

Hurworth School Confidentiality Policy

Accepted by: Board of Directors January 2009

Leadership Team Lead Reviewer: Deputy Head Teacher (Designated Lead Officer for Safeguarding)

Review Cycle: 3 Years

Last reviewed: Interim review December 2018

Date for next review: April 2021

This document is underpinned by the Safeguarding and Child Protection Procedures outlined in our

- Safeguarding Policy
- Safeguarding Strategy

www.hurworthschool.org.uk/policies

It is advisable to familiarise yourself with the Safeguarding documentation before reading this policy.

The school follows the latest DfE guidelines and legislation on Child Protection and Safeguarding.

This policy has been developed in accordance with the principles established by the Children Acts 1989 and 2004 and related guidance. This includes the DfE guidance *Keeping Children Safe in Education (2016)*, *What to do if you are worried a child is being abused* (non-statutory) (2015) and *Working Together to Safeguard Children (2015)*. The school will also refer to local procedures and practices outlined at

<http://www.darlington.gov.uk/education-and-learning/local-safeguarding-children-board/>

<http://www.safeguardingchildren.co.uk/appendix-4.html>

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/526153/Keeping_children_safe_in_education_guidance_from_5_September_2016.pdf

<https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419604/What_to_do_if_you_re_worried_a_child_is_being_abused.pdf

This confidentiality policy supports the Sex and Relationships Policy and will be discussed and reviewed with pupils, parents, teachers and governors along with the SRE policy and programme of study.

The school adheres to the principles of responsible information sharing between agencies to support the best interests of children parents and carers. .

There is no legislation relating specifically to confidentiality in schools. There is government guidance on confidentiality - *Information sharing: Advice for practitioners providing safeguarding services to children, young people, parents and carers (2015)* which can be accessed from the following link

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/419628/Information_sharing_advice_safeguarding_practitioners.pdf

Additionally we adhere to this useful non-statutory guidance *Understanding and dealing with issues relating to parental responsibility* (January 2016) which can be accessed via this link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/489901/Parental_Responsibility_Advice_for_School_January_2016.pdf

Aims

The aims of this confidentiality policy are

- To complement the SRE policy and make teachers aware that effective SRE education brings an understanding of what is and is not acceptable, this can sometimes lead to disclosure of a child protection issue
- To provide guidance for all teachers, parents and governors when disclosures are made – reference should be made to the Child Protection Policy
- To provide procedures that all teachers should follow in the event of a disclosure - reference should be made to the Child Protection Policy
- To protect pupils' welfare and interests
- To protect teachers' welfare

Fraser Guidance

The school follows 'Fraser' guidance on confidentiality (See appendix 1)

Sources of support for pupils

Effective SRE should enable and encourage young people to talk to a trusted adult if they are having sexual intercourse or contemplating doing so. It is desirable, although not always possible, that person should be their Parent or Carer. The law allows health professionals to see and in some circumstances to treat young people confidentially, and part of this process includes counselling and discussion about talking to parents. In order to be able to take responsibility for their actions, young people need to be more generally aware of the law in relation to sexual activity and local confidential services.

Pupils should be made aware of these services through PSHCE lessons and afternoon tutorial. **Teachers should note that when discussing sexual issues through the PSHCE curriculum, they should *negotiate and establish ground* rules to prevent inappropriate disclosures.** These services are also made available through:

- The school nurse - who is on site every Tuesday lunchtime for a drop in session
- The counselling service, available on Mondays and Fridays on a weekly basis – this is available for pupils to self-refer
- A notice board containing telephone numbers of a range of services
- Notice boards on back of pupil toilet doors containing telephone numbers of a range of services
- Personal safety tutorial work booklet also has contact names and numbers for support
- Annual Personal Safety Week
- Key events in our 'afternoon registration' PHSCE work
- Being Me
- Go Girls

- LGBT awareness work in association with Stonewall

Nonetheless, there may be cases where a teacher learns from an under 16 year old that they are having or contemplating having, sexual intercourse. In these circumstances teachers should practise the following procedure:

Procedure in the event of a pupil disclosure – Please refer in detail to the Safeguarding Policy

When a pupil divulges information of a sensitive nature, the teacher must ensure that the pupil is aware that they *cannot offer unconditional confidentiality*. However, they should reassure pupils that, *if confidentiality has to be broken, they will inform them first*. The teacher should reassure the pupil that their best interests will be maintained and **they should encourage the pupil to talk to their Parents or Carers**.

If disclosure occurs at an inappropriate time or place, the teacher should talk to the pupil again before the end of the school day.

The issue must then be passed on to the Designated Lead Officer for Safeguarding or in his absence the Deputy Lead Officer for Safeguarding. The Lead officer will assess the situation and make the decision whether or not to inform parents or pass the matter on as a child protection issue.

In the event of the information **not** being a child protection issue, the teacher with whom the pupil first made contact may continue support the child – assuming the teacher is completely comfortable doing so. *However, this must be done with the full knowledge and cooperation of the Lead Officer for Safeguarding*. This is Nicholas Lindsay.

Key Contact Personnel in School

Lead Officer for Safeguarding – Nicholas Lindsay

Deputy Lead Officer for Safeguarding – Melanie Pitchford

Head Teacher – Dean Judson

Deputy Officers – Ben Sutherland, Maria Hall and Kelly Slinger

Deputy Officer (Alternative Provision) – Linda Reed

Named Safeguarding Director – Sam Jameson

In the event of this disclosure being from a child under 16 who is having or contemplating sexual intercourse, a teacher should sign post areas where support and advice can be gained. This should be primarily the school nurse or their own doctor. The teacher should also inform a member of the Safeguarding Team. The school nurse is Karen Guy.

Child Protection (see Safeguarding Policy and Safeguarding Strategy)

If a member of the school staff suspects that a child is a victim of abuse or they have reason to believe that he/she is at risk of abuse, they should inform the Lead Officer for Safeguarding as soon as possible. Or, if the child in question is under the age of 13. The school regularly updates staff on Child Protection Procedures and all staff have had the opportunity to complete level one training in this area. This training is monitored and updated on an annual basis. Nicholas Lindsay keeps an up to date record of all Safeguarding training registers and materials.

Further information on Child Sexual Exploitation (CSE) and Female Genital Mutilation (FGM)

Child sexual exploitation (CSE) involves exploitative situations, contexts and relationships where young people receive something (for example food, accommodation, drugs, alcohol, gifts, money or in some cases simply affection) as a result of engaging in sexual activities. Sexual exploitation can take many forms ranging from the seemingly 'consensual' relationship where sex is exchanged for affection or gifts, to serious organised crime by gangs and groups. What marks out exploitation is an imbalance of power in the relationship. The perpetrator always holds some kind of power over the victim which increases as the exploitative relationship develops. Sexual exploitation involves varying degrees of coercion, intimidation or enticement, including unwanted pressure from peers to have sex, sexual bullying including cyberbullying and grooming. However, it is also important to recognise that some young people who are being sexually exploited do not exhibit any external signs of this abuse.

Female Genital Mutilation (FGM): professionals in all agencies, and individuals and groups in relevant communities, need to be alert to the possibility of a girl being at risk of FGM, or already having suffered FGM. There is a range of potential indicators that a child or young person may be at risk of FGM, which individually may not indicate risk but if there are two or more indicators present this could signal a risk to the child or young person. Victims of FGM are likely to come from a community that is known to practise FGM. Professionals should note that girls at risk of FGM may not yet be aware of the practice or that it may be conducted on them, so sensitivity should always be shown when approaching the subject. Staff should activate local safeguarding procedures, using existing national and local protocols for multi-agency liaison with police and children's social care.

Hurworth School also recognises the importance of multi agency working to reduce and ideally eliminate the dangers of Child Sexual Exploitation and Female Genital Mutilation. Should there be reason to believe that these are an issue the school would look to work in partnership with *Erase Exploitation* the Durham Police organisation whom are working in this field. We would share this information with the MASH but also with the dedicated service on (01325) 346867.

<http://www.darlington.gov.uk/media/118385/Erase.pdf>

http://www.darlington.gov.uk/media/118382/CSE_Procedures_2013.pdf

We would also use the referral system for a request for checks on

requestforchecks@durhampnn.police.uk

We also recognise the need to work with partner organisations to combat CSE – as outlined by Darlington LSCB.

The vulnerability of the young person and grooming process employed by perpetrators renders them powerless to recognise the exploitative nature of relationships and unable to give informed consent.

Barnardos with agreement and support of Darlington Borough Council have created a sexual exploitation project specifically for the Darlington area. The project is called the Barnardos CATE Project (children affected through exploitation).

You can find your local project by visiting the [Barnado's website](#) [external link]

The CATE project is based within the Family Intervention Team and works with young people from 11 to 18 years old within the Darlington area who are being sexually exploited through

prostitution, or are at risk of being sexually exploited. Work can comprise of one to one or group work, and this can be within the home (if appropriate), youth centres or at school.

To access the CATE project for young people, referrals must be made to the Child Care Duty Team, Darlington Children Services and referrals can come from any agency that works with a young person at risk. Self-referrals can also be made however social services will be informed of any young person who accesses the project who is being sexually exploited through prostitution or where there is a perceived risk that they are being sexually exploited. This information will be passed on with the young person's knowledge and consent where possible.

If any member of the public is concerned that a young person is being sexually exploited in this manner they can either call their local Police station, Children Services or call us at the CATE Project.

Barnardos CATE Project Pease House 12A Horsemarket Darlington DL1 5PW

Telephone: 01325 406160 Email: janet.pickersgill@barnardos.org.uk

Fax: 01325 406024

Hurworth School actively discourages any form of stereotyping and discrimination and this includes any with specific regard to CSE.

Further information on Preventing Radicalisation

The latest Home Office guidance on this issue can be downloaded here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/417943/Prevent_Duty_Guidance_England_Wales.pdf

Prevent – Duty Guidance for England and Wales – March 2015

The Counter-Terrorism and Security Act, which received Royal Assent on 12 February 2015, places a duty on specified authorities, including local authorities and childcare, education and other children's services providers, in the exercise of their functions, to have due regard to the need to prevent people from being drawn into terrorism ("the Prevent duty"). This guidance will be updated further to reflect the implications of the Prevent duty, which is expected to come into force later in 2015.

The Counter-Terrorism and Security Act 2015 will also place a duty on local authorities to ensure Channel panels are in place. The panel must include the local authority and chief officer of the local police. Panels will assess the extent to which identified individuals are vulnerable to being drawn into terrorism, following a referral from the police and where considered appropriate and necessary consent is obtained, arrange for support to be provided to those individuals. The Act will require partners of Channel panels to co-operate with the panel in the carrying out of its functions and with the police in undertaking the initial assessment as to whether a referral is appropriate. Schools and colleges which are required to have regard to *Keeping Children Safe in Education* are listed in the Act as partners of the panel.

If a member of staff has any reason to believe that CSE, FGM or Radicalisation is likely they will seek support from Nicholas Lindsay without delay.

Informing Parents

It is only in *exceptional circumstances* that a teacher should be in a position of having to handle information without parental knowledge. The decision to inform parents is the responsibility of the Lead Officer for Safeguarding – who must be informed of *any* disclosure. Where young pupils are concerned (11–13 years old) this will be grounds for serious concern and child protection issues will be addressed. If Nicholas Lindsay is unsure about whether to contact parents he will take advice from the Children’s Access Point (01325) 406222 or Police Safeguarding on (01235) 742027

Health professionals

Health professionals are bound by their professional codes of conduct to maintain confidentiality. In school, they will be bound by our SRE, Confidentiality and Safeguarding policies and will be issued with copies of both.

Data Protection

Hurworth School collects and uses personal information about staff, pupils, parents and other individuals who come into contact with the school. This information is gathered in order to enable it to provide education and other associated functions. In addition, there may be a legal requirement to collect and use information to ensure that the school complies with its statutory obligations.

Schools have a duty to be registered, as Data Controllers, with the Information Commissioner’s Office (ICO) detailing the information held and its use. These details are then available on the ICO’s website. Schools also have a duty to issue a Fair Processing Notice to all pupils/parents; this summarises the information held on pupils, why it is held and the other parties to whom it may be passed on. This is issued in September.

Purpose

This policy is intended to ensure that personal information is dealt with correctly and securely and in accordance with the Data Protection Act 1998, and other related legislation. It will apply to information regardless of the way it is collected, used, recorded, stored and destroyed, and irrespective of whether it is held in paper files or electronically.

All staff involved with the collection, processing and disclosure of personal data will be aware of their duties and responsibilities by adhering to these guidelines.

What is Personal Information?

Personal information or data is defined as data which relates to a living individual who can be identified from that data, or other information held.

Data Protection Principles

The Data Protection Act 1998 establishes eight enforceable principles that must be adhered to at all times:

1. Personal data shall be processed fairly and lawfully
2. Personal data shall be obtained only for one or more specified and lawful purposes
3. Personal data shall be adequate, relevant and not excessive
4. Personal data shall be accurate and where necessary, kept up to date
5. Personal data processed for any purpose shall not be kept for longer than is necessary for that purpose or those purposes
6. Personal data shall be processed in accordance with the rights of data subjects under the

Data Protection Act 1998

7. Personal data shall be kept secure i.e. protected by an appropriate degree of security
8. Personal data shall not be transferred to a country or territory outside the European Economic Area, unless that country or territory ensures an adequate level of data protection

General Statement

The school is committed to maintaining the above principles at all times. Therefore the school will:

- Inform individuals why the information is being collected when it is collected
- Inform individuals when their information is shared, and why and with whom it was shared
- Check the quality and the accuracy of the information it holds
- Ensure that information is not retained for longer than is necessary
- Ensure that when obsolete information is destroyed that it is done so appropriately and securely
- Ensure that clear and robust safeguards are in place to protect personal information from loss, theft and unauthorised disclosure, irrespective of the format in which it is recorded
- Share information with others only when it is legally appropriate to do so
- Set out procedures to ensure compliance with the duty to respond to requests for access to personal information, known as Subject Access Requests
- Ensure our staff are aware of and understand our policies and procedures

Complaints

Complaints will be dealt with in accordance with the school's complaints policy. Complaints relating to information handling may be referred to the Information Commissioner (the statutory regulator).

Contacts

If you have any enquires in relation to this policy, please contact Mr D Judson, Head Teacher, who will also act as the contact point for any subject access requests.

Further advice and information is available from the Information Commissioner's Office, www.ico.gov.uk or telephone 01625 5457453

School Policies on Related Safeguarding Issues

(To be read and followed alongside this document)

- Physical Intervention policy
- Discipline policy
- Anti bullying policy
- Assessment Recording and Recording Policy
- Confidentiality Policy
- Drugs education and incident management policy
- Single Equality Scheme (and policies)
- Health and Safety policy
- Medication in school policy
- Off Site visits policy
- Physical activity policy
- Physical Intervention Policy
- Safety in the sun policy
- Sex and relationships policy
- Transport policy

- Acceptable User Policy and E Safety policy
- Self Injury and Related Issues policy
- Bereavement Policy
- Young Carers Policy
- Looked After Children Policy

Appendix 1 Fraser Guidance - a summary

The Law, Fraser Guidelines and Confidentiality

The Law (Sexual Offences Act 2003)

- The age of consent is 16 for everyone!
- The same laws apply to heterosexual & homosexual activity
- Offences can be committed by anyone over the age of 10
- Sexual activity with a child under 13 carries the highest penalties

Under 13s

- Young people under the age of 13 cannot legally give their consent so sexual activity with a child under 13 is never acceptable.
- When young people under the age of 13 are identified as being **sexual active** child protection procedures must be followed.
- Young people should not be discouraged from attending services for fear of breaches of confidentiality/ referrals to Social Services.
- 1 or 2 condoms can be given for educational purposes if young person not sexually active
- A referral must be made if young person is sexually active. Non-referral is not an option. Confidentiality cannot be maintained.

General guidance

- The Act states that a person is not guilty of aiding, abetting or counselling a sexual offence against a child where they are acting for the purpose of:
 - Protecting a child from pregnancy or STI's
 - Protecting the physical safety of a child
 - Promoting a child's emotional well-being by giving the advice
- In all cases the person must not be causing or encouraging the commission of an offence or a child's participation in it.
- This exception covers anyone who acts to protect a child, for example teachers, Connexions Personal Advisors and youth workers.
- The law is not intended to prosecute mutually agreed sexual activity between two young people of a similar age
- Young people, including those under 13, will continue to have the right to confidential **advice** on contraception, condoms, pregnancy and abortion.

Fraser Guidelines

Workers may provide advice or treatment to young people under 16 on contraception, sexual & reproductive health provided that they have undergone an initial assessment. The assessment should demonstrate that the young person:

- Understands the information provided and is aware of the costs and consequences.
- Is likely to begin or continue having sex with or without contraceptive information.
- Cannot be persuaded to talk to his or her parents/guardians.
- The worker is satisfied that it is in the best interests of the young person to provide information/treatment without parental consent.
- Physical or mental health or both are likely to suffer unless he/she receives advice or treatment.

Confidentiality

“The duty of confidentiality owed to a young person is as great as that owed to any adult. Regardless of whether or not the requested treatment/information is given confidentiality should still be respected, **unless** there are convincing reasons to the contrary.”

Confidentiality should be discussed with young people **before** any consultation has begun. Workers working with partner agencies (e.g. schools) should make themselves aware of the confidentiality policy of that organisation

When to breach confidentiality

- Any risk of harm to the young person
- Evidence of exploitation or abuse
- Unable to satisfy Fraser competency
- Sexual activity under the age of 13

Confidentiality should only be breached in exceptional circumstances where the health, safety or welfare of the young person or others would otherwise be at grave risk. The decision whether to breach confidentiality depends on the degree of current or likely harm not solely on the age of the client. **Unless the client is under the age of 13.**

Breaching confidentiality does not automatically mean a child protection referral is being made (although it would if concerns involved current or potential harm, exploitation or abuse to the

young person or anyone else). It may just mean a referral or involvement of another agency or professional (e.g. GP, sexual health outreach worker).