



## **Confidentiality Policy**

This policy provides guidance for teachers on confidentiality and has been developed in line with the QCA guidance on the Teaching of controversial issues (QCA 2000: Key Stage 3 and 4 Citizenship Guidance).

Pupils occasionally make personal disclosures, either during classroom activities or to teachers. Such disclosure may include:

- The use of drugs, either their own use of drugs or that of friends or their parents/siblings
- The inappropriate engagement in sexual activity
- Physical, emotional and/or sexual abuse

All parties, staff, pupils and parents/carers should be aware of the rules around confidentiality and disclosure and that teachers are unable to offer pupils or their parents/carers unconditional confidentiality. If information is received regarding behaviour that is likely to cause harm either to the young person or others, school staff must use the schools child protection procedures (see the Child Protection Policy). The schools designated child protection teacher is the Headteacher.

### **Essential conditions for confidentiality**

There are three principles to be applied in assessing whether information given is to be treated as confidential:

- 1) the information must be confidential. Once the information is in the public domain and is generally accessible to others, it is no longer confidential. Thus if a child discloses information within a classroom activity the information would be regarded as being in the public domain
- 2) the information must not be useless or trivial, such information does not give rise to a confidential relationship
- 3) the information must be given in circumstances where the confidant must reasonably understand that what was said was confidential

(Children's Legal Centre 2001)

Teachers should establish clear ground rules that cover issues such as the teachers' and pupils' right to privacy and respect. Highlighting that although most information can be kept confidential, some information may need to be passed on to others in the best interests of the pupil. If this does occur, the pupil(s) concerned should be informed that this has to happen including what will happen with that information and who will have access to it. Teachers are not obliged to pass information to their parents, however, based on the age, understanding and competence of the pupil, where the teacher believes the pupil is either morally or physically at risk or is in breach of the law, they must ensure that the pupil is aware of the risks and encourage them to seek support from parents. If, due to the age and apparent lack of understanding, the pupil is not deemed competent then the parent or carer should be contacted. The Head Teacher will consider if there are any special circumstances, which may temper this right. The child protection service may be contacted in the first instance and advice sought (see School's Child Protection Policy/ Procedures).

It should be noted that if the preservation of a confidence:

- a) Enables criminal offences to be committed, or
- b) Results in serious harm to the pupil's health and welfare

criminal proceedings could ensue. For example, in the case of illegal activity such as a drug/substance misuse, action should be taken in the best interests of the child. Staff should be aware that if they:

- a) Fail to take action in a drug-related incident or
- b) Allow drug use to continue on school premises

They could contravene the Misuse of Drugs Act 1971.

In determining the action to be taken following an incident reference should be made to other school policies including:

- Inclusion/ Behaviour and Attendance Policy
- Anti-Bullying Policy
- Sex and Relationship Education Policy
- Drug Education Policy
- Child Protection Policy

Where outside agencies and others provide support within the PSHE, Citizenship or any other part of the Curriculum, they must be made aware of and abide by this policy. It should be noted that other professions are bound by their own codes of conduct, for example health professionals such as the school nurse, are bound by the medical code of confidentiality in their work with children and young people. Where the role of the external visitor involves the provision of advice and support directly to pupils, the boundaries and distinctions between the school policy and the work of the external visitor regarding confidentiality should be established and made clear to the pupils.