

Featherstone High School



Confidentiality Policy

Prepared by:
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Introduction

Featherstone High School is committed to the health and well-being of students. Keeping students safe from harm is one of our main priorities. Students can often present with a variety of complex difficulties and problems. Many of these are of a confidential nature. The aim of this Confidentiality Policy is to provide staff with a framework of confidentiality guidelines within which they can work when presented with difficult situations. Members of staff will not offer students, or their parents, blanket or unconditional confidentiality. This policy will be widely publicised to all in the school community.

Definition

The overall meaning of confidential relationship is openness and agreement about what will happen to information disclosed between two, or more, people. In practice there are few situations where absolute confidentiality is offered. In most cases only limited confidentiality can be offered. The boundaries of confidentiality should be made clear at the beginning of the conversation.

We would define confidential information as being of some significance and not in the public domain. It is usually disclosed in private on the basis of trust. A confidential relationship is based on openness and on an agreement about what will happen to information disclosed. Information may be disclosed where there is strong evidence that nondisclosure may be seriously detrimental to the health and wellbeing of the young person.

Purpose of a Confidentiality Policy

It is important that the whole school follows the same clear and explicit guidelines. The policy acts in conjunction with existing whole school policies such as Safeguarding and Child Protection, Sex Education and Drugs Education.

All members of school staff, along with external agencies working with the school are bound by the Confidentiality Policy. All Staff will be made aware of the policy and understand their role within it. Students and parents will be made aware of the confidentiality policy and what it means to them.

Guidelines for All Those Working with Students

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.

Staff must be clear to students that they cannot offer unconditional confidentiality when a student first begins to talk about something where confidentiality may become an issue. School staff are advised not to guarantee confidentiality. Any information that a student discloses to a member of staff or visitor should not be passed on to other colleagues indiscriminately but should only be discussed on a "need to know basis".

Students should be warned that if there is a child protection issue where the student, or others, are likely to be at risk of significant harm, you are legally required to inform the

school's senior child protection officer who may have to involve other agencies. (Please refer to the school's child protection and safeguarding policy for further advice)

In all cases where staff need to break confidentiality with the student, they must inform the student and reassure them that their best interests will be maintained. In talking with the student, staff will encourage them to talk to their parents/carers (if it is appropriate, i.e. if it is related to a bullying issue at school) about the issue that may be troubling them and support in doing this should be offered where appropriate.

Students will be made aware of the specialist confidential services that are available within Featherstone High School. This is available via the schools counselling services and/or the school health advisor. These services can be accessed via the Learning Mentor team.

Confidentiality; Staff and Governors

Relationships between and amongst staff and governors need to be based on openness and trust. We will work to foster this. Access to the Staff Support Scheme is available to all staff and is confidential. This can be accessed via the Personnel/HR Manager. Any use of the Staff Disciplinary Policy or Competency Policy will be confidential to the parties involved. All staff can expect that their personal situations, details and health will remain confidential unless it impinges on their terms of contract or endangers students or other members of staff.

Confidentiality and Families

We recognise that sometimes there may be family issues which might affect a student and which the family will only disclose to us if they can be sure 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 with the parent first unless a student is considered to be at immediate risk and/or there is an overriding child protection concern.

Visitors to schools and Confidentiality

A 'Visitor' in this context is any person external to FHS who works in school either in a paid or a voluntary capacity. In some instances, the visitor may become privy to personal information regarding students, parents and staff that is of confidential nature. There is an agreement between the Governing Body and everyone who works in school to sign a declaration not to use any such information outside the school context. All issues related to safeguarding or child protection must be shared with Featherstone High School's senior child protection officer in the first instance.

Sharing Information

Students: Students have a right of access under the Data Protection Act 1998 to their own information. This is known as the right of subject access. When a child cannot act for themselves or the child gives permission, parents will be able to access this information on their behalf. Parents have an independent right of access to their child's educational record.

The following criteria will be considered in assessing whether a particular student on a particular occasion has sufficient understanding to consent, or to refuse consent, to sharing of information about them:

Can the child or young person understand the question being asked of them?

Do they have a reasonable understanding of:

- what information might be shared
- the main reason or reasons for sharing the information; and
- the implications of sharing that information, and of not sharing it?

Can they:

- appreciate and consider the alternative courses of action open to them;
- weigh up one aspect of the situation against another;
- express a clear personal view on the matter, as distinct from repeating what someone else thinks they should do; and
- be reasonably consistent in their view on the matter, or are they constantly changing their mind?

Considerations about whether a child has sufficient understanding are often referred to as Fraser guidelines, although these were formulated with reference to contraception and contain specific considerations not included above.

Parents Rights: Parents have a right to access their child's educational record. This covers information that comes from a teacher or other employee of a local authority or school, the student or the parent, and is processed by or for the school's governing body or teacher, except for information the teacher has solely for their own use. So it will cover information such as the records of the pupil's academic achievements as well as correspondence from teachers, local education authority employees and educational psychologists engaged by the school's governing body. It may also include information from the child and from the parent, as a parent. Information provided by the parent of another child would not form part of a child's educational record.

Professionals: Sharing information to support transitions; Staff will share information with other professionals when a student is in a state of transition between schools.

Sharing information where there are concerns about significant harm to a child or young person: Information will be shared with other organisations such as children's social care and the police, when we have reasonable cause to believe that a child or young person may be suffering or may be at risk of suffering significant harm. This decision will be made by the Senior Child Protection officer or/and the Head Teacher.

Child protection staff will refer to the seven golden rules for information sharing as defined within the non-statutory guidance in the HM Government document, Information sharing; Guidance for Practitioners and Managers.

The Law; Information will be shared in relation to the following Acts;

Human Rights Act (1998)

A number of Articles of the European Convention on Human Rights may affect information sharing, in particular Article 8 which states "Everyone has the right to respect for his private and family life, his home and his correspondence". This is apart from interference by a public authority in accordance with the law in the interests of national security, public safety and for the prevention of disorder or crime.

The Crime and Disorder Act 1998

Section 17(A), added by the Police and Justice Act 2006, creates a new duty on relevant authorities to disclose to all other relevant authorities any information held by the authority which is of a prescribed description, at such intervals and in such form as may be prescribed.

Section 115 of the Act gives power to any person to disclose information to a relevant authority, or any person acting on behalf of a relevant authority, when necessary or expedient for the purposes of any provision of the Act.

The Data Protection Act (1998)

We will;

- only collect information that we need for a specific purpose;
- keep it secure;
- ensure it is relevant and up to date;
- only hold as much as we need, and only for as long as we need it; and
- allow the subject of the information to see it on request.

This allows for the exchange of information where it is for the purposes of the prevention or detection of crime, apprehension or prosecution of offenders, and where failure to disclose would be likely to prejudice those objectives.

The Children Act 2004

The statutory guidance on section 10 of the Children Act 2004 for agencies covered by the duty to co-operate to improve well-being for children.

Section 11 of the Children's Act 2004 on the duty to safeguard and promote the welfare of children.

The Education and Inspections Act 2006

This act sets out the duty to promote the well-being of pupils to governing bodies of maintained schools.

Other relevant policies and procedures:

Safeguarding and Child Protection

Whistle blowing

Anti Bullying

Sex and Relationships Education

Managing and Improving Behaviour (procedural document)

Student Discipline and Behaviour Policy