



THE MARSH ACADEMY

Academy Confidentiality Policy

Rationale & Statement on the importance of Confidentiality

At The Marsh Academy we believe that:

- The safety, wellbeing and protection of our students are the paramount consideration in all decisions staff at this Academy make about confidentiality. The appropriate sharing of information between Academy staff is an essential element in ensuring our students wellbeing and safety.
- It is an essential part of the ethos of our Academy that trust is established to enable students, staff and parents / carers to seek help both within and outside the Academy and minimise the number of situations when personal information is shared to ensure students and staff are supported and safe.
- Students, 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 Academy's attitude to confidentiality is open and easily understood and everyone should be able to trust the boundaries of confidentiality operating within the Academy.
- Issues concerning personal information, including sex and relationships and other personal matters can arise at any time.
- Everyone in the Academy community needs to know that no one can offer absolute confidentiality.
- Everyone in the Academy community needs to know the limits of confidentiality that can be offered by individuals within the Academy 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".

This includes matters relating to free Academy meals, income support and EMA payments.

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 The Marsh Academy. We have tried to strike a balance between ensuring the safety, wellbeing and protection of our students and staff, ensuring there is an ethos of trust where students and staff can ask for help when they need it and ensuring that, when it is essential to share personal information and child protection issues, 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 at the beginning of the conversation that there are limits to confidentiality. These limits relate to ensuring children's safety and wellbeing. The student 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 are appropriate for different circumstances.

1. In the classroom during 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 students 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 the Academy's health-education programme in a classroom setting, they are working within the same boundaries of confidentiality as a teacher.

2. One to one disclosures to members of Academy staff (including voluntary staff). It is essential that all members of staff know the limits of the confidentiality that they can offer to both students and parents / carers¹ and any required actions and sources of further support or help available, both for the student or parent / carer and for the staff member within the Academy, and from other agencies, where appropriate. All staff at this Academy encourage students to discuss difficult issues with their parents / carers and vice versa. However, the needs of the student are paramount and Academy staff will not automatically share information about the student with his / her parents / carers unless it is considered to be in the child's best interests.
3. Disclosures to a counsellor, Academy-linked nurse or health professional operating a confidential service in the Academy. Health professionals such as Academy nurses can give confidential medical advice to students 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). Academy nurses are skilled in discussing issues and possible actions with young people and always have in mind the need to encourage students to discuss issues with their parents / carers. However, the needs of the student are paramount and the Academy nurse will not insist that a student's parents / carers are informed about any advice or treatment that 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. The Government Guidance "Working Together to Safeguard Children" is currently being revised following the Bichard report and will be published at a later date.

The legal position for Academy Staff

Academy staff (including non-teaching and voluntary staff) should not promise confidentiality. Students do not have the right to expect that incidents will not be reported to 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 Academy's staff can or should give such a promise. The safety, wellbeing and protection of the child is the paramount consideration in all decisions that staff at this Academy make about confidentiality.

¹ That is, when concerns for a child or young person come to the attention of staff, for example through observation of behavior, injuries or disclosure. However insignificant this might appear to be, the member of staff should discuss this with the designated Child Protection Coordinator (Mrs M Whitewood) 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 Academy's Child Protection Policy.

Academy staff are NOT obliged to break confidentiality, except where child protection is or may be an issue. However, at The Marsh Academy, we believe it is important that staff are able to share their concerns about students with colleagues in a professional and supportive way, on a need-to-know basis, to ensure staff receive the guidance and support that they need and the students' safety and wellbeing is maintained. Academy staff should discuss such concerns with their line manager or the DCPC.

Teachers, Counsellor and Health Professionals

Professional judgment 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 judgment the teacher, counsellor or health professional must consider the best interests of the child, including the need both to ensure trust and to provide safeguards for our children and possible child protection issues.

All teachers at this Academy receive basic training in child protection as part of their induction to this Academy and are expected to follow the Academy's Child Protection Policy and procedures.

Counsellors and Health Professionals

At the Marsh Academy, we offer students the support of an Academy counsellor with appointments accessed directly through the relevant Student Development Leader and the school nursing service operates a drop-in service for students. These services are confidential between the counsellor or health professional and the individual student. No information is shared with Academy staff except as defined in the Academy's Child Protection Policy and guidance from the Kent Child Protection Committee and Child Protection law. This is essential to maintain the trust needed for these services to meet the needs of our students.

Visitors and Non Teaching Staff

At The Marsh Academy we expect all non-teaching staff, including voluntary staff, except those identified in the paragraph above, to report any disclosures by students or parents / carers, of a concerning personal nature, to the designated Child Protection Coordinator, as soon as possible after the disclosure and in an appropriate setting, so that others cannot overhear. This is to ensure the safety, protection and wellbeing of all our students and staff.

The designated Child Protection Officer will decide what, if any further action needs to be taken, both to ensure the student gets the help and support that they need and that the member of staff also gets the support and supervision that they need.

Parents / Carers

The Marsh Academy believes 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 the Academy, including any concerns about their progress or behaviour. However, we also need to maintain a balance so that our students can share any concerns and ask for help when they need it. Where a student does discuss a difficult personal matter, staff at The Marsh Academy will be encouraged to discuss the matter also with their parent / carer themselves.

The safety, wellbeing and protection of our students is the paramount consideration in all decisions that staff at this Academy make about confidentiality.

Complex Cases

Where there are areas of doubt about the sharing of information, we will seek a consultation with our local KCC Children's Safeguards Service Child Protection Coordinator.

Links to other Academy policies and procedures

This policy is intended to be used in conjunction with the Academy's Drugs, Sex & Relationships, Child Protection, Bullying and Behaviour Recognition and Rewards management policies.

Statement of Ground Rules to be used in Lessons

We adopt ground rules to ensure a safe environment for teaching in particular in PSHCEE and Tutor Time. This reduces anxiety to students and staff and minimises unconsidered, unintended personal disclosures.

In relevant PSHCEE lessons and Tutor Time, students are regularly reminded of the ground rules by the teacher or outside visitor. The teacher establishes the ground rules together with the students at the beginning of each half-term of teaching PSHCEE and Tutor Time.

This is an example of the ground rules which might be used for a typical 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 without it meaning anything
- If we do find out things about other students, 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

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 Head of School.

The principles we follow at The Marsh Academy are that in all cases we:

- ensure the time and place are appropriate. When they are not, we reassure the child that we understand that 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 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:
 - i. hurt themselves
 - ii. hurt someone else
 - iii. or they tell us that someone is hurting them or others.
- do not interrogate the child or ask leading questions.
- will not put children in the position of having to repeat distressing matters to several people.
- inform the student first before any confidential information is shared, with the reasons for this.
- encourage the student, whenever possible to confide in her own parents / carers

Support for Staff

Staff may have support needs themselves in dealing with some of the personal issues of our students. At The Marsh Academy 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 students home with you. There are many agencies to which we can refer students, who need additional support and we have procedures to ensure this happens.

We all work together as part of a team to support our students and asking for help is one way in which we ensure that The Marsh Academy is a happy and safe learning environment.

Teaching staff should discuss any concerns about students with the Student Development Manager/Child Protection Officer. Non Teaching staff should also discuss any concerns about students with the Student Development Manager/Child Protection Officer. Again, any unresolved issues should be discussed with the Student Development Manager/Child Protection Officer.

Onward Referral

The Student Development Manager/Student Development Leader/designated Child Protection Officer, is responsible for referring Students to the Academy counsellor and to outside agencies from the Academy. If you believe that the situation is very serious and you are unhappy with the way with which it is being dealt, see the Head of School immediately.

Students can also obtain confidential help themselves, see the information available from Academy nurse drop-ins, GP, local drug and alcohol agencies and Childline.

Dissemination and Implementation

This policy is available to all teaching and non teaching staff. All new staff are made aware of the policy, together with basic training on the Academy's Child Protection Policy and procedures from the Designated Child Protection Officer.

Review

This policy is reviewed every 2 years or whenever deemed necessary by the Executive Principal and Governors in the light of events and changes in the law.

Confidentiality of stored / written information is included.