

Confidentiality & Disclosure Policy

Introduction

At Debut Training Academy we believe that:

- The safety, well-being and protection of our Learners, Staff and Employers are paramount considerations in all decisions staff at this training center make about confidentiality. The appropriate sharing of information between Debut Training Academy staff is an essential element in ensuring everyone's well-being and safety.
- It is an essential part of the ethos of Debut Training Academy that trust is established to enable learners, staff, employers and parents/carers to seek help both within and outside the premises.
- Learners, staff, employers and parents/carers need to know the boundaries of confidentiality in order to feel safe and comfortable discussing personal issues and concerns that may affect them.
- The Academy's attitude to confidentiality is easily understood and everyone should be able to trust the boundaries of confidentiality operating within the school
- Everyone in the Academy needs to know that no-one can offer absolute confidentiality.
- Everyone within the Academy needs to know the limits of confidentiality that can be offered by individuals within the training center so they can make informed decisions about the most appropriate person to talk to about any health, sex and relationship or other personal issue they want to discuss.

Definition of Confidentiality

Confidentiality is defined as 'something which is spoken in private, entrusted with another's secret affairs'. 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 circumstances where absolute confidentiality is offered in our Center. We strive to strike a balance between ensuring the safety, well-being and protection of our learners and staff. We want there to be an ethos of trust where learners and staff can ask for help when they need it and ensuring that when it is essential to share personal information, child protection issues and good practice are followed. This means that in most cases what is offered is limited confidentiality.

Disclosure

Disclosure of the content of a conversation could be discussed with professional colleagues, but the confider would not be identified except in certain circumstances. Staff should make it clear that there are limits to confidentiality at the beginning of the conversation. These limits relate to ensuring learners' or staff's safety and well-being. The person will be informed when a confidence has to be broken for this reason and be involved in the information sharing.

Key Principles

The purpose of this policy and procedure is to ensure clarity in the process of disclosure, obtaining consent and passing on information about an additional need to relevant staff. In particular, to ensure:

- Staff know how to respond if a learner or potential learner discloses a disability, and to whom, with the learner's consent, information should be passed.
- Staff understand their role and responsibility in ensuring that, provided consent has been given, information must be passed on to relevant staff.
- Information is kept confidential to relevant staff, or completely confidential if the learner requests this.
- Learners are made aware of the implications of keeping information completely confidential in the few cases where this may be relevant.

Responsibility and Authority

Debut Training Academy has ultimate responsibility for staff, learner and employees and will ensure that the arrangements for overseeing confidentiality and disclosure are effective, robust and reviewed on a regular basis. As such three senior members of staff have been designated as Confidentiality and Disclosure Personnel.

The designated complaints personnel are:

1. Helena Lungley
Head of Teaching & Learning and Apprenticeship Lead
01268 560552
Helena@debutacademy.com

1. Linda Edwards
Centre Manager
01268 560552
linda@debutacademy.com

2. Claire Eustace
Support Tutor
01268 560552
Claire@debutacademy.com

Procedures

There are a number of opportunities when a learner or potential learner may disclose a disability. These include:

- Disclosure during the admissions process (application, interview and enrolment).
- On programme disclosure, for example during a tutorial session or with a member of the teaching staff.
- On programme disclosure to a member of the support staff, for example to an administrator or member of reception.
- Disclosure by someone other than the learner with disabilities, for example another learner, a parent or carer.

Learners will be provided with a range of opportunities to disclose their disability, and even if the requirements below are not specifically requested, every effort will be made to:

- Provide an opportunity for disclosure in a confidential setting.
- Provide the learner with reassurance that the information collected will be dealt with confidentially and appropriately and only passed on with their consent.

- Obtain a written agreement so that meaningful consent is gained in order to pass information on to relevant staff and pass information on in a secure manner.
- Maintain a transparent and open process with the learner on what information is being passed on and to whom.
- Make every effort to ensure that alternative arrangements are made to ensure access to provision when confidentiality is requested.
- Involve the learner in all stages of the process

The following flowcharts provide a guide to the steps to take when a learner, potential learner or someone from an outside agency discloses a disability.

Requests for Confidentiality

Additional Guidance when disclosure of a disability or learning need is accompanied by a request for complete confidentiality.

- Explore all options It might be possible to pass information about a support or adjustment without needing to pass on all the information that a learner has disclosed, for example specific information about a disability.
- Explain consequences If a learner does not want information to be passed on, the Center may not be able to provide support or make adjustments to help the learner. This may have an impact on the success of the learner on the course. It is important to fully explain these consequences so that the learner is able to make a fully informed choice.
- If complete confidentiality is still requested: Encourage the learner to see their personal tutor or a senior tutor and explain that the learner can see these staff at any time if they change their mind about their request for complete confidentiality. Help the learner to appreciate that this is not a 'once and for all' decision but is open for the learner to discuss further at any stage. Where possible, arrange a follow up discussion to see if the learner has changed their mind.

Breaching Confidentiality

Certain exceptional circumstances may allow for the disclosure of information about a disability or learning need, such as:

- When there is a potential and serious threat to the personal safety of the learner.
- When there is a potential and serious threat to the safety of others.
- When there is a legal requirement to disclose that information (e.g., where there is a substantial chance that non-disclosure would be likely to prejudice the prevention or detection of crime).

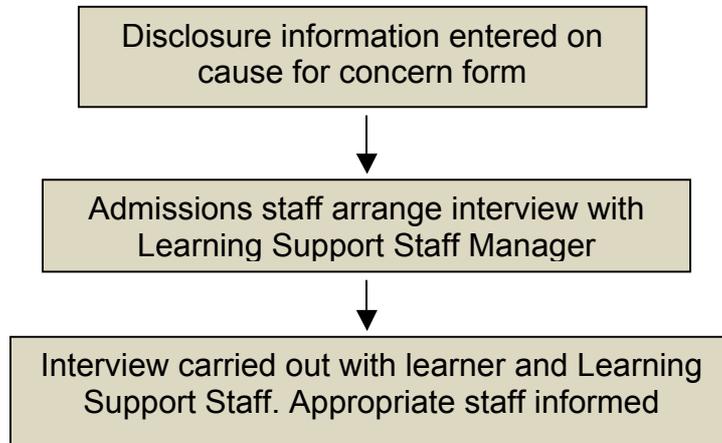
Support for Staff

Staff may have support needs themselves in dealing with some of the personal issues of our learners. At Debut we prefer staff to ask for help rather than possibly making a poor decision because they lack all the facts or the necessary training. This helps to avoid the risk of taking worries about any learners home with them.

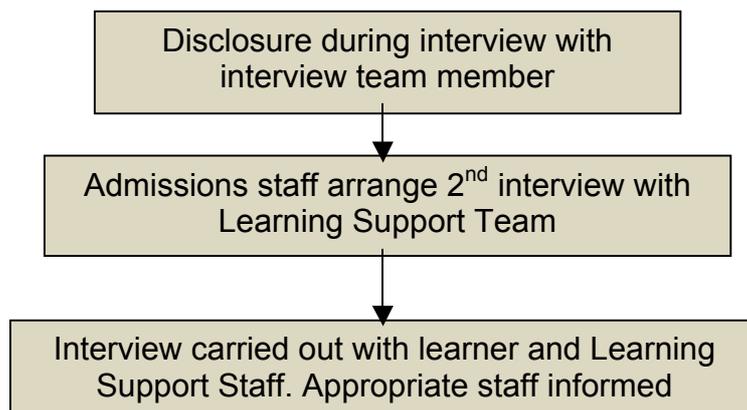
Staff should at first instance speak to the Director of Tuition or Safeguarding Officer if they have any concerns about their ability.

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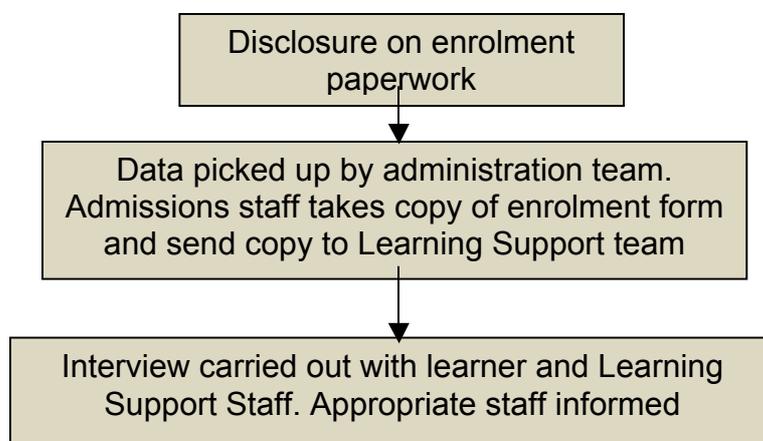
Disclosure on Application



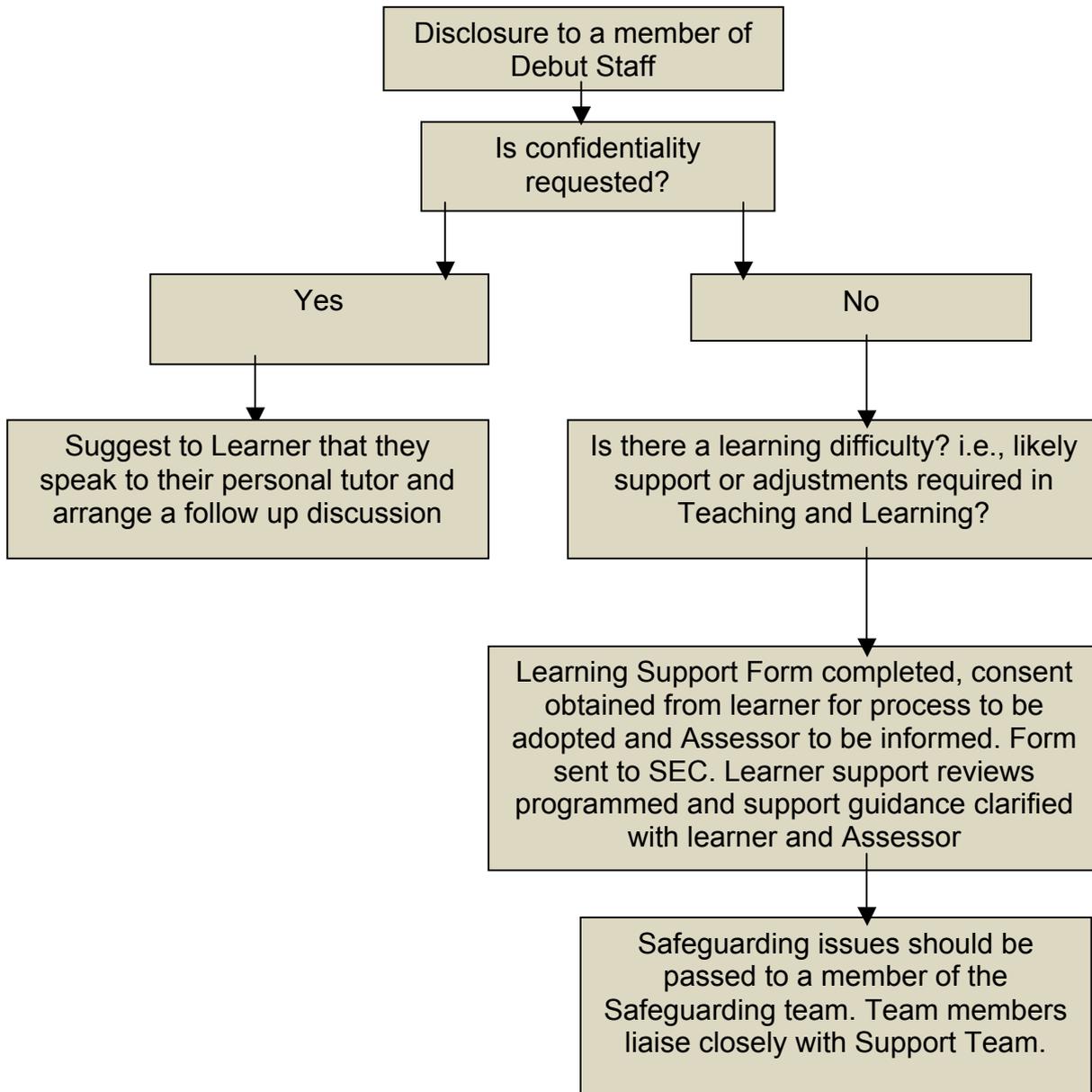
Disclosure during interview with Staff Member



Disclosure during enrolment



Disclosure after enrolment and/or during course programme



Contraceptive Advice and Pregnancy

The Department of Health 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 care 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 professional must make time to explore whether there may be coercion or abuse. Cases of grave concern should be referred through child protection procedures.

Where learners are between 16-18 – teenage pregnancy support it should be advised that the learner seeks help and support from their parent/carer or notifies them of the personal circumstance as soon as possible. The law recognises the rights of mature minors to make decisions about their medical treatment and to receive confidential health care; and staff should refer learners of this nature to their GP.

Debut staff must always provide impartial advice relating to pregnancy issues. Should learners continue with their course and the pregnancy, then the Assessor should complete a pregnancy risk assessment with the learner and review it intermittently throughout their course programme.

Complex Cases

Where there are areas of doubt about the sharing of information, Debut Academy will consult with the Local Authority Officers with specific knowledge of this aspect.

Support for staff may have support needs themselves in dealing with some of the personal issues of our students. At Debut Academy we prefer staff to ask for help rather than possibly making a poor decision because they lack all the facts or the necessary training. This helps to avoid the risk of taking worries about learners home with them. Staff should discuss any concerns with the Business Development Manager or Head of Teaching & Learning.

Policy Standards

Debut Academy offers, without discrimination, free, impartial counselling sessions, which are accessible to all current learners of the Academy. Counselling is offered within the limitations and knowledge of the staff and any areas that falls beyond this will be referred to outside agencies or Debut's Lead provider.

Confidentiality

Confidentiality will be maintained in accordance with the guidelines of this Confidentiality Policy. In exceptional circumstances, complete confidentiality cannot be guaranteed; for example, a break in confidentiality may be made:

- Where there is a threat to human life or physical danger (either of the student or somebody else)
- Where there is a Safeguarding concern (reported direct to Safeguarding Officer)
- If there is a major threat to the interests of the College
- If ordered to do so, by Court Order or anything else pertaining to the Law of the Land.

Counselling & Welfare

Pastoral Care at Debut Academy is of the utmost importance. Each learner is assigned a course or personal Assessor who is available for regular tutorials to ensure your learning journey is progressing well, as well as being there to address any worries they may have. Our Safeguarding Officer Helena Lungley or Learning Mentor Claire Eustace will be able to provide help and advice on any personal, social, emotional or practical problems.

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Learners have access to confidential support and the Academy will link up with outside agencies or charities, as well as South Essex College if external support is required.

The Counsellor will:

- Develop and maintain an effective network of internal and external referral agencies and share good practice throughout the college, to develop outstanding counselling services at Debut Training Academy.
- Be a suitably qualified and experienced member of staff and have awareness of counselling guidelines and procedures.
- Have undergone an Enhanced DBS check
- Work with staff across the college including all Assessors, the Center Manager, Study Skills Tutors for students with mental health and/or behavioural problems likely to impede learning, Safeguarding Officer and Careers Officer

Linked Policies

Please refer to Debut's linked policies below for additional information regarding Confidentiality and Disclosure Standards:

- Anti-Harassment & Bullying Policy
- Code of Conduct – Staff Policy
- Code of Conduct – Learner Policy
- Counselling Policy
- Communications Policy
- Data Protection Policy
- Equal Opportunities & Inclusion Policy
- Freedom of Information Policy
- Guidance Policy
- Health & Wellbeing Policy
- Information, Advice & Guidance Policy
- Learner Support & Super Group Policy
- Learner Safeguarding & Safeguarding Vulnerable Adults Policy
- Mentoring – Learner Policy
- Mentoring – Staff Policy
- PSED Support Policy
- Prevent Policy
- Quality Assurance Policy
- Review & Appraisal – Learner Policy
- Staff Confidentiality Policy
- Whistle Blowing Policy

Policy Revision

Issue 02 - Updated August 2016

Revision Date – August 2017