

Procedures 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, Equality & Diversity Co-ordinator, Personal Support 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 Placed 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 rights to confidentiality with regard to their health. If a learner refuses to contact parents, when they need medical treatment, we must respect this.
- The only exception to this is when a learner becomes a danger to them self or others 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

- A learner is entitled to confidentiality when confiding in a tutor concerning personal issues so that permission would need to be gained from the learner in order for this to be shared with other colleagues, eg: problems with parents.
- However there are circumstances when confidentiality needs to be breached and these are-
 - Major crime
 - Acts of terrorism, radicalisation or extremism
 - Child protection
 - If the learner places themselves or others at risk
 - In addition Fraser Competency needs to be assessed. (*Fraser / Gillick competency is a measure of the young person's reasoning to check that the decision in hand is one that they can appropriately make. E.g. you could have a 13 year old who is able to be prescribed contraception because they are able to demonstrate that they understand what they are doing and are making a reasoned and informed judgement*).

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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.
- Child Protection includes physical, sexual, emotional and abuse from neglect. Homelessness in under 18 year olds also needs to be reported through the MAR paperwork. Other issues such as sex trafficking and forced marriage also come under the wider remit of safeguarding.

Academic Matters

Learners who start the course aged 18 will be able to decide whether parents receive reports.

Terrorism

All information regarding terrorist activity must be reported to the MASH. This includes learners with mental health conditions who have access to firearms.

Student Welfare

Welfare Officers will where possible discuss with tutors the learners' issues unless the learner insists on confidentiality. We must respect a young person's wish for confidentiality, if consent 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. .
- 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 13+ and who are deemed self-aware (Fraser / Gillick competent).
- 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 learner is self-harming they could also have been abused at home.

Health

- If a learner of 13+ is attending counselling, 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 learner. Parents **must not** be contacted if we have medical information, which a learner does not wish to be passed on, for example: pregnancy, miscarriage or abortion. 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 must be clarified by the Health and Safety Officer before disclosure.

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Pastoral Care

- If a member of the welfare team sees a learner 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 learner'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. Also information will not be passed on to parents unless the learner wishes it to happen.
- Confidentiality between tutors and learners can be maintained except in the following situations:-
 - If a learner'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 learner that they will be telling the child protection co-ordinator. The tutor must then contact the child protection co-ordinator immediately, or in their absence the child protection officers. If a learner appears to be suicidal, this cannot be kept confidential and will need to be referred to Student Welfare.
 - If a learner tells a tutor about a personal problem this cannot be shared with other members of staff unless the learner's permission is given. This is highlighted as sensitive data in the Data Protection Act. (For disability issues see separate policy and procedures under 01.23.01 Confidentiality Policy and Procedure: Disability" [Procedures Manual - Section 1 - 01.23.01 Confidentiality Policy & Procedure - Disability](#))
 - Equally, even if a learner 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 immediately. They are located in Student Welfare.
- 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 via referral to the MASH.

- Included in prevention of terrorism are those individuals with mental health issues that have access to firearms. These individuals must be reported to Special Branch.
- Please see procedure [12.36.01 Non-accidental Explosion or Hostile Intruder](#) .

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