

# St. Faith's CE Primary School

## Confidentiality Policy

### Aim:

*All members of staff working on the school site are clear about the levels of confidentiality that they can offer to the school community and expect themselves.*

### Objectives:

- *To be transparent about the process for developing and reviewing this policy.*
- *For everyone to understand the varying levels of confidentiality which might be offered in different circumstances.*

This policy is based on guidance from HCC Children's Services June 2006, and this in turn is drawn from the following:

- ***Guidance to schools on Sex and Relationships Education*** Department for Education and Skills (Ref DfES 0116/2000)
- ***What to do if you are worried a child is being abused*** Department of Health (Ref 31553/"What to do if you're worried a child is being abused")
- ***Developing sex and relationships education in schools-guidance and training for school governors*** Sex Education Forum (National Children's Bureau, 2003)
- ***HIV in Schools – good practice guide to supporting children infected or affected by HIV*** (National Children's Bureau 2005)
- ***Sex and Relationships Education in Pupils Referral Units*** Sex Education Forum (National Children's Bureau 2004)
- ***National Healthy School Status- A Guide for Schools*** [www.wiredforhealth.gov.uk](http://www.wiredforhealth.gov.uk) August 2005
- ***Managing the support and reintegration of pregnant pupils and school age parents – Guidance for Schools*** from Hampshire Local Education Authority, November 2004
- ***Protocol for sharing information about children and young people*** (Hampshire Children & Young People's Strategic Partnership, February, 2005)
- ***Information Sharing: Practitioners' guide*** (DfES 2006)
- ***Information sharing: Case examples*** (DfES 2006)
- ***Information sharing: Further Guidance on Legal issues*** (DfES 2006)
- ***Hampshire Safeguarding Children Board Protocol for working with sexually active young people under the age of eighteen*** (2006 - see Appendix 4 of this document)

### ***Additionally the Governors of St. Faith's Primary School agree that:***

- A clear, explicit and well publicised confidentiality policy ensures good practice throughout the school which staff, (including staff from external agencies), parents/carers and pupils can easily understand.

- The school needs to be clear about the boundaries of their legal and professional roles and responsibilities e.g. Child Protection/ safeguarding procedures.
- Different professionals can offer varying levels of confidentiality in different circumstances which can confuse staff and pupils.
- Sometimes parents/carers and families may wish to disclose information confidentially to the school. Schools need to be clear about their position.

This policy was originally written in June 2009 by the Headteacher, Governors adopted it in June 2009.

This policy applies equally to all staff, visiting staff working with children at St. Faith's Primary School during the school day, staff working as part of Extended School provision, and volunteers.

This policy will be part of the Induction process of staff, volunteers and Governors.

#### **All school staff members:**

- *We recognise that there are occasions when pupils 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 pupils 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 policy:*
- *When talking with pupils, 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 and pupils encouraged or supported to access other confidential services...*
- **You must be clear to pupils that you cannot offer unconditional confidentiality when a pupil first begins to talk about something where confidentiality may become an issue.**
- *Pupils 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 school's Child Protection/ Safeguarding Liaison Officer who may have to involve other agencies.** (Please refer to the school's child protection/ safeguarding procedures for further advice on this aspect). 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 child, but that they will only tell those who need to know in order to help.*
- *School staff can only offer confidentiality to pupils on issues that do not involve significant illegal activities e.g. drug trafficking, arson, etc. If the conversation begins to move to this kind of issue, the pupil must be warned that confidentiality cannot be guaranteed.*

- *In all cases where you feel that you have to break confidentiality with the pupil, you must inform the pupil, (unless there is a good reason not to inform them e.g. risk of harm) and reassure them that their best interests will be maintained.*
- *In talking with pupils, 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.*
- *Pupils should be made aware of the specialist confidential services that may be available e.g. school nurse, counsellor, doctor.*

### **Counselling Services:**

*Any counsellor from the Health service, can be approached by any pupil for a confidential discussion. Sometimes we may also refer pupils to a counsellor for discussions. The school counsellor **cannot offer confidentiality over a child protection/ safeguarding issue** but because sometimes it is necessary for a pupil to be able to talk about deep-seated troubling issues in order to help the pupil through their situation, **we do not require counsellors to inform senior staff about illegal activities unless there is a child protection/ safeguarding issue or other significant risk.***

**THE FOLLOWING PARAGRAPH IS INCLUDED AS A STATEMENT OF THE LEGAL POSITION OF SCHOOL-BASED HEALTH SERVICES – WE RECOGNISE THAT CHILDREN AT ST. FAITH’S PRIMARY SCHOOL WILL NOT BE ‘FRASER COMPETENT’ OWING TO THEIR VERY YOUNG AGE**

### **The school nurse and school based health service:**

*The government has recognised that for some young people, unless they are able to speak to someone confidentially away from their family, their health and well-being can be at great risk. Health services (including doctors and our school nurse) can offer confidential health services (including contraception) to pupils under the age of 16 providing they follow the Fraser Guidelines which require:*

- *The young person understands the advice and has sufficient maturity to appreciate what is involved in terms of moral, legal, social and emotional implications for themselves.*
- *They cannot be persuaded to tell their parents/carers, or allow them to be informed.*
- *(If appropriate) they are likely to begin or continue having sex.*
- *The young person’s physical or mental health is likely to suffer unless they receive advice or treatment.*
- *It is in the young person’s best interests to give advice or treatment.*

*The requirement to offer a confidential service is within the professional Code of Practice for school nurses and other health service staff. The government has also signed up to international legislation and charters which entitle young people to access health services. However, health professionals like everyone else, must inform appropriate services if they become aware of a child protection/ safeguarding issue in discussions with a young person.*

***NB On site services must be very clear in their publicity about the levels of confidentiality offered e.g. school based health service will offer more confidentiality than will be offered by school staff.***

### **'Buddy' systems**

From time to time we assign buddies to help children settle in school if they are new, or to help them at a particular time. We will emphasise to all children that

*Pupils are not allowed to promise to keep secrets if that 'secret' concerns someone's safety or happiness.*

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

### **Staff and Governors**

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

- it impinges on their terms of contract or*
- endangers pupils 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.*

### **Linked policies**

These policies are linked and supported by the confidentiality policy e.g. Bullying, Child Protection, Health and Safety, PSHE, Drug Education.

## **Dissemination**

*This policy should be widely publicised to all in the school community*

- *through the school prospectus*
- *through school newsletters*
- *with job details to applicants*
- *through agreements with other agencies working on the school site,*
- *through assemblies and the school council*
- *By emphasising links to the to the school's anti-bullying policy and child protection/ safeguarding policy and procedures.*
- *See Annexes 2 and 3*

## Fraser Competent

---

Fraser Competent is a term used to describe a child under 16 who is considered to be of sufficient age and understanding to be competent to receive contraceptive advice without parental knowledge or consent. (The term is therefore narrower than the term Gillick Competent although it is often used to mean the same thing.) The test is that the doctor must be satisfied that;

- The child will understand the advice
- The child cannot be persuaded to tell his or her parents or allow the doctor to tell them that they are seeking contraceptive advice
- The child is likely to begin or continue having unprotected sex with or without contraceptive treatment
- The child's physical or mental health is likely to suffer unless he or she receives contraceptive advice or treatment.

## **APPENDIX 2: A sample statement for parents and carers concerning confidentiality and pupils.**

*There is increasing national concern for the emotional health and well-being of young people growing up in today's society. We recognise that parents and carers want to do all they can to support their child but even in the most supportive of relationships where there is excellent communication between parent/carer and child, there can be occasions when they are worried about something and feel that they cannot talk about it with you. This may result in enormous stress for the pupil which can impact on their education, health and behaviour. Whilst we recognise that parents and carers will naturally be disappointed if their child does not choose to talk with you about what is troubling them, we feel there could be even more distress if the pupil is unable to cope with the issue themselves. On this basis we have agreed the following:*

### **School staff (with the exception of the school nurse and school counselling services)**

*Our staff will be supportive to pupils who approach them with concerns but will make it clear that they cannot offer confidentiality to the pupil on anything that involves an illegal activity or anything that is a potential child protection/ safeguarding issue where the pupil or others are likely to be at risk of significant harm.*

*Senior staff in the school will liaise with parents/carers as appropriate in cases where a staff member has reported an issue over which they cannot offer confidentiality.*

*Staff will support pupils to inform their parents/carers about issues that are troubling them as appropriate.*

### **Counsellor**

*The school may employ a specialist counsellor, from time to time, who can be approached for a confidential discussion. Sometimes we may also refer pupils to the counsellor for discussions. The school counsellor cannot offer confidentiality over a child protection issue but because sometimes it is necessary for a pupil to be able to talk about deep-seated troubling issues in order to help the pupil through their situation, we do not require our counsellor to inform senior or pastoral staff about illegal activities unless there is a child protection issue or other significant risk.*

### **School nurse & school health drop-in:**

*The government has recognised that for some young people, unless they are able to speak to someone confidentially away from their family, their health and well-being can be at great risk. Health services (including doctors and our school nurse) can offer confidential health services (including contraception) to pupils under the age of 16 providing they follow the Fraser Guidelines which require:*

- *The young person understands the advice and has sufficient maturity to appreciate what is involved in terms of moral, legal, social and emotional implications for themselves.*
- *They cannot be persuaded to tell their parents/carers, or allow them to be informed.*
- *(If appropriate) they are likely to begin or continue having sex.*

- *The young person's physical or mental health is likely to suffer unless they receive advice or treatment.*
- *It is in the young person's best interests to give advice or treatment.*

*The requirement to offer a confidential service is within the professional Code of Practice for school nurses and other health service staff. The government has also signed up to international legislation and charters which entitle young people to access health services. However, health professionals like everyone else, must inform appropriate services if they become aware of a child protection/ safeguarding issue in discussions with a young person.*

**PUPILS AT ST. FAITH'S PRIMARY SCHOOL ARE NOT 'FRASER COMPETENT'  
OWING TO THEIR VERY YOUNG AGE**

## **APPENDIX 3: A sample statement for pupils concerning confidentiality.**

*We understand that there may be times when there are things which may be worrying you but you feel that you can't talk about them with your family. Teachers and other members of school staff will do all we can to help you but you need to know the following:*

- If you really want to talk to someone confidentially, (without anyone else knowing what you have said), you can speak to a counsellor from the Health service, or school nurse. We might also be able to help you find someone else outside of school if you think this is better for you.*
- The teachers and other members of staff in the school will often be able to help you with many of the things that may be worrying you but they cannot promise to keep everything to themselves. If you tell them about some things, which are against the law, they will have to speak to one of the senior teachers in the school who might then have to speak to your parents/carers or the police or Children's services.*
- If the staff member feels that they have to tell someone else what you have talked about, they will normally tell you first and help you sort it out, perhaps helping you to speak to your parents/carers if you want this.*
- Very rarely there are things which you talk about that can be very dangerous for you or for other young people e.g. someone trying to harm you. Even the school counsellor, or nurse, may have to tell someone else about what you have said, but they will normally tell you first and always help you to sort things out.*
- Please remember if the school nurse is speaking in lessons, they have to tell things to senior teachers in the school, just like the teachers. The only time they can be confidential is when they see you outside of lessons.*