

## Introduction

1.1 The safety, well-being, and protection of our pupils are the paramount considerations in all decisions staff, at Amber education, make about confidentiality. The appropriate sharing of information between Amber education staff is an essential element in ensuring our pupils' well-being and safety.

1.2 It is an essential part of the ethos of our company that trust is established to enable pupils, staff, and parents/guardians to seek help both within and outside the company. We, therefore, minimise information sharing to those occasions which are appropriate to ensure pupils, parents, and staff are supported and safe.

1.3 Pupils, parents/carers and employees need to know the boundaries of confidentiality to feel safe and comfortable in discussing personal issues and concerns.

1.4 The company attitude to confidentiality is open and easily understood and everyone should be able to trust the boundaries of confidentiality operating within Amber education.

1.5 Everyone in Amber education needs to know that no one can offer absolute confidentiality and that there are limits of confidentiality that can be offered by individuals within the Amber education community - so they can make informed decisions about the most appropriate person to talk to. Definition of Confidentiality The dictionary definition of confidential is "something which is spoken or given in confidence, private, entrusted with another's secret affairs" When speaking confidentially to someone, the confider has the belief that the confidence will not discuss the content of the conversation with another. The confider is asking for the content of the conversation to be kept secret. Anyone offering absolute confidentiality to someone else would be offering to keep the content of his or her conversation completely secret and discuss it with no one. In practice, there are few situations where absolute confidentiality is offered. We have to strike a balance between ensuring the safety, well-being and protection of our pupils and staff, ensuring there is an ethos of trust where pupils and staff can ask for help when they need it - and ensuring that when it is essential to share personal information, child protection procedures and good practice are followed. This means that in most cases what is on offer is limited confidentiality. Disclosure of the content of a conversation could be discussed with professional colleagues but the confider would not be identified except in certain circumstances. The general rule is that staff should make clear at the beginning of the conversation that there are limits to confidentiality. These limits relate to ensuring a student's safety and well-being. The pupil and parents will be informed when confidence has to be broken for this reason and will be encouraged to do this for themselves whenever this is possible.

1.6 During a meeting with the parents or student. Careful thought needs to be given to the content of the meetup, setting the climate and establishing ground rules to ensure confidential disclosures are not made. It should be made clear to students that this is not the time or place to disclose confidential, personal information.

2.1 One to one disclosure to members of Amber education staff (including voluntary staff). It is essential all members of staff know the limits of the confidentiality they can offer to both pupils and parents/carers (see safeguarding policy) and any required actions and sources of further support or help available, both for the pupil or parent/guardian and for the staff member within Amber education. This includes support/advice from other agencies, where appropriate. All staff at

Amber education encourage students to discuss difficult issues with their parents, and vice versa. However, the needs of the student are paramount and Amber education staff will not automatically share information about the pupil with his/her parents unless it is considered to be in the students' best interests. Note: when concerns for a child come to the attention of staff, for example through observation of behaviour or injuries or disclosure, however insignificant this might appear to be, the member of staff should discuss this with one of their guardian's or project manager as soon as possible. More serious concerns must be reported immediately to the CEO to ensure that any intervention necessary to protect the student is accessed as early as possible. Please see the Amber education Safeguarding Policy.

3.1 Disclosures to a health professional operating a confidential service in a partnership school. If confidential information is disclosed to a member of a Health profession within the student's school. If confidential medical advice to pupils provided they are competent to do so and follow the Fraser Guidelines (guidelines for doctors and other health professionals on giving medical advice to under 16s). School Health professionals are skilled in discussing issues and possible actions with young people and always have in mind the need to encourage pupils to discuss issues with their parents or guardians. However, the needs of the student are paramount, and the school Health professional will not insist that a pupil's parents or guardian are informed about any advice or treatment they give. Contraceptive advice and pregnancy: The DoH has issued guidance (July 2004) which clarifies and confirms that health professionals owe young people under 16 the same duty of care and confidentiality as older patients. It sets out principles of good practice in providing contraception and sexual health advice to under-16s. The duty of care and confidentiality applies to all under-16s. Whether a young person is competent to consent to treatment or is in serious danger is judged by the health professional on the circumstances of each individual case, not solely on the age of the patient. However, the younger the patient, the greater the concern that they may be being abused or exploited. The Guidance makes it clear that health 4 professionals must make time to explore whether there may be coercion or abuse. Cases of grave concern would be referred to using child protection procedures. Note: It is the view of the nearest area Police that they should be informed of cases where a person under the age of 16 discloses sexual activity, which includes sexual intercourse. This is not for the purpose of prosecution unless that course of action was appropriate, but to enable the Police to share information concerning the parties concerned. The Police are of the view that this information sharing would enable a better assessment as to whether a child was being abused or exploited.

3.1.1 The legal position for Amber education staff: Amber education staff (including education consultants, guardians, senior management, voluntary staff) should not promise confidentiality. students do not have the right to expect that incidents will not be reported to his/her parents/guardians and may not, in the absence of an explicit promise, assume that information conveyed outside that context is private. No member of Amber education's staff can or should give such a promise. The safety, well-being, and protection of the student is the paramount consideration in all decisions staff at this company make about confidentiality. Amber education staff are not obliged to break confidentiality except where child protection is or may be an issue, however, at Amber education we believe it is important to staff are able to share their concerns about students with colleagues in a professional and supportive way, on a need-to-know basis, to ensure staff receive the guidance and support they need and the students' safety and well-being is maintained. Amber education staff should discuss such concerns with their line manager/project manager or the DSL (Designated Safeguarding Lead), which is the CEO.

### **Health professionals:**

3.1.2 Professional judgment is required by a teacher at their school, counsellor or health professional in considering whether he or she should indicate to a child that the child could make a disclosure in confidence and whether such confidence could then be maintained having heard the information.

3.1.3 In regard to confidential information given from the student to the guardian, exercising their professional judgment, the guardian and school counsellor or health professional will have to keep in close contact about the wellbeing of the student and formulate a plan for the student. They must consider the best interests of the student including the need to both ensure trust to provide safeguards for our students and possible child protection issues. All guardians at Amber Education receive basic training in child protection as part of their induction to this company and are expected to follow the Safeguarding Policy and procedures. Any concerns should be discussed with the Designated Safeguarding Lead (CEO or project manager).

3.1.3.1 At Amber education, we expect all guardians and staff, including voluntary staff, to report any disclosures by students or parents, of a concerning personal nature to the Designated Safeguarding Lead as soon as possible after the disclosure and in an appropriate setting, so others cannot overhear. This is to ensure the safety, protection, and well-being of all our students and staff. The Designated Safeguarding Lead will decide what, if any, further action needs to be taken, both to ensure the student gets the help and support they need and that the member of staff also gets the support and supervision they need. Parents and student are given this information when they first apply to Amber education guardianship services.

3.1.4 Amber education believes that it is essential to work in partnership with parents and we endeavor to keep parents abreast of their child's progress at school, including any concerns about their progress or behaviour. However, we also need to maintain a balance so that our student can share any concerns and ask for help when they need it. Where a student does discuss a difficult personal matter staff at Amber education, will be encouraged to also discuss the matter with their parent themselves. The safety, well-being, and protection of our students is the paramount consideration in all decisions staff at this organisation make about confidentiality.

### **Complex cases:**

3.2 Where there are areas of doubt about the sharing of information, a consultation should be sought with the local KCC Children's Safeguards Service Child Protection Co-ordinator (It has been made aware to all schools to have this information given to the students upon arrival). However, we will make aware of this when the students apply to guardianship through the application form the parents will sign. It will also be made aware within the Welcome email the guardian will send to the new students. These are the points that will be made to the students:

- 3.2.1 • We won't ask the guardian or any other staff any personal questions
- 3.2.2 • We will respect each other and not use harmful language, tease or hurt others
- 3.2.3 • We won't say things we want to keep confidential
- 3.2.4 • We can pass or opt out of something if it makes us feel uncomfortable

3.2.5 • If we do find out things about other pupils, which are personal and private, we won't talk about it outside the lesson, but

3.2.6 • If we are worried about someone else's safety, we tell a teacher or house parent at school or your guardian.

When confidentiality should be broken and procedures for doing this:

3.3.1 • See the Safeguarding Policy – generally any situation where the health, well-being or safety of a child are in question.

3.3.2 • Where this does not apply, and you are still concerned and unsure of whether the information should be passed on or another action is taken you should speak to either the D, Project manager or CEO.

3.3.3 • If the Project manager or CEO issues instructions that he should be kept informed, all staff must comply. There is always a good reason for this, which you may not know about.

3.4 Cases regarding schools' reports

3.4.1 School reports may have details of the student's teachers, grades, house, address, contacts, age etc. Information which should be kept confidential to only the UK Guardian, school and parents. Due to the GDPR regulations, outlined in Amber data protection policy, the information can only be shared amongst the legal contacts of the student within the UK and their parents abroad. The school is informed before the student begins their academic year on the details of the guardian. The report will be emailed to the UK guardians and parents as well. Before this, the parents would have signed an agreement in providing the UK guardians with the report information, as some parents may want the guardian to translate the report for them.

3.4.2 Personal- identifiable information is anything that contains the means to identify a person, e.g. name, address, postcode, date of birth. Even a visual image is sufficient to identify an individual. Any data or combination of data and other information, which can indirectly identify the person, will also fall into this definition.

3.5 Cases regarding relationship with schools and house staff

3.5.1 Relationship between Amber guardianship and schools are treated with the utmost fair, caring and understanding partnership. A relationship with the school is at most important in keeping the student healthy and safe. The school will alert the guardian if there is anything to do with half term travel arrangements and where the student will be, as well as keeping in touch with the guardian about the students' wellbeing in their dorm rooms. Health (medication if needed) and attendance will also be discussed on a regular basis. All information shared amongst the school, guardian and, parents will be kept to just the three parties. Unless the school believes the student will need medical aid, they will be informing the guardian.

3.6 Cases regarding host family

3.6.1 Information shared with host family regarding students, will be in their names and age of birth. There interest and allergies to food, and any medical issues the student may have. The host family will keep confidentiality of the student's details and contacts if the student confirms in

providing it to the host family. The guardian will keep updated with the host family on the whereabouts, wellbeing and medical information of the student while staying with the host family.

#### **4.1 Discussion over Principles of Confidential Discussion:**

- Ensure the time and place for a discussion are appropriate. When they are not, we reassure the student that we understand that they need to discuss something very important and that it warrants the time, space and privacy. More serious concerns must be reported immediately to the school counsellor to ensure that any intervention necessary to protect the student is accessed as early as possible. This will be then be passed onto the guardian to make aware of the situation and further action is taken to reassure the safety and wellbeing of the student.

4.1.1 • Tell the student we cannot guarantee confidentiality if we think they will:

4.1.2 • hurt themselves

4.1.3 • hurt someone else

4.1.4 • or they tell us that someone is hurting them or others

4.1.5 • Do not interrogate the student or ask leading questions.

4.1.6 • Do not put it in the position of having to repeat distressing matters to several people but we will inform the student first before any confidential information is shared, with the reasons for this.

4.2 To ensure that the student living with a host family (homestay) has a safe experience, as stated in the child protection policy and the safeguarding policy, at Amber education before taking on and welcoming our students into the host families, we ensure that all safety procedures are taken, and the house is safe for the student to live in. These requirements are further stated in the mentioned policies. Nonetheless, when taking on confidential information, the student before joining the guardianship will be informed of the emergency contacts they can use in situations such as this. The first sign of contact would be the student's assigned guardian. In this procedure depending on the information shared, the guardian will act upon the situation as soon as possible. If any information was shared with the host family, the host family must not promise to withhold confidential information for the student. If the information and situation are about someone from the immediate company, the information should be passed onto the local police.

#### **Summary**

5.1 • At Amber Education we will encourage the students to confide in his/her own parents about problems they may have. However, we understand that it is sometimes harder to go straight to the parents, so we would prefer the students to ask for help rather than possibly making a poor decision. We all work together as part of a team to support our students and asking for help is a way we ensure certain staff has all the information in order to help our students when it comes to confidential information.

5.2 Dissemination and implementation: This policy has been distributed to all staff and is discussed in briefings on an annual basis. All parents and students are given summarised information through the education consultant and in written form within the application form, in which they take a copy away with them. This policy forms part of the induction process of new staff also.