



Confidentiality Policy

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Summary of Changes from Previous Version

Version	Date	Author	Summary of Updates
V5	01/09/2023	Jude Hall	Gender removed (S/he)

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1. Introduction

- The purpose of this policy is to ensure that the safety, well-being and protection of our pupils is paramount when considering any decisions that staff, within Exceed Learning Partnership, make about confidentiality. The appropriate sharing of information between staff is an essential element in ensuring our pupils well-being and safety.
- It is an essential part of the ethos of our academies that trust is established to enable pupils, staff and parents/carers to seek help both within and outside the Trust. Therefore, we minimise information sharing to those occasions which are appropriate to ensure pupils and staff are supported and safe.
- Pupils, parents/carers and staff need to know the boundaries of confidentiality in order to feel safe and comfortable in discussing personal issues and concerns.
- The Trust's attitude to confidentiality is open and easily understood and everyone should be able to trust the boundaries of confidentiality operating within the academies.
- Everyone in the Trust community needs to know that no one can offer absolute confidentiality and that there are limits of confidentiality that can be offered by individuals within the Trust community – so they can make informed decisions about the most appropriate person to talk to.

2. Definition of Confidentiality

- The dictionary definition of confidentiality is “something which is spoken or given in confidence, private, and 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 a few situations where absolute confidentiality is offered. We have 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, child protection procedures and good practice are 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 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 well-being. The pupil will be informed when confidence has to be broken for this reason and will be encouraged to do this.

Different levels of confidentiality are appropriate for different circumstances.

- **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 pupils that this is not the time or place to disclose confidential, personal information (see setting ground rules and work agreements). When a health professional is contributing to a health education programme in a classroom setting, they are working with the same boundaries as a teacher.
- **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 they can offer to both pupils and parents/carers (see note below and safeguarding children policy) and any required actions and sources of further support or help available, both for pupils or parent/carer and for the staff member within the academy. This includes



support/advice from other agencies, where appropriate. All staff within the Trust and Academies encourage pupils to discuss difficult issues with their parents or carers, and vice versa. However, the needs of pupils are paramount and 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.

Note: 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 one of the Designated Safeguarding Leads as soon as 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 Safeguarding Policy.

- Disclosures to a counsellor, Academy nurse or health professional operating a confidential service in the Academy. Health professionals such as Academy 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 professional 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 pupils to discuss issues with their parents or carers. However, the needs of the pupil are paramount and the Academy nurse will not insist that a pupil's parents or carers are informed about any advice or treatment they give.
- 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. Professionals must make time to explore whether they may be coercion or abuse. Cases of grave concern would be referred on using the child protection procedures.

3. The legal position for staff

- Staff (including agency 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 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 make about confidentiality.
- Staff are not obliged to break confidentiality except where child protection is or may be an issue, however, at Exceed Learning Partnership we believe it is important 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. Staff should discuss such concerns with the Designated Safeguarding Lead.

4. Staff, Parents and Health Professionals

- Professional judgement is required by Teaching staff or health professionals in considering whether they should indicate to a child that they could make a disclosure in confidence and whether such a confidence could then be maintained having heard the information. In exercising their professional judgement, they 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 staff receive basic training in child protection as part of their induction and are expected to follow the Safeguarding Children Policy and Procedures. Any concerns should be discussed with the Designated Safeguarding Lead.



- Non-teaching staff and visitors are expected to report any disclosures by pupils 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. This is to ensure the safety, protection and well-being of all our pupils and staff. The Designated Safeguarding Lead 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.
- The Trust believes that it is essential to work in partnership with parents and carers and we endeavour to keep parents/carers abreast with their child's progress, including any concerns about their progress or behaviour. However, we also need to maintain a balance so that our pupils can share concerns and ask for help if they need it. The safety, well-being and protection of our pupils is the paramount consideration in all decisions staff within the Trust make about confidentiality.

5. Complex cases

- The Trust will ensure that designated staff will take advice from a safeguarding (child protection) specialist when managing complex cases.

6. Support for staff

- Staff may have support needs themselves in dealing with some of the personal issues of our pupils. At Exceed Learning Partnership, we encourage staff to ask for help rather than possibly making a poor decision because they do not have all the facts, the necessary training or taking worries about pupils home with them.
- Staff should discuss any concerns with their line manager, the safeguarding lead, HR or the Principal of the Academy.

7. Links with other policies

This policy has links with our policies on

- Safeguarding
- Whistle-blowing
- Behaviour



8. Appendix 1 Additional important information

We adopt ground rules to ensure a safe environment for teaching, in particular in PHSE and circle time. This reduces anxiety to pupils and staff and minimises unconsidered, unintended personal disclosures.

At the beginning of any lesson where PHSE is taking place, pupils are reminded of the ground rules by the teacher or outside visitor.

- 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 pupils, 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 will tell a teacher.

When confidentiality should be broken and procedures for doing this.

- See the Safeguarding Policy – generally any situation where the health, well-being or safety of a child are in question.
- 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 either the CEO / Principal or Pastoral and Intervention Manager
- If the CEO / 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.

Principles of Confidential Discussions

- Ensure the time and place for a discussion 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.
- Speak with the child as soon as appropriately possible. 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

Do not interrogate the child or ask leading questions

Do not put children in the position of having to repeat distressing matters to several people but let the child know you will have to share the information and the reason for it.

Encourage the pupil, wherever possible to confide in his/her own parents/carers.



Signed: *B.A. Nixon*

Beryce Nixon, Chief Executive Officer

Signed:

John Blount, Chair of Directors