

## MAPLE MEDICAL PRU CONFIDENTIALITY POLICY

### Introduction

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

The Data Protection, Freedom of Information and Human Rights legislation all need to be taken into consideration

**Human Rights Act 1998:** Gives everyone the right to have “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 2018 and General Data Protection Regulations:** Applies to personal data of living, identifiable individuals, not anonymised data; manual and electronic records.

**Freedom of Information Act 2000:** Gives everyone the right to request any records a public body, including schools, holds about them. We may withhold information where an exemption under the Act exists.

### 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 Maple. 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.

**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. 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 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 parent/ 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.

(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 Safeguarding Lead (the Head teacher) or the deputy Designated Safeguarding Lead (the deputy head teacher) 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.)

**3. Disclosures to a counselor, 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 appropriate guidelines for 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 parent/ carers. However, the

needs of the pupil are paramount and the school nurse will not insist that a pupil's parent/ 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.

**Rationale**

Staff aim to provide emotional and physical protection and welfare for the pupils at Maple (and babies within Young Parents Centre). They are aware of the need for maintaining confidentiality and the circumstances in which an apparent breach of confidentiality is justified. Staff work in partnership with parents/ carers and other agencies to promote the safety and welfare of all pupils within the PRU.

**At Maple 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 and 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.

- 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.

### **Consultation**

Staff who work at Maple have assisted in the writing of this policy to enable it to be fully implemented by all. Pupils and parents/ carers have been consulted on the content of this policy.

The Management Committee will endorse all Maple policies.

### **Role of Staff**

- Staff should reassure pupils that whilst they cannot offer them unconditional confidentiality, they will maintain their best interests.
- All staff working at Maple will implement the Child Protection Policy when necessary.
- In the interests of staff safety Maple staff are advised that even if a pupil requests a 1:1 consultation they may request that another member of staff is present throughout
- Any concerns should be discussed at an appropriate place and time with the designated teacher for child protection, the Assistant Head at each of the units or in their absence, the teacher in charge.
- If a pupil or parent of a pupil makes a disclosure in conversation with any adult working at Maple, this should be kept confidential unless it raises concerns about the welfare of a pupil, baby or any other person, then these concerns should be discussed with the designated teacher for child protection immediately.
- Any photographs or images taken of pupils or babies will not be published in any format without first obtaining written consent from the parent/ carers of each pupil/ baby. The signed sheets will be filed and kept until the pupil reaches the age of 21 years.
- If a request is made by telephone for any details of a pupil/baby or parent/carer, information is not to be given. The caller's telephone number will be taken and the validity of the request will be established. The call can then be returned and the information given.

**Role of visiting professionals**

- The confidentiality policy applies to visiting professionals.
- Health professionals in school are bound by their codes of conduct in a one-to-one situation with an individual student, but in a classroom situation they must follow the school's confidentiality policy.

Written: Oct 2018

Review Date: Oct 2020

**Signed**

**Head teacher .....**

**Management Committee Chair .....**