

Welburn Hall School



Privacy Dignity and Confidentiality
(Policy and Practice)

Review Period: 3 Yearly

Next review Due: Autumn Term - 2018

Last Reviewed (no change): July 2009, Dec 10, Oct 12, Oct 13, Dec 15

Adopted by Governors: 9.12.15

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Chair

1. Introduction

- 1.1. This document is intended to inform and advise the staff, students, families/carers and partners of Welburn Hall School regarding an important area of practice. Its intention is to ensure that matters regarding the dignity of students at the school will be dealt with in a manner which maintains high standards of respect for their privacy, and an appropriate level of confidentiality.
- 1.2. However, it must be understood that sharing information with families and appropriate professionals is sometimes essential if children are to be protected. Research has shown that it is often the failure to share information that has put children at risk.
- 1.3. The school aims to give all staff clear, unambiguous guidance as to their professional roles and to ensure good practice throughout the school; which is understood by pupils, parents/carers and staff.
- 1.4. This policy adopts the principles of the Social Care Institute for Excellence, (SCIE), 'Dignity Challenge', which states that high quality providers of care should:
 - 1.4.1. Have a 'zero tolerance' of all forms of abuse.
 - 1.4.2. Support students with the same respect as would be given to a member of their own family.
 - 1.4.3. Treat each student as an individual by offering a personalised service.
 - 1.4.4. Enable students to maintain the maximum possible level of independence, choice and control.
 - 1.4.5. Listen to and support students to express their needs and wants.
 - 1.4.6. Respect a student's right to privacy.
 - 1.4.7. Ensure that students feel able to complain without fear of retribution.
 - 1.4.8. Engage with family members and carers as care partners.
 - 1.4.9. Assist students to maintain confidence and a positive self-esteem.
 - 1.4.10. Act to prevent and alleviate loneliness and isolation.
- 1.5. For a full understanding, this policy must be read alongside the following school policies: 'Intimate Care and Physical Contact' and the: 'Child Protection Policy'.

2. Aims of the Policy

- 2.1. To establish the meaning of terms such as 'confidentiality' and 'privacy'.

- 2.2. To enable consistent messages in school regarding the handling of information about children once it has been received.
- 2.3. To support an ethos of trust within the school.
- 2.4. To ensure that staff, parents and students are aware of the school's approach to privacy, dignity and confidentiality.
- 2.5. To reassure students that their best interests will be maintained.
- 2.6. To encourage students to talk to their parents and carers.
- 2.7. To ensure that students and parents/carers know that school staff cannot offer unconditional confidentiality.
- 2.8. To ensure that there is equality of provision and access for all including rigorous monitoring of cultural, gender and special educational needs.
- 2.9. To ensure that, if there are child protection issues, the correct procedure is followed.
- 2.10. To ensure that privacy, dignity and confidentiality are a whole school issues and that ground rules are set for the protection of all.

3. Definitions, Exceptions and Examples

3.1. Privacy:

The exact meaning of 'privacy' is notoriously difficult to establish, *but the following attempts at definition are useful in identifying the issues most important to the school:*

The Calcutt Committee, (1990), settled upon:

"The right of the individual to be protected against intrusion into his personal life or affairs, or those of his family, by direct physical means or by [use] of information."

The 'Privacy and Human Rights Survey', (2003), discusses categories of privacy in terms of the following headings, (which are adapted here for relevance):

Information privacy, essentially confidentiality. This involves the establishment of rules governing the collection and handling of personal data, such as that resulting from assessment, case recording or verbal information, (sometimes passed in confidence).

Bodily privacy, which concerns the protection of a person's physical being against unwanted and unnecessary contact, as well as the exercise of appropriate respect during intimate or other care procedures.

Privacy of communications, which can include both written and verbal communication, for example the ability to converse away from relatively public places, or by secure electronic means.

Territorial privacy, which can concern bed-space, personal space or any other area the individual considers to be theirs, (such as their wheelchair, locker or wardrobe).

In general, then, the school is committed to affording ways in which a student can exercise as much control as is possible and safe over access to their physical and psychological self.

3.2. Notes on Confidentiality:

For the purposes of this policy, confidentiality is defined as:

An understanding that any information shared with someone in trust can only be passed on to a third party with the agreement of the person disclosing it.

3.2.2. It needs to be clear that the exercising of confidentiality is subject to conditions and exceptions, most often stemming from Child Protection concerns, but may also include issues regarding the general welfare of the student and others.

3.2.3. This policy does not refer to situations where the safety or protection of a child could depend upon the information being passed on. Such concerns must be dealt with in line with the school's Child Protection Policy.

3.2.4. The policy does not refer to situations where the balance between the student's rights and potential harm to them or others has already been considered, with agreement reached between the school, other agencies and parents/carers.

3.3. Examples of good practice regarding privacy and confidentiality:

3.3.2. Knocking before entering a pupil/student's bedroom or bathroom; and waiting to be given permission to enter.

3.3.3. Covering the exposed parts of a child/student during the process of helping them dress.

3.3.4. Ensuring the student/pupil has bathroom/toilet areas to themselves as far as is possible, and that they will not be interrupted unnecessarily.

3.3.5. Ensuring that the bedroom/bathroom door is closed whilst a student is getting dressed or undressed.

3.3.6. Making sure that medical interventions are performed in a private setting.

- 3.3.7. Menstruation and other private matters being dealt with sensitively, with Key Workers advising other staff as to the pupil/students wishes and needs.
- 3.3.8. Intimate care being delivered appropriately, in accordance with the school's Intimate Care and Physical Contact Policy.
- 3.3.9. Discussing with the student the ways in which events might be recorded.
- 3.3.10. Agreeing with students the persons or groups to whom such information should be passed.
- 3.3.11. Understanding the limits to confidentiality and, where necessary, explaining these to the student.
- 3.3.12. Avoiding the recording of unnecessary detail, which could embarrass the student.
- 3.3.13. Being aware in staff meetings and briefings of the events of which the whole staff have no 'need to know', and taking advice in situations where this does not appear clear.

4. Statements of Policy

- 4.1. Every student has a right to be treated with respect and dignity, as do the adults who work with them. They have a right to privacy, a safe environment and where appropriate, should be consulted and given the opportunity to express their views about decisions which may affect their lives.
- 4.2. We recognise that without these rights, our students may be unable or unwilling to talk about things which are frightening, worrying or hurting them and that appropriate confidentiality is fundamental to them feeling respected and safe.
- 4.3. Every member of staff has a duty to see that the privacy and dignity of all service users are respected.
- 4.4. Each line manager is responsible for consistently monitoring their area of responsibility with regard to privacy and dignity issues.
- 4.5. A respectful attitude must be maintained by all, and adults must provide a positive role model in regard to their own behaviour regarding privacy and dignity.
- 4.6. Students and parents/carers should be given clear information on how to raise concerns.
- 4.7. Individual needs and choices will be ascertained and continuously reviewed.
- 4.8. At all times we aim to respect our students' point of view and adopt a non-judgmental approach in our work with them.

- 4.9. Personal and private space must be respected and protected for students and staff, and privacy effectively maintained.
- 4.10. The school will, through proper storage and established procedures, prevent information being shared inappropriately. Only those with a valid, and agreed, need to know will have access to personal records.
- 4.11. The school's 'Intimate Care and Physical Contact' policy must be adhered to in regard to the gender of adults providing direct care to students.
- 4.12. Bathrooms and toilets will, as far as possible, be designated as gender specific, and all such areas will have appropriate locks.
- 4.13. Students are entitled to the maximum degree of privacy when communicating via telephone or letter. Where they require practical assistance, this must be done sensitively and with the minimum intrusion.
- 4.14. Restrictions on a student's ability to communicate via any media may be imposed only when a clear risk to their welfare has been identified. Any such arrangements must be agreed with parents/carers and recorded in the student's personal file.
- 4.15. When a student has a visitor, they must be provided with a private space in which to meet. As above, any restrictions on this right must be well established and recorded.
- 4.16. Any search of belongings must be based upon the judgement that it is necessary to the welfare of the student or others, and this should be explained. The student should be present where possible and there must be two members of staff in attendance.
- 4.17. Any search of possessions must be recorded, including details of those present, the time and date, what was found, the reasons for the search and any necessary actions which result.

5. Dealing with Concerns

- 5.1. All staff at the school report any concerns they have regarding confidentiality or privacy in respect of:
 - 5.1.1. Their own practice.
 - 5.1.2. The practice of others.
 - 5.1.3. The effectiveness or suitability of guidance.
 - 5.1.4. The safety of students.
 - 5.1.5. The needs of students.
 - 5.1.6. Any behaviour of students that may cause concern.
 - 5.1.7. Incidents which could be misinterpreted, (these must be

recorded).

They must speak initially with their Line Manager, who may refer them to the Head of Care if necessary.

- 5.2. All concerns about possible or witnessed harm to, or abuse of, any student are clear Child Protection matters and **must** be referred directly to the Head of Care in accordance with the school's Child Protection Policy.
- 5.3. Students must be empowered to express their own concerns about lack of confidentiality or privacy. They should be able to talk to any appropriate adult, including:
 - 5.3.1. Their parents/carers.
 - 5.3.2. Their Key Worker, if residential.
 - 5.3.3. Their Form Tutor.
 - 5.3.4. The Headteacher.
 - 5.3.5. The Head of Care.
- 5.4. Any student who might have difficulty with communication, or the confidence to assert their views, must be given direct assistance to make their concerns understood. The school's policy regarding complaints by students must be followed where necessary.
- 5.5. Form Tutors and Key Workers have a particular, and shared, responsibility to ascertain, and act upon, the views or concerns of students during the normal course of their work with them. This must, of course, be done carefully and the process should not cause undue concern to the student.
- 5.6. Parents/carers must be aware that they are able to raise their own concerns regarding privacy or confidentiality. They should be reassured that the school believes in a positive dialogue with families.
- 5.7. The Head of Care, in particular, is charged with establishing best practice which is acceptable to parents/carers, the school and Safeguarding standards. They must be available to offer advice and assistance to all and discuss significant concerns with the Senior Leadership Team.

6. Review

- 6.1. This policy will be reviewed at least annually by the Head of Care, and 3 yearly by the Governing Body.

N Hayton
Reviewed Oct 2014, Dec 15