

POLICY ON CONFIDENTIALITY

St Mary Magdalene Academy is a Christian community of learning. We aim to nurture young people to become high achievers and to discover their vocation in the global society.

“Show by a good life that your works are done by gentleness born of wisdom”
James 3.13

At St Mary Magdalene Academy we recognise that in order to protect and support our students in sexual, relationship and child protection matters there is a need to have a clear policy on confidentiality.

At St Mary Magdalene Academy confidentiality is defined by the context of any discussion or disclosure.

The tutorial system at St Mary Magdalene Academy is committed to Tutors building relationships with their tutor groups enabling an open and caring environment in which there is a clear public affirmation of the importance of honesty and respect for the feelings of others.

When dealing with topics of a sensitive nature within sexual and relationship education discussions in class will be dealt with in confidence.

When disclosures are made in a one-to-one situation confidentiality will be kept within the realms of the Child Protection Framework where a staff member can seek advice from the designated teacher for Child Protection. A student will always be informed if this is to happen.

Confidentiality in Practice

When Teaching within PSHE

- An expectation that Ground Rules are set in Sex and Relationship Education (SRE) lessons including the key ground rule: **“No-one – adult or pupil – will be expected to ask or answer personal questions.”**
- Clarity for teachers and for pupils that the classroom is a public place so teachers cannot offer or guarantee absolute confidentiality of discussions.
- An expectation that as part of SRE provision pupils are informed of sources of confidential help other than the Academy.

On an Individual Basis

- Reassurance for pupils that if confidentiality is to be broken they will be told beforehand of the reason and offered appropriate support.
- An expectation that in the event of a disclosure of abuse there should be a clear link with the Academy’s Child Protection Policy.

Teachers do not have to break a confidence if in their professional judgement it is in the best interest of the pupil. They are not legally bound to inform parents/carers or the Principal of concerns raised with them by a pupil. Teachers should only break confidentiality if they believe that a pupil is at risk of physical or sexual abuse. In such cases the member of staff responsible for Child Protection issues should be contacted if the member of staff feels compromised. The Academy’s Child Protection procedures will be followed (see Child Protection policy).

In the rare circumstance where confidentiality is broken the pupil should be informed first of why and how confidentiality is broken and then supported throughout the ensuing process. For any pupils, the understanding of confidentiality is that the person in whom a pupil confides does not tell others on an indiscriminate or disrespectful basis: pupils do not want others to know what they have confided in what will usually be a carefully and deliberately chosen member of staff. Any such breach of confidentiality will be to the Academy’s designated teacher for Child Protection.

If a pupil discloses sexual activity a teacher can:

- Check it is a consenting relationship and, if there is any possibility of abuse; follow the Academy’s Child Protection guidelines.
- Encourage and support the pupil to talk with their parents.
- Refer them to a health professional for confidential advice.
- Reassure them that if confidentiality is broken the pupil will be informed first.
- Maintain confidentiality if it is in the best interests of the pupil.

If a teacher believes or suspects that a pupil is involved in an exploitative or abusive relationship, they should initiate the Academy's Child Protection procedures.

Pupils under the age of 16 (the legal age of consent) are, in certain circumstances, legally entitled to confidentiality in their dealing with professionals – including Academy staff. The legal basis here includes the Children Act 1989: Sections 1 and 43. In this context, 'confidentiality' includes not informing parents and carers of a young person's behaviour if the young person has requested that this information is not passed on.

In such circumstances, the member of staff can provide factual information (e.g. contraception information leaflets, addresses and contact details of local sexual health services) and should, wherever possible strongly encourage the pupil to seek advice from his/her parents/carers and support them in this. Relevant outside agencies can also be involved where appropriate (extract from Confidentiality Policy).

These circumstances would include when a pupil has been deemed 'competent' to make decisions about their own health and well-being, including giving consent to medical treatment (e.g. prescription of contraception, termination of pregnancy) without needing the consent of their parents/carers; and that professionals maintain confidentiality. It is medical professionals who are regarded as having the skills and role of deeming competence in such situations.

Schools are not legally obliged to inform parents/carers if they have become aware of such information – that a pupil is sexually active; has sought medical advice or treatment; has been prescribed contraception, including emergency contraception; or consented to and undergone a termination of pregnancy (abortion).

Pupils' entitlements to confidentiality reduce markedly the younger the individual concerned.

Concerns over Sexual Exploitation

It can be difficult to accept that even very young children, including some who have severe disabilities, have been subjected to sexual abuse and that it is widespread. There have been, and continue to be, many substantiated cases of child abuse in Islington Borough across all communities. It is most common that men exploit women, but young males are also victims of abuse, harassment, rape and prostitution. Sexual exploitation often takes place within families.

Within a group of pupils there may be abusers as well as abused. Sexual exploitation can include the 'grooming' of a young person by an older sexual partner for use in commercial sex work.

If a teacher learns from an under 16 year old that they are engaged in sexual activity, they should discuss the matter with the Academy's designated Teacher for Child Protection and wherever possible encourage the young person to talk with a parent or carer. They should ensure that any Child Protection issue is addressed, and that the person is adequately informed about contraception and safer sex.

Change History

| Date | What Changed | Committee Date Approved |
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| | | |
| | | |
| Derivation | LEA Guidance | |
| Revision Policy | | |

Appendix 1

St Mary Magdalene Academy

Child Protection Staff and Governor

| Academic Year | Designated teacher for Child Protection | Governor |
|---------------|---|----------|
| 2007/8 | XXXX | XXXX |