

Colyton Grammar School School Counselling Service – Confidentiality Policy

Rationale

In order to provide a counselling service where students feel safe to express themselves it is necessary to offer a high level of confidentiality. This policy is designed to clarify the nature of that confidentiality and make clear the circumstances in which information brought to counselling may need to be shared with other parties.

Aims

1. To set out the rights of young people to attend confidential counselling.
2. To make clear what the limits of confidentiality are.
3. To refer to legislation and case law that informs the policy.
4. To set out how information will be passed on under safeguarding procedures.

Relevant legislation

This policy is drawn up with regard to the following:

- Article 8 of the Human Rights Act 1998 which affords young people the right to privacy,
- The UN Convention on the Rights of the Child 1989,
- The Children Act 1989
- The Education Act 2002,
- Every Child Matters (Children's Act 2004)
- Case Law.

The rights of children and young people to access confidential counselling

Under the 'Gillick Principle' ¹ parental consent for counselling is not required for a young person under the age of 16 who is considered Gillick competent. In many cases it is felt that "a young person's use of counselling is in keeping with adolescent development towards independence." (Good Practice Guidance pg 19)² In addition, "promoting and maintaining the young person's entitlement to confidentiality could be seen to be consistent with the LA's statutory duty 'to safeguard and promote the welfare of the child' under s.175 Education Act 2002." (Good Practice Guidance pg 20.) The policy document Every Child Matters³ emphasises, 'the needs, interests and welfare of children' as well as the need to develop pastoral care for all children.

Limits to confidentiality

The statutory duty to 'safeguard and promote the welfare of the child' also extends to protecting young people from harm. The counsellor will follow procedures laid out in the school's Child Protection Policy and will refer a concern about a child to the designated teacher "where there are strong grounds for thinking that an individual might be at risk of significant harm from themselves or others..." (Good Practice Guidance pg 23.) The same will apply where the counsellor has concerns for the welfare of a third party.

It is recognised that at times this will be a difficult judgement which will require the counsellor to balance the promotion of the child's welfare and avoidance of harm against the child's autonomy and trust in the integrity of the counselling relationship. (Good Practice Guidance pg 23.)

The counsellor may seek specialist advice and guidance from the counselling supervisor, as well as through the local education authority's Help and Advice Service for Child Protection Concerns, whilst maintaining confidentiality, until a decision can be made about what is in the best interest of the young person. This is particularly important in instances where the young person does not consent to any breach in confidentiality. (Good Practice Guidance pg 23.)

The counsellor will also pass on information as required by law in the event of a disclosure about acts of terrorism or serious crime, or if required to do so by a court order.

Responsibilities of the Counsellor

The school counsellor will keep all details of counselling sessions confidential. The referring member of staff will be aware the sessions are taking place, but no other information will be shared without the consent of the young person, unless it is necessary under safeguarding procedures. The counsellor will explain to young people attending counselling that not all information shared can automatically be kept confidential, but that any information that it is necessary to pass on will be kept to an absolute minimum. Wherever possible the counsellor will gain the consent of the young person before sharing any information. The counsellor will not discuss any aspect of the counselling, or the fact that it is taking place, with any one else, either staff, parents or carers, or other professionals, unless the young person gives their permission. The exception to this will be information passed on under safeguarding procedures. In the first instance the counsellor will discuss ethical issues around whether or not to break confidentiality in supervision.

Record keeping

All notes of counselling session will be kept securely in accordance with the Data Protection Act. Access to records will be governed by relevant legislation.

Related policies

- Child Protection
- Drugs Policy
- Safe Working Practices
- Safeguarding Children

This policy will be reviewed and updated in accordance with any changes in legislation.

Equality Impact Assessment

The School Counsellor must provide support irrespective of any protected characteristic of any student seeking counselling. No equality impact issues have been identified with this policy.

Consultation

This policy is consulted upon with the Headteacher, Designated Safeguarding Officer and trustees.

References

1. The Gillick principle was established in 1985 when Lord Scarman ruled that ...parental right yields to the child's right to make his own decisions when he reaches a sufficient understanding and intelligence to be capable of making up his own mind on the matter requiring decision. (Good Practice Guidance pg 19.)
2. Good Practice Guidance for Counselling in Schools (4th Edn) 2006 Susan McGinnis with Peter Jenkins BACP.
3. Every Child Matters 2003 Paul Boateng Cm 5860. London: Stationery office.