



Procedures relating to sensitive information and services

Objective:

The school balances the student's right to confidential health and counseling services, whilst encouraging students to discuss personal matters affecting them with their parents/caregivers.

Guiding legislation:

- Health Act 1956
- Privacy Act 1993
- The Health Information Privacy Code – see www.privacy.org.nz for information on how the privacy commissioner has the power to issue codes of practice that become part of the law.
- New Zealand Bill of Rights Act 1990
- Human Rights Act 1993
- Contraception, Sterilisation and Abortion Act 1977
- Care of Children Act 2004

Guidelines for the school as a whole:

- Personal information about an individual cannot be disclosed unless the person concerned has said that it may be given out, or there is a serious imminent threat to the individual or another individual.
- All personal details of staff and students, including address and contact details, are not to be provided to anyone else without that person's specific permission to do so.
- The school is responsible for providing one copy of school reports on the academic progress and achievement of a student to their family. Providing additional copies of school reports for other family/whanau members is at the discretion of the school. Once a student is 16 years they have the right to specify who receives such school information about them.
- The Health and Physical Education Curriculum introduced into New Zealand schools in 1999 includes requirement for compulsory sexuality education by relevant teachers.

Guidelines for health and counseling services:

- The school's employed nurse and guidance counsellors are bound by their professional codes. The school nurse is a registered health professional and as such has a strict legal and ethical duty to maintain health information and respect the right to confidentiality of students. The school counselors have an identical legal and ethical duty to maintain confidentiality.
- As per the Health Privacy Code, all health information disclosed to the health and counselling services is confidential. The only situations where disclosure of health information is allowable is if the student gives permission for the release of this information, the student is unable to consent to medical treatment on his or her

own behalf, or is a danger to themselves or others. This applies to students over or under 16 years of age. While maintaining confidentiality, the nurse and counsellors will encourage students to discuss personal matters affecting them with their parents/caregivers.

- Students can seek advice and treatment from a school counsellor, the school nurse and on occasions an independent health professional. They can do this without the knowledge of their parents/whanau/caregivers.
- If a student is danger to themselves or others, staff are ethically bound to report this information to the appropriate person(s).
- Clinical notes from student visits to the health clinic and/or school counselors are to be securely stored by those professionals. This information cannot be accessed by other staff members. The only exception to this is with the approval of the student concerned and by appointed replacement staff, who fall under the same confidentiality agreement. Any such notes are the property and responsibility of the school.
- At times, with student's permission, the nurse or counselors may need to consult with another medical professional or counselor. Any medical information may be transferred to the G.P. at a student's request.
- The school has approved the provision of contraception consultation and treatment by the visiting Doctor at school, and Emergency Contraception through the Nurse. If the student is prescribed contraceptives, the students will be asked to sign a written consent form as part of the informed consent process. Students are actively encouraged to discuss contraception with their parents/caregivers and family doctor.
- All students (including those under 16 years of age) are allowed to be provided with contraception advice, education and provision of contraceptives after the repeal of section 3 of the Contraception, Sterilisation and Abortion Act 1977. In giving advice, the health professional must take into account the competence of the young person to make an informed decision about contraceptive choices.
- If a student requests a pregnancy test at the health clinic at school and it is positive, the student is encouraged to see a school counsellor and to seek support from her parents/caregivers or another adult family member or an alternative safe adult. If a student wishes to consider options, they may be referred to a Doctor who may in turn refer the student to a licensed clinic or hospital.
- Under section 38 of the Care of Children Act 2004, a female of any age has sole right to consent to or refuse an abortion. This means that even a girl under 16 cannot be forced by her parents to have or not have an abortion. The law treats the young person in this situation as if she were of full age. This includes the right to complete confidentiality whether the student is over or under 16 years of age.
- If the student has an abortion, the school nurse and counsellor will attempt to follow up regarding contraception and monitor the student to maintain physical and psychological wellbeing.