



Co-op Academy  
Leeds

Confidentiality Policy

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# Safeguarding Statement

The Co-op Academy Leeds is committed to safeguarding every student. We acknowledge that safeguarding is everyone's responsibility and ensure all of our staff are trained to be vigilant and aware of the signs and indicators of abuse and understand and follow safe working practices. The viewpoints and voice of students is of paramount importance to our academy and we will always listen to their wishes, thoughts and feelings, as well as identifying and supporting their needs.

We will work alongside students to develop trusting, consistent and professional relationships and show we care by advocating the early help processes where possible. We will identify any difficulties or concerns early in order to act preventatively.

We will always provide support and advice for families and parents/carers, whilst acting in the best interests of the student at all times and doing what matters most.

Safeguarding also includes ensuring we work in an open and honest way, enabling our children to feel safe by providing a secure learning environment, are equally protected regardless of any barriers they may face and are able to grow and develop in the same way as their peers.

Co-op Academy Leeds safeguards students by:

- Maintaining a secure site and ensuring that all visitors to the academy are recorded, monitored and clear about how to raise a safeguarding concern should one arise.
- Ensuring that safer recruitment practices are followed to prevent those who pose a risk to children gaining access to our students.
- Filtering and monitoring all internet traffic into the academy to ensure that children cannot be exposed to harmful material and communication.
- Ensuring that all staff employed by the academy have received all necessary pre-employment checks, which are recorded in the single central record (SCR) 14 Coop Academy Leeds
- Providing regular training and briefings for all staff, and volunteers, in child protection and ensuring that all staff, volunteers and visitors know who our designated safeguarding officers and designated senior lead are.
- Ensuring that admission and attendance procedures are robust to protect children, ensure that they are safe and prevent children from going missing from education.
- Empowering young people to identify risks both within the academy and in their community; ensuring that they have the skills and confidence to help and protect themselves and others

# Rationale

Confidentiality Policy Rationale and statement on the importance of confidentiality

## **We believe that:**

- The safety, wellbeing and protection of our young learners are the paramount consideration in all decisions staff at this school make about confidentiality
- The appropriate<sup>1</sup> sharing of information between school staff is an essential element in ensuring our young learners' wellbeing and safety.
- It is an essential part of the ethos of our school that trust is established to enable young learners, 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 young learners, staff are supported and safe.
- Young learners, 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.

## 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 both schools.

However, we have tried to strike a balance between ensuring the safety, wellbeing and protection of our young learners and staff, ensuring there is an ethos of trust where young learners 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 shall make clear that there are limits to confidentiality, at the beginning of the conversation. These limits relate to ensuring children’s safety and wellbeing. The young learner 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

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 shall be made clear to young learners 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.
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 young learners and parents/carers (see note below) and any required actions and sources of further support or help available both for the young learner or parent/carer and for the staff member within the school and from other agencies, where appropriate. All staff at this school encourage young learners to discuss difficult issues with their parents or carers, and vice versa. However, the needs of the young learner are paramount and school staff will not automatically share information about the young learner with his/her parents/carers unless it is considered to be in the child’s best interests. Start your conversation with the following advice: “You will be supported with any problems you may share with me but if, in my opinion, you have been or are at risk from yourself (self harm) or from others or are involved in anything illegal we may have to share this information with others who can help.” (Note: That is, 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 shall discuss this with the Designated Safeguarding Lead 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 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 young learners 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 young learners to discuss issues with their parents or carers. However, the needs of the young learner are paramount and the school nurse will not insist that a young learner's parents or carers are informed about any advice or treatment they give. On a “need to know basis” they will share with appropriate staff in school any details which would enable better ‘in school’ support.

## Contraception Advice and Pregnancy

The Department of Health 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. The Government Guidance, "Working Together to Safeguard Children". Note: It is the view of Police that they shall 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) shall not promise confidentiality. Young learners 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 will give such a promise.

The safety, wellbeing and protection of the child is 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, we believe it is important staff are able to share their concerns about young learners 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 young learners' safety and wellbeing is maintained.

School staff shall discuss such concerns with the **DSL, Designated Staff, Principal or School counsellor and health professionals**: Professional Judgement 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 DSL, Designated Staff, Principal or School counsellor and health professionals 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 annual basic training in child protection as part of their induction to this school and are expected to follow the school's child protection policy and procedures. Counsellors and Health Professionals: We offer young learners the support of a school counsellor and the school nursing service operate drop-in service for young learners.

These services are confidential between the counsellor or health professional and the individual young learner. No information is shared with school staff except as defined in the school's Child Protection Policy, and guidance from Child Protection law. This is essential to maintain the trust needed for these services to meet the needs of our young learners. Visitors and non-teaching staff:

We expect all non-teaching staff, including voluntary staff, except those identified in the paragraph above, to report any disclosures by young learners or parents/carers, of a concerning personal nature to the Designated Safeguarding Lead as soon as possible after the disclosure and in an appropriate setting, so others cannot overhear. This is to ensure the safety, protection and wellbeing of all our young learners and staff. The Designated Safeguarding Lead will decide what, if any, further action needs to be taken, both to ensure the young learner gets the help and support they need and that the member of staff also gets the support and they need.

**Parents/carers:** We believe 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 young learners can share any concerns and ask for help when they need it. Where a young learner does discuss a difficult personal matter with staff, they will be encouraged to also discuss the matter with their parent or carer themselves.

## Safety, Wellbeing and Protection of Learners

The safety, wellbeing and protection of our young learners 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, seek a consultation with your local Children's Safeguards Service Child Protection Co-ordinator. Links to other school policies and procedures:

This policy is intended to be used in conjunction with:

- The Coop Academy Leeds PSHE/Drugs Sex and Relationship Policy
- The Coop Academy Leeds Child Protection Policy
- Anti-Bullying Policy
- Behaviour, Rewards and Sanctions Policy
- Whistle-Blowing Policies Statement
- of ground rules to be used in lessons (This should also be 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. This reduces anxiety to young learners and staff and minimises unconsidered, unintended personal disclosures. At the beginning of each PSHE lesson, young learners are reminded of the ground rules by the teacher or outside visitor. The teacher establishes the ground rules together with the young learners at the beginning of each half term of teaching PSHE. 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 young learners, which are personal and private, we won't talk about it outside the lesson, BUT

- 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 Child Protection Policy Where this does not apply and you are still concerned and unsure of whether the information should be passed on or other action taken you should speak to the Designated Child Protection Officer.

If the Principals issues instructions that s/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 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
- 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 young learner first before any confidential information is shared, with the reasons for this
- Encourage the young learner, whenever possible to confide in his/her own parents/carers Support for Staff may have support needs themselves in dealing with some of the personal issues of our young learners. 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 young learners' home with you.

There are many agencies we can refer young learners to who need additional support which and we have procedures to ensure this happens. We all work together as part of a team to support our young learners and asking for help is a way, we ensure that our school is a happy, caring and safe learning environment.

Onward referral:

- Year Managers (Designated Officers)
- SENCO
- Designated Child Protection Co-ordinator
- Principal
- School Counsellor

are responsible for referring young learners to multi- agency support. Please do not make referrals yourself unless you believe a child protection referral to the police or Social Services Department is necessary and the designated person does not agree. ('What to do if you're worried a child is being abused', DfES, HO, etc., 2003).

Young learners can also obtain confidential help themselves, see the information available from, e.g.: Leeds Sexual Health Service, Leeds Youth Service, school nurse drop ins, GP, local drug and alcohol agencies, Connexions, Relate, Childline, etc. 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.

All new staff, including volunteers, receive 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. Review: This policy is reviewed every 2 years or whenever deemed necessary by the Principals and Governors in the light of events and changes in the law.

## Summary of Relevant Legislation

- The Crime and Disorder Act 1998 S.115 provides a legal power and duty to share information for the purposes of the Act, i.e. crime prevention. This will apply to majority of domestic violence cases (vii)
- Data Protection Act 1998 includes new provision for the regulation of the processing of information relating to individuals, including the obtaining, holding, use or disclosure of such information. (viii) T
- The Human Rights Act 1998 Article 8 precludes information sharing if it may interfere with the rights which include respect for private and family life, home and correspondence, unless it is in accordance with the law and necessary in a democratic society in the interests of national security, public safety or for the prevention of disorder or crime, the protection of health or morals or the protection of rights and freedoms of others. (ix)
- The Common Law of Confidence requires that information may not lawfully be disclosed when given in certain circumstances of confidentiality except when an exemption applies, such as it being in the 'overriding public interest'. (x) Consent will be obtained from relevant individuals as a matter of good practice, and where appropriate and possible, explicit consent shall be sought and freely given by the data subject.
- Sharing data without consent: data shall be shared with consent; however, the Home Office gives guidance on conditions when information can be shared other than with consent:

1. Processed lawfully and fairly
2. Obtained for a lawful purpose
3. Relevant and not excessive in relation to the purpose for which it is processed.
4. Accurate and kept up-to-date
5. Retained no longer than is necessary for the required purpose. #
6. Processed in accordance with the rights of data subjects.
7. Stored securely to prevent unauthorised access.