

# **Advice on Student & School Staff Confidentiality for Secondary Schools**

The purpose of this guidance is to try and remove some of the uncertainty and inconsistency about issues of confidentiality that may exist within a school.

Acting in the best interests of the student population of the school

1. All staff working with young people should clearly understand that their main priority has to always be to work in the best interests of the students.
2. In the vast majority of cases, “working in the best interests of students” will involve a joint partnership with parents/guardians. However, schools should not give an absolute guarantee to disclose all information to parents/guardians.
3. Parents/Guardians need to understand school policies & procedures around confidentiality. The school has to be very clear about its legal and professional responsibilities towards its students.
4. Students need to know who they can go to for advice and support. The policy and procedures around confidentiality should be made clear to students. The policy and procedures that are put in place should give confidence to all students that they will be treated with respect. Students must be made aware of the limits of confidentiality that exist in the school. The school should do everything possible to ensure that all students understand the reasons for the limits to confidentiality.
5. Governors have a key role to play in making sure that policy and procedures are in place that protect the interests of students.

## **School Staff**

6. School staff need to understand that they should never give a complete assurance of confidentiality to a student.
7. School staff must work within the agreed confidentiality policy and procedures developed by the school.
8. Depending on the issue the member of staff should encourage the student to involve parents/guardians if appropriate. There is no legal requirement for the school to inform or involve parents/guardians.
9. If a member of staff has concerns about the health and welfare of a student she/he would be advised to seek support from a senior colleague. The staff member must explain to the student why she/he needs to seek further support.

10. If there are child protection issues the member of staff **must** inform the Child Protection Co-ordinator or a senior colleague. The member of staff must explain to the student why she/he needs to inform other people to gain support for her/him.

Note-whilest the Working Together to Safeguard Children Guidance (2006) refers to the need to discuss cases of under 13 sexual activity with the Child Protection Coordinator this does not mean that a referral will automatically be made to social services. It also does not mean that the school will automatically contact parents/guardians. If a professional from an outside agency identifies under 13 sexual activity they can discuss the case with the child protection lead within their own organisation.

11. School staff should understand that outside professionals working in the school may be guided by different codes of confidentiality. Example - School Nurse offering an open appointment facility for students. Generally speaking health professionals work within a code of conduct known as the Frazer guidelines (judgement made by Lord Frazer in 1985). The guidelines are set within the context of contraceptive advice and treatment but the principles may influence judgements about other advice and support given to students under 16.

In 1985, Lord Frazer said that a doctor can give contraceptive advice or treatment to a person under 16 without parental consent, providing the doctor is satisfied that:

- The young person will understand the advice
- The young person cannot be persuaded to tell his or her parents or to allow the doctor to tell them that they are seeking contraception advice
- The young person is likely to begin or continue having unprotected sex with or without contraceptive treatment
- The young person's physical or mental health are likely to suffer unless he or she receives contraceptive advice or treatment

### **Note**

A school could decide to build the Frazer guidelines into its policy and procedures on confidentiality.

## **The Law**

- a. There is no legislation relating specifically to confidentiality in schools.
- b. The Frazer guidelines would probably be used in making judgements about the actions of a professional working to support and advise a young person under 16.
- c. A basic principle of the Children Act 1989 is that the welfare of the child should be the paramount consideration of any court proceedings.

## **The Legal Rights of Parents/Guardians**

- a. "Schools are required to provide one written report to parents each year, although many provide more than one." (Assessment and Reporting Arrangements, QCA 2001)
- b. Parents/Guardians have a legal right to see their child's file but must give a minimum of two weeks notice to the school.
- c. Parents do not have an automatic legal right to speak to a member of the school staff.
- d. The schools first legal responsibility is to the interests and welfare of the child and not, in the first instance, the interests of parents.
- e. Parents/Guardians do not have an automatic legal right to be informed of all issues that may relate to their child.

## **References:**

Barnsley Safeguarding Children Board  
Child Protection Procedures 2007

Confidentially in Schools  
Sheila White  
Brook Publications  
September 2001

Department for Education and Skills  
Working Together To Safeguard Children (2006)

Sex and Relationship Education Guidance  
DfEE 0116/2000