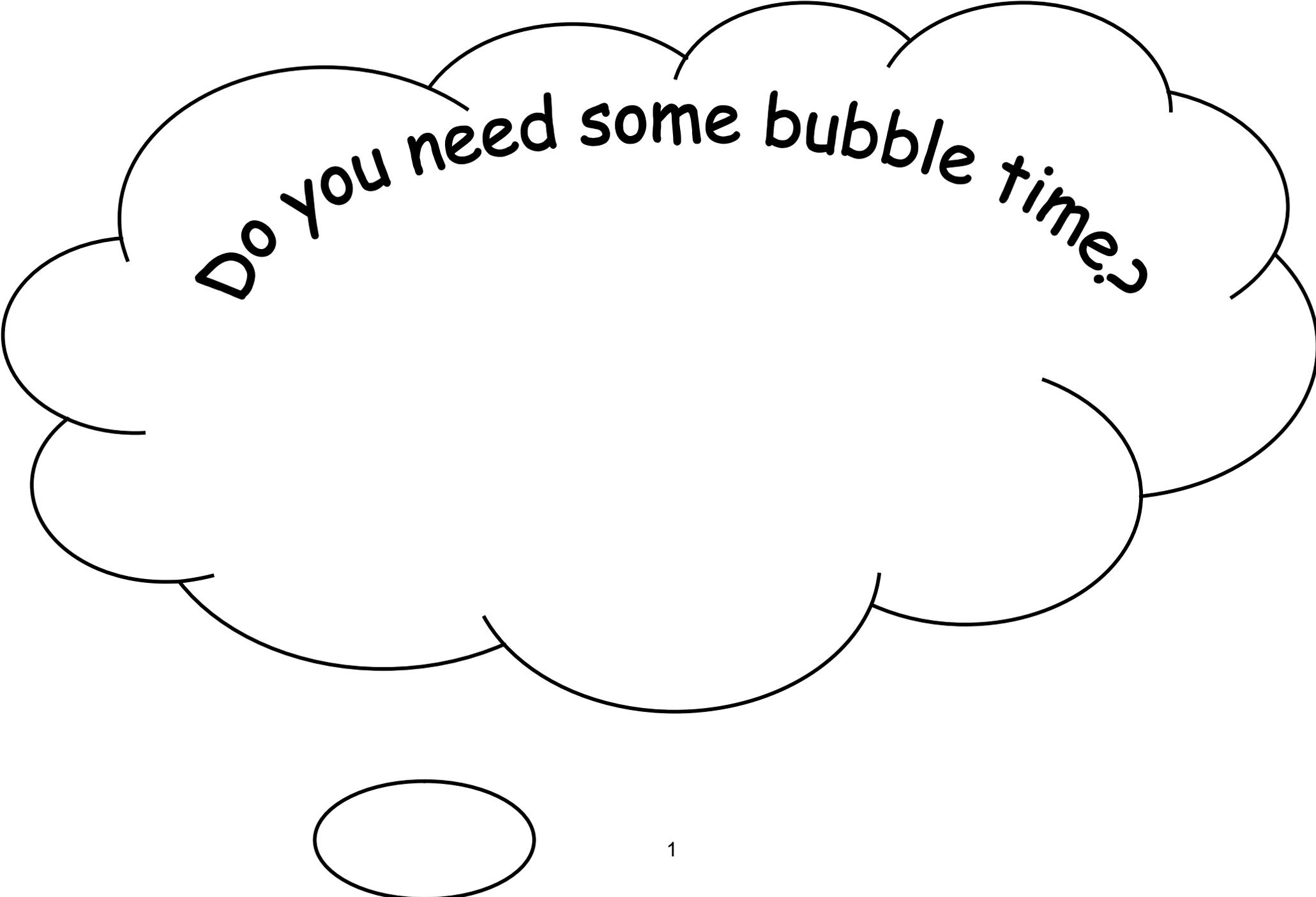
Another version is to have the bubble backed onto cardboard and slotted on to the top of a stick. Pupils have their name written on a clothes peg and they peg their name to the bubble. This is particularly useful with younger pupils.

An additional aspect is to make clear to other pupils that when you are sitting by the Bubble discussing an issue with a child you should not be interrupted. Bubble Time is protected time for 1:1 discussion.

When pupils come in from play and have had an argument or a “football issue,” instead of demanding your attention when the lesson needs to start they can use the bubble.

A few guidelines:

- Pupils will need training to use it well
- When you notice a name in a bubble acknowledge it is there and tell the child when you will be able to talk to them
- Congratulate pupils who use the bubble instead of rushing to you
- Find a way of letting LSAs and supply teachers know what is and how to use it
- Like all class systems it needs to be introduced clearly, made part of the class routine and refreshed when it becomes stale or underused
- Bubble time can be used to share good news as well as difficult issues!
- If pupils bring you unimportant issues remember a) the novelty will wear off for some b) things that seem unimportant to us can be really important to others c) using the “Is it a big deal o-meter” can help pupils prioritise issues and think about ways to deal with them.
- Make sure you display your bubble prominently and in a way that gives it status and is noticeable when you walk in the room



Do you need some bubble time?

