

# **Mountjoy School**

## **Confidentiality Policy**

**March 2024**



**This is a Mountjoy School Policy**  
**Reviewed by: Senior Leadership Team**

**Date: March 2024**  
**Date of next review: March 2025**

## Rationale and statement on the importance of confidentiality

At Mountjoy School 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 to minimise the number of situations when personal information is shared to ensure pupils, staff are supported and safe.
- Issues concerning personal information, including information about relationships and other personal matters, can arise at any time.
- The duty of confidentiality applies to every person in the school/setting regardless of age.
- 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.
- 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.
- The school will follow its child protection procedures, which are adopted by the governing body and modelled on the Pan Dorset Safeguarding Procedures.

The principles we follow at Mountjoy School are that in all cases we will:

- Ensure the time and place are appropriate for discussions which may be personal and sensitive; 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.
- For children: 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 an outside agency (e.g. MASH, ChAD) ensure that any intervention necessary to protect the child is accessed as early as possible.
- For adults: See the person - normally before the end of the day.
- Tell the child/adult that we cannot guarantee confidentiality if we think they have or will:
  - hurt themselves
  - hurt someone else
  - or if they tell us that someone is hurting them or others
  - or if they have committed a criminal offence

We will NOT:

- Interrogate the child/adult or ask leading questions.

- Put children/adults in the position of having to repeat distressing matters to several people.

We WILL:

- Inform the child/adult first before any confidential information is shared, with the reasons for not 'keeping secrets'.
- Encourage a pupil, whenever possible, to confide in their own parents/carers.

## 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 their conversation completely secret and discuss it with no one.

In practice, there are few situations where absolute confidentiality is offered in Mountjoy School. 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, safeguarding procedures and models of good practice are followed.

This means that, in most cases, what is on offer is limited confidentiality. Where adults are concerned, 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 principle of confidentiality

The general rule is that all staff<sup>1</sup> should make clear that there are limits to confidentiality, at the beginning of the conversation, or as soon as the issue arises during a conversation. These limits relate to ensuring children's safety and well-being. The pupil or adult (confider) 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 everyone involved in the lesson 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).**

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<sup>1</sup> Staff refers throughout this document to all adults working within the school, or on the school's behalf, whether on a permanent, paid basis or not.

It is essential all members of staff know the limits of the confidentiality they can offer to pupils, parents/carers and other staff and any required actions and sources of further support or help available for the confider and for the confidant within the school and from other agencies, where appropriate.

All staff at this school encourage pupils to discuss difficult issues with their parents or carers, and vice versa. However, the needs of the pupil are paramount and school staff will not automatically share information about the pupil with their parents/carers unless it is considered to be in the child's best interests. (N.B. 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 (DSL) for Child Protection – Gill Howard - or Deputy DSLs –Tracey Page, Richard Bowskill, Sandra Hutchings or Emma Lambourn - as soon as is practicably 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 Mountjoy School child protection procedures.

### **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 pupils 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 pupils to discuss issues with their parents or carers. However, the needs of the pupil are paramount and the school nurse will not insist that a pupil's parents or carers are informed about any advice or treatment they give.

#### **Contraceptive advice and pregnancy:**

NICE guidance (March 2014) states 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 as judged by the health professional on the circumstances of each individual case, not solely on the age of the patient. This means the doctor or nurse will not tell parents or anyone else, as long as they believe the young person is mature enough to understand the information and decisions involved. However, the younger the patient or the more intellectually disabled they may be, 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 concern will be referred through child protection procedures.

#### **Guidance for staff**

School staff (including non-teaching and voluntary staff) should not promise confidentiality. Pupils do not have the right to expect that incidents will not be reported to their parents/carers and may not, in the absence of an explicit promise, assume that information conveyed outside that context is private. No member of Mountjoy School'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 school make about confidentiality.

School staff are NOT obliged to break confidentiality except where child protection is, or may be, an issue. However, at Mountjoy School we believe it is important that staff are able to share their concerns about pupils 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 pupils' safety and well-being is maintained. School staff should discuss such concerns with their line manager or the DSL.

### **Teachers, counsellors and health professionals:**

Professional judgement 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 judgement, the teacher, counsellor or health professional 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 basic training in safeguarding as part of their induction and they are expected to follow the schools' Safeguarding Policy and Child Protection procedures.

### **Visitors and non-teaching staff:**

At Mountjoy School, we expect all non-teaching staff, including voluntary staff, except those identified in the paragraph above, to report any disclosures by pupils or parents/carers, of a concerning personal nature to the Designated Safeguarding Lead (DSL) 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 pupils and staff. The DSL will decide what, if any, further action needs to be taken, both to ensure the pupil gets the help and support they need and that the member of staff also gets the support and supervision they need.

### **Parents/carers:**

Mountjoy School 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 school, including any concerns about their progress, behaviour or well-being. However, we also need to maintain a balance so that our pupils can share any concerns and ask for help when they need it. Where a pupil does discuss a difficult personal matter with staff at Mountjoy School, they will be encouraged to also discuss the matter with their parent or carer themselves. The safety, well-being and protection of our pupils is the paramount consideration in all decisions staff make about confidentiality.

### **Complex cases**

Where there are areas of doubt about the sharing of information, all staff should seek advice from the Head Teacher and/or a LA Designated Officer (01305221122 or LADO@dorsetcouncil.gov.uk).