

# Quality Manual

## 01.24.01 CONFIDENTIALITY POLICY - PASTORAL CARE

**PURPOSE** To provide procedures on confidentiality for the use of all staff who will from time to time deal with confidentiality concerning learners

**SCOPE** All learners

**RESPONSIBILITY** Student Welfare Manager, Health and Safety Co-ordinator, Equal Opportunities Co-ordinator, Personal Tutors and Course Directors

### PROCEDURE

#### *Confidentiality Policy Overview*

This overview summarises the confidentiality procedure for full and part time learners and not those who are studying via an employer or a work based learning programme. Please read the full procedure in order to read the statements of law from which this procedure is written.

#### Health

- Learners aged 16 and over have the right to confidentiality with regard to their health. If a student refuses to contact parents, when they need medical treatment, we must respect this.
- The only exception to this is when a student becomes a danger to them self and needs to be taken to a 'place of safety' or is putting their health or themselves at significant risk. This will usually be done in co-operation with another agency for example the police, social care services or a GP and usually relates to mental health.

#### Pastoral Care

- If a student confides in a tutor concerning personal issues, written permission needs to be gained in order for this to be shared with other colleagues e.g. homelessness, problems with parents

#### Child Protection

- All disclosures must be reported to the Child Protection Coordinator immediately who is located in Student Welfare.
- Learners must be informed that this matter cannot be kept confidential and will be reported.

#### Academic Matters

Learners who become 18 during their course or start the course aged 18 will be able to opt out of parents receiving reports, by indicating this on their photographic

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consent form. Parents of student who do not opt out will receive reports and be invited to parent's evenings as normal.

### Terrorism

All information regarding terrorist activity must be reported to the police.

### Student Welfare

We will endeavour to get written permission from learners so that we can report problems to tutors and, if possible, parents. However, we must respect a young person's wish if this is not forthcoming.

#### *In-Depth Procedure:*

- This area is very complicated because different rules apply to different scenarios. If you are in any doubt over what actions you need to take please contact the Student Welfare Manager, or Student Counsellor. In addition to this, if you have any questions relating to the legal aspects of confidentiality Ian Mathers as Equality and Diversity co-ordinator may be able to assist you
- In general a distinction needs to be made between 1) mental or physical health, 2) pastoral care 3) child protection and 4) academic Issues.
- This procedure only relates to those who are 14+ and who are deemed self-aware.
- It is also appreciated that many members of staff would be more comfortable with some issues if parents were informed. The reason for not doing so is that parents are often involved in the problem e.g. if a student is self-harming often they are or have been abused at home.

#### *Health*

- If a student of 14+ is attending counselling, 3cs, a doctor or other person providing medical care, they are entitled to confidentiality. This means that the health / counselling professional will not be able to discuss this matter with tutors, nor will tutors be informed if this is not the wish of the student. Parents cannot be contacted if we have medical information, which a student does not wish to be passed on. For under 16s the Gillick Principle applies, meaning that if they are deemed mature, confidentiality can be maintained for children as young as 13.
- The exceptions to the above are in relation to Health and Safety, where it may be essential to notify others, if a student constitutes increased risk. These situations can be clarified by Margaret Webb, the Health and Safety Officer, when necessary.

#### *Pastoral Care*

- If a member of the welfare team sees a student concerning a personal problem, the member of staff will try where possible to get the student's permission to talk to the tutor. If this is not forthcoming then the student's confidentiality will be respected. This is as per the UN Convention on the Rights of the Child (1989) and the Human Rights Act 1998. Further information is enclosed. Also

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information will not be passed on to parents unless the student wishes it to happen.

- Confidentiality between tutors and learners can be maintained except in the following situations:-
  - If a student's problem goes beyond the realms of pastoral care, the help of another member of staff would be more appropriate e.g. counselling, financial help, health related problems.
  - If there are child protection concerns or a disclosure is made then the tutor must tell the student that they will be telling the child protection co-ordinator. The tutor must then contact the child protection co-ordinator immediately, or in her absence the child protection officers. If a student appears to be suicidal, this cannot be kept confidential and will need to be referred to the Health and Safety Officer or student counsellor.
  - If a student tells a tutor about a personal problem this cannot be shared with other members of staff unless the student's permission is given. This is highlighted as sensitive data in the Data Protection Act. (For disability issues see separate policy and procedures under "Confidentiality Policy and Procedure: Disability" and procedures under "Disability Discrimination: Confidentiality Procedure")
  - Equally, even if a student has not said the information they have just given a member of staff is confidential, their permission must be given in order for this to be shared. This is highlighted as sensitive data in the Data Protection Act.

#### *Child Protection*

- All disclosures must be referred to the child protection coordinator (Sarah Louise Neesam) immediately.
- Learners must be told that the tutors have no option but to refer the information on to the child protection co-ordinator.

#### *Prevention of Terrorism*

- If information comes to light about an act of terrorism this must be passed on to the police. This would also include changes in behaviour of certain faith members who appear to be getting more fanatical. This information should be reported to Special Branch **John Grant from Suffolk Police tel: 01473 613877**

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