

Confidentiality Policy

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<i>Reviewed</i>	<i>NA</i>
<i>Approved by Principal(s)</i>	<i>Yes</i>
<i>Review Date</i>	<i>April 2013</i>
<i>Key Staff</i>	<i>Welfare, Head/Dir Welfare, House Supervisors. Heads of House, PTs, SLG</i>
<i>Lead Staff to Review</i>	<i>Head of Welfare</i>

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 and visitors'.

The Data Protection, Freedom of Information and Human Rights Acts all need to be taken into consideration (see below).

It is important CATS College has an established procedure for dealing with confidentiality, which is understood by students, staff, parents, carers and visitors rather than develop ad hoc arrangements in response to a crisis. The procedures need to be consistent and protect the interests of both students and staff. Having a policy will help to ensure there is a shared understanding of how confidentiality operates in our College community. A consistent, shared ethos and practice will help Students, staff, parents, carers and visitors deal with and know where they stand with confidential issues and will help the College's deal with disclosure of information and establish ways of working (for example in PSHEE) which respect privacy and avoid unnecessary personal disclosure.

This document does not suggest that all members of the College's community should offer the same levels of confidentiality. Steps need to be taken to ensure that confidential disclosures are made to the appropriate person at the appropriate time. In order to ensure this, all members of the College community need to be aware of the limits of confidentiality available in different circumstances and by different individuals.

As part of a whole College policy on confidentiality CATS Colleges have taken into consideration aspects of College life where confidentiality may be pertinent, such as handling student data and the Magellan data recording system.

CATS College has considered the professional support and supervision that teaching and non-teaching staff, including volunteers, such as mentors, need to ensure the protection, health, safety and well being of both the students and staff and practical considerations which require College staff to share information in the best interests of individual students and all students collectively.

Human Rights Act 1998: Gives everyone the right to "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 1998: Applies to personal data of living, identifiable individuals, not anonymised data; manual and electronic records. Schools/Colleges need to be clear, when collecting personal data, what purposes it will be used for and guidance on the Act is available in the staff handbook

Freedom of Information Act 2000: Amends the Data Protection Act gives everyone the right to request any records a public body, including schools/Colleges, holds about them. A College may withhold information it has if it is considered the information may damage the recipient, if disclosed. Schools/Colleges data or record keeping policy should also cover the requirements of this Act.

At CATS College we believe that:

- The safety, well being and protection of our students are the paramount consideration in all decisions staff at this College makes about confidentiality. The appropriate¹ sharing of information between College staff is an essential element in ensuring our students well-being and safety.
- It is an essential part of the ethos of our College that trust is established to enable students, staff, and parents/carers/agents to seek help both within and outside the College and minimise the number of situations when personal information is shared to ensure students, staff are supported and safe.
- Students, parents/carers/agents 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 College's attitude to confidentiality is open and easily understood and everyone should be able to trust the boundaries of confidentiality operating within the College.
- Issues concerning personal information including sex and relationships and other personal matters can arise at any time.
- Everyone in the College community needs to know that no one can offer absolute confidentiality.

Everyone in the College community needs to know the limits of confidentiality that can be offered by individuals within the College 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.

This policy takes into account and adheres to the Information Sharing: Practitioners Guide- 2006

Involvement of key stakeholders in developing this confidentiality policy

A full range of staff covering pastoral, teaching, leadership and staff within CEG have been consulted in producing the draft of this policy. The final policy was agreed by the Senior Leadership Team and CEG, and is available to all staff and posted on our college website

It forms part of the induction of all new staff, including voluntary staff and is reviewed every 2 years.

Definition of Confidentiality

The dictionary definition of confidential is "something which is spoken or given in confidence; private, entrusted with another's secret affairs"

In practice there are few situations where absolute confidentiality is offered in CATS College. We have tried to strike a balance between ensuring the safety, well being 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 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 should make clear that there are limits to confidentiality, at the beginning of the conversation. These limits relate to ensuring our students' safety and well-being. 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 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 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 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 College staff (including voluntary staff).

It is essential all members of staff know the limits of the confidentiality they can offer to both students and parents/carers (see note below) and any required actions and sources of further support or help available both for the student or parent/carer/agent and for the staff member within the College and from other agencies, where appropriate. All staff at this College encourage students to discuss difficult issues with their parents or carers, and vice versa. However, the needs of the student are paramount and College staff will not automatically share information about the students with his/her parents/carers unless it is considered to be in the young person'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 Child Protection Co-ordinator- Kerry Cosson (Canterbury) or Jo O'Regan (Cambridge) 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 College's Safeguarding Policy.)

3. Disclosures to a counsellor, school nurse or health professional operating a confidential service in the College.

Health professionals such as the College nurse 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). College 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 or carers. However, the needs of the student are paramount and the College nurse will not insist that a student's parents or carers are informed about any advice or treatment they give.

The College works closely with NHS agencies and Social Services and follows advice from the Local Authority Safeguarding Board

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.

Note: *It is the view of local Police that they should 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 College staff:

College 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 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 College's staff can or should give such a promise.

The safety, well being and protection of the child is the paramount consideration in all decisions staff at this College make about confidentiality.

College staff are NOT obliged to break confidentiality except where child protection is or may be an issue. However, at CATS College we believe it is important 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 they need and the students safety and well being is maintained. College staff should discuss such concerns with their line manager or the DCPC.

Staff are advised not to offer any assurance of confidentiality to a student before any possible disclosure. Staff can make it clear that no steps will be taken without discussion with the student.

All teachers at CATS College receive basic training in child protection as part of their induction to this school and are expected to follow the College Safeguarding policy and procedures.

Counsellors and Health Professionals:

At CATS College:

Canterbury: We offer students access to a private counselling service, Independent Listeners and support from Pastoral and nursing staff

Cambridge: we offer students access to local counsellors with appointments accessed discreetly through the senior tutor/Head of Welfare, and the College nursing service operate a drop in service for students.

London: we offer students access to a private counselling service and support from pastoral and nursing staff

These services are confidential between the counsellor or health professional and the individual student. No information is shared with College staff except as defined

in the Colleges Safeguarding policy, and guidance from the Kent/Cambridge 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 Cats College, 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 co-ordinator as soon as possible after the disclosure and in an appropriate setting, so others cannot overhear. This is to ensure the safety, protection and well being of all our students and staff. The designated child protection co-ordinator will decide what, if any, further action needs to be taken, both to ensure the students gets the help and support they need and that the member of staff also gets the support and supervision they need.

Parents/carers:

CATS Colleges 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 students can share any concerns and ask for help when they need it. Where a student does discuss a difficult personal matter staff at Cats College's, they will be encouraged to also discuss the matter with their parent or carer themselves.

The safety, well being and protection of our students is the paramount consideration in all decisions staff at this College make about confidentiality.

Complex cases:

Where there are areas of doubt about the sharing of information, seek a consultation with your local KCC/Cambridge Children's Safeguards Service Child Protection Co-ordinator.

Individual rights under the Data Protection Act 1998

Students have the right to see electronically-stored data held on them and any manual data about them if it is stored in a structured filing system from which they can be identified. There are some exceptions to subject access, in particular, where confidentiality to a third party would be compromised.

All students about whom personal data is held (known as "data subjects") are entitled to:

- know what information the College holds and processes about them and why;

- know how to gain access to it, and where appropriate, to have such data corrected or destroyed.

How students can access data

11. Any requests for access to personal data should be submitted to the College Data Manager. The Data Manager must establish the identity of the enquirer, initiate a request for the relevant data and ensure that the data is provided within the period of 40 days specified in the Act. A fee of £10 (as permitted under the Act) will be charged for each request

Use of Magellan for Information Sharing:

‘Magellan’ is an information data system CATS Colleges use to record information with regards to students. This includes: admission data/academic reports/recording welfare/academic concerns/storing of letters to students and parents/medical information.

CATS College acknowledge that all information stored is subject to the Data Protection Act 1998, The Freedom of Information Act 2000 and the Human Rights Act 1998. In practice this means:

In recording all data in relation to student welfare concerns staff must ensure the following is adhered to:

- All information is **Factual, Clear and Concise and not have opinion**
- If opinions are necessary then staff must put ‘In my opinion’
- Staff must ensure any safeguarding or welfare concerns are noted in the private note section of the conduct tab and in the notes section stating ‘concern raised and emailed to DCPC’ . The DCPC should then be highlighted and the email box ticked. This will ensure the email is sent direct to the DCPC from the Magellan system.

Staff need to be aware that students can see what is written about them and if staff are unsure of what or how to write an event then they need to consider- ‘would I want to read this about myself’

CATS College adopt and work within the guidelines of the information sharing protocol

Links to other school policies and procedures:

This policy is intended to be used in conjunction with the College:

Personal Development Policy
Drugs and Substance Misuse Policy
Safeguarding Policy
Anti- Bullying Policy
Behaviour Policy
Whistle-Blowing Policy – in staff handbook
Pastoral principles and Practice

Statement of ground rules to be used in lessons

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

At the beginning of each relevant PSHE lesson, students are reminded of the ground rules by the teacher or outside visitor. The teacher establishes the ground rules together with the students on a regular basis

An example of ground rules are:

- 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 students, which are personal and private, we won't talk about it outside the lesson
- If we do find out things about other students, 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 College's Safeguarding 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 Coordinator.

If the Principal 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 at CATS Colleges are that in all cases we:

- Ensure the time and place are appropriate, when they are not, we reassure the student that we understand they need to discuss something very important and that it warrants time, space and privacy.
See the student normally (and always in cases of neglect, or abuse) before the end of the college day. More serious concerns must be reported immediately to ensure that any intervention necessary to protect the student is accessed as early as possible.
- Tell the student 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 young person or ask leading questions
- We won't put students in the position of having to repeat distressing matters to several people
- Inform the students first before any confidential information is shared, with the reasons for this
- Encourage the student, whenever possible to confide in his/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 CATS College 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 we can refer students to 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 a way we ensure CATS Colleges are a happy and safe learning environment.

Teaching staff should discuss any concerns about students with the Colleges Designated Child Protection Coordinator. Any unresolved issues should be discussed with the College Principal.

Onward referral:

The Designated Child Protection Co-ordinator/Head of Welfare and College nurse, are responsible for referring students to the College counsellor and to outside agencies from the College. Other designated staff will liaise closely with the above. Please do not make referrals yourself unless you believe a child protection referral to the police or SSD 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).

Students can also obtain confidential help themselves, see the information available from posters in the College

eg: school nurse drop ins, 4YP clinics, GP, local drug and alcohol agencies, Relateen, Childline, etc.

Dissemination and implementation:

This policy is made available to all staff on the intranet, and is available in College Policy booklets. Staff are made aware of the policy through staff induction and training on Safeguarding

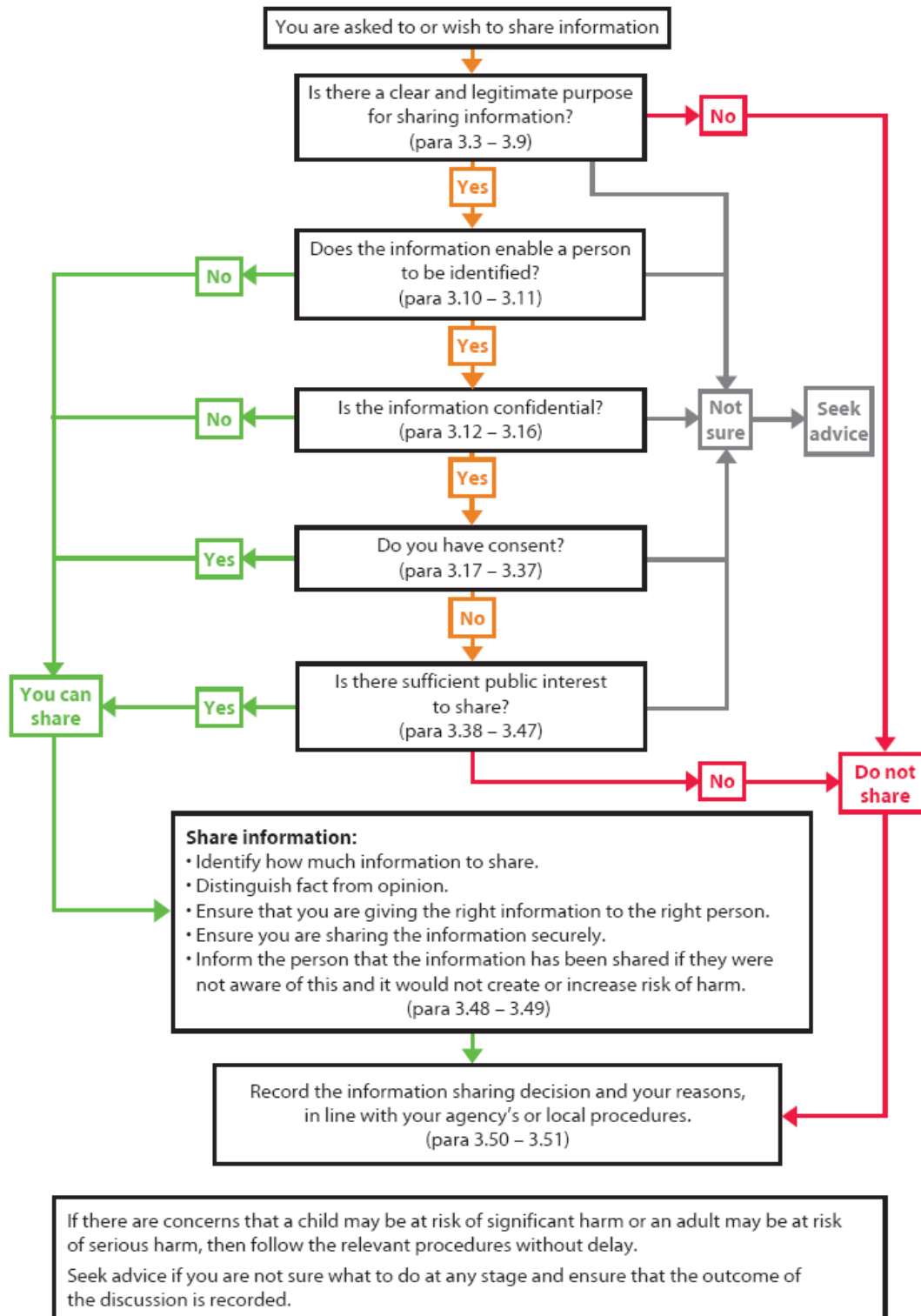
The School Council will develop a simplified version for students and parents/carers, which will be available on line (Target date 2012).

All new staff, including volunteers, receive a copy of the policy, together with basic training on the Colleges Safeguarding Policy and procedures from the Designated Child Protection Co-ordinator.

Review:

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

Flowchart of key questions for information sharing



CONFIDENTIALITY CHARTER

We want to be a College where students can disclose confidential information in a safe and secure environment. We want all students to know and understand what 'confidentiality' means in the College and how that will affect students who do have concerns either about themselves or other students.

We believe students have a right to know that the College is safe and secure environment where they can discuss their concerns and are informed who this information may need to be shared with.

What is Confidentiality?

something which is spoken or given in confidence; private, entrusted with another's secret affairs

CATS College want to promote a safe and secure environment where students can talk about their personal concerns, or concerns they have about their friends, in the knowledge that they will not be shared with all staff, but may have to be shared with key staff members.

This is to ensure that students are supported and feel safe whilst at the College.

What the College will do:

- ✚ Ensure students are aware that the College may have to share any information where a young person is at risk of harm
- ✚ Ensure students are aware of what will happen to the information they have shared
- ✚ Encourage students to discuss their concerns with their parents- as long as this does not place the student at risk of harm
- ✚ Ensure all students have access to agencies outside of the College – giving the students opportunity to gain support without the College having knowledge
- ✚ Ensure that all data held on students is in line with Acts of Law such as the Data Protection Act and Children Act
- ✚ Ensure students know who the Designated Child Protection Coordinator (DCPC) is at the College
- ✚ Ensure student have access to an independent listener
- ✚ Ensure all PD and PSHEE lessons have ground rules for confidentiality

Students who have disclosed a confidential issue will be supported by:

- ✚ Being offered someone to talk with and/or access to an outside counsellor
- ✚ Being reassured and helped to regain their self confidence

As students we will help by:

- ✚ Knowing who the Designated Child Protection Coordinator is
- ✚ Support other students and if necessary report any concerns about students welfare directly to staff
- ✚ Not passing on unfair or unhelpful gossip or stir things up
- ✚ Encouraging others to get help and support if they are having difficulties or struggling while at the College
- ✚ Taking a friend to peer listeners or staff to talk about it if they need help to do this

If you think have a concern or need support

Speak to **ANY** member of staff you feel comfortable talking to.