



BISHOP GROSSETESTE UNIVERSITY

Document Administration

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Author / developer:	Head of Student Advice & Learning Development
Owner	Head of Student Advice & Learning Development
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CONFIDENTIALITY POLICY

1. Introduction

Student Advice is committed to providing impartial, non-judgemental and confidential services to prospective, current students of the University. Any personal information students provide to Student Advice will be handled appropriately and sensitively, in accordance with Data Protection legislation. This means that data which students provide will not usually be shared with third parties. When a student has disclosed personal information to Student Advice, it will usually only be shared with third parties with the student's consent and on a relevant and need to know basis.

Student Advice recognises all students should usually access the services it provides in confidence and that no one, including staff working in other departments within the University, should be aware such contact has taken place. Student Advice will ensure confidential interview space is available to students using its services.

Student Advice recognises that, in order to provide a wholly effective response to students, from time to time it must respond to situations where the interests of the student and the interests of the university may be in conflict. The confidentiality of such situations will be respected under this policy, and conflicts of interest managed as set out below.

2. Confidentiality Statement

The following statement will be displayed in our reception area and interview rooms:

Confidentiality Statement

Student Advice offers a confidential service. Any information you disclose to Student Advice will be handled sensitively and confidentially, in accordance with Data Protection and other relevant legislation.

We will not share information you provide with anyone outside our service unless we have your authorisation, except in exceptional circumstances set out in our Confidentiality Policy. We will require your written authorisation before we can act on your behalf and contact relevant organisations and individuals in order to assist you. We will not contact anyone you expressly ask us not to.

Please refer to our Confidentiality Policy for full details.



3. Case Recording

All University students contacting Student Advice will be advised that a case record will be created relating to their enquiry. Case records are kept electronically on a secure case recording application, which can be only be accessed by members of the Student Advice team. A student must give consent for the file to be created in their name. If consent is not received, an anonymous record will be created instead.

A paper file may also be created if necessary (e.g. for supporting documents relating to a student's case).

Students have the right to full access to their file and can request a copy of their case file at any time. Student Advice will keep a copy of a student's case file on record for six years. After a period of six years has elapsed (beyond the date Student Advice last had contact with the student) the case file will be destroyed. All electronic records will be deleted after six years. Any supporting documentation will be shredded at that time, where applicable.

Student Advice will ensure all case files and student details are kept secure. Hard copy documents are held in lockable filing cabinets. Filing cabinets can only be accessed by members of the Student Advice team. Student details include electronic case files, copies of correspondence, and any other documents containing personal information.

Filing cabinets are locked at the end of each working day. Electronic case records are kept on secure software on a shared drive accessible only by members of Student Advice and IT staff (for administrative purposes).

Case files and other personal documents will only be removed from the Student Advice office when absolutely necessary and in such cases all due care will be taken by Student Advice staff to ensure case notes are kept secure.

4. Third Parties

Student Advice will not usually disclose information to third parties without the student's express consent, but see "Limitations to Confidentiality" below.

Student Advice requires a student's authorisation before any action can be taken on their behalf with a third party. Authorisation should be in writing wherever possible (although it is usually possible to speak to third parties over the telephone if the student is present). This ensures any action undertaken complies with Data Protection legislation,

Student Advice staff are required to ensure that agreed action will be only be taken on behalf of a client with a third party where a student has provided express consent for the party to be contacted. Student Advice staff will not contact third parties without the student's consent, other than in circumstances where there is evidence of significant risk to the student, or others.



Student Advice staff are responsible for checking with clients whether it is acceptable to contact them at home or work in relation to their case. All staff must ensure they make no reference to the reason for their call to third parties when attempting to make telephone contact with clients, unless they have the student's consent. Any correspondence should be marked 'Private & Confidential'.

All details of consent or requests not to disclose information must be recorded in the student's case file.

5. Limitations to confidentiality

There are limitations to the confidentiality of Student Advice's services, as follows:

5.1 General

We are unable to ensure confidentiality in our Reception area - if students do not wish to be overheard, they should ask for a private space to be made available. Student Advice displays a notice to this effect.

We are also unable to ensure confidentiality where students discuss their circumstances with members of the Student Advice Team in other areas of the campus – it may be possible for other students and members of staff to overhear what is being discussed.

Only members of the Student Advice Team have access to the case recording software used to keep records of contacts with students. This application, together with any other electronic documentation relating to our clients, is held securely on a shared drive (only accessible to Student Advice and IT staff). We have assurances from the IT department that they will not access our shared drive, except where they need to for purely administrative purposes (which should not involve IT staff viewing or printing any of the information contained in students' files).

5.2 Accessibility Support

5.2.1 The Equality Act 2010

The Equality Act 2010 determines that, once a person has disclosed their access needs to an employee of the University the entire institution is deemed to be aware of those needs. In order to fulfill its duties under the Equality Act, Student Advice (as a department of the University) is required to pass on information regarding access needs disclosures so that an appropriate response can be implemented.

Such disclosures will be made on a relevant and need to know basis following the principles of all relevant Data Protection legislation from 2008 revisions onwards, as per current law within the UK and International requirements. If a student has discussed additional circumstances which are not related to their access needs disclosure, information about these circumstances will not usually be circulated beyond Student Advice and will remain confidential.



5.2.2 Access Needs Disclosure

If a student informs the University about their access needs, a response will be made in accordance with the *Access Needs Disclosure Response and Support Procedure*.

Student Advice recognises that students may not always wish to give express consent for information about their access needs to be circulated to relevant parties within the University. If a student indicates they do not wish information to be passed on further, Student Advice will treat the information as a **limited disclosure**. The student will be informed it may not be possible for the University to respond fully to their support needs until a full disclosure is made.

5.3 Counselling and Well-being

5.3.1 Where students represent a significant risk to themselves or others:

If a member of the Student Advice team is satisfied a student presents a significant risk to themselves or others, the team will usually seek to contact appropriate third parties both within and external to the University.

Wherever it is possible to do so, we will discuss any action we intend to undertake with the student in the first instance, and we will seek to keep the student informed of the outcome of any such action.

The Head of Student Advice & Learning Development will be informed of any situation where confidentiality may need to be breached. The Head of Student Advice & Learning Development is responsible for making the decision as to whether confidentiality should be breached. If it is decided that confidentiality is to be broken, the Head of Student Advice & Learning Development will then identify the relevant parties that need to be contacted. The student will then be informed, where it is reasonably possible to do so.

If the decision is urgent and the Head of Student Advice & Learning Development cannot be contacted, members of the Student Advice team should consult one another, using precedents in case history, together with guidance from colleagues at other agencies where available, in order to reach a decision. The team members will be responsible for their decision. In seeking such guidance, the individual student's identity will be kept confidential.

Under no circumstances should any breach of confidentiality be discussed with anyone in a position to investigate a complaint against Student Advice. This measure seeks to preserve the integrity and independence of any future complaints or investigations arising from the decision to breach confidentiality.

5.4 The BGU Learning Fund

In making an application to the BGU Learning Fund, students will be required to give their consent for the application to be made available to relevant third parties in the Finance Office and Students' Union, for the following reasons:



Applications are initially dealt with by Student Advice staff; once an initial decision has been reached, instructions are sent to the Finance Office where a payment is required.

In order to make a payment to a student, Student Advice will pass the student's name, the amount payable, and relevant account details to the Finance Office. No other information will be supplied to the Finance Office.

In cases where a student appeals against a decision, the Student Union is used as an independent body. The Student Union President and VP Welfare will require full copies of the information relating to the application, in order to consider the appeal.

6. Student Consent and Data Protection

Any information provided by a University student to Student Advice will be treated in accordance with Data Protection (and other relevant) legislation. Data will be:

1. fairly and lawfully processed;
2. processed for limited purposes;
3. adequate, relevant and not excessive;
4. accurate;
5. not kept for longer than is necessary;
6. processed in line with your rights;
7. secure; and
8. not transferred to countries without adequate protection:

7. Conflict of Interest

The following sections set out instances where conflict of interest might arise, and how Student Advice will manage such a conflict:

i) Situations arising against the interests of BGU

Student Advice acts primarily in the interests of BGU students, even where the student's interests are in conflict with BGU, subject to the practical considerations of the limitations to confidentiality set out above.

Any student in a situation where their interests are in conflict with BGU can access Student Advice for impartial and confidential information, advice, and guidance. Student Advice will usually aim to offer full support to a BGU student and will only seek to refer to an alternative agency in the event that it becomes apparent a student cannot be supported in a way that ensures their best interests are served.

ii) Student Disputes

Student Advice's services are available to all BGU students; we will not usually deny BGU students access to our services. This means that special provisions must be made to manage



situations where BG students are in dispute with one another, in order to protect the confidentiality of all parties concerned.

In situations where it becomes apparent BGU students are in dispute with one another:

- Student Advice will provide advice and information to all parties;
- Where possible, we will endeavour to ensure that the disputing parties are seen by different members of staff;
- No representation will be available to any party;
- If a student seeks representation, Student Advice will assist, as far as possible, in making a referral elsewhere;
- Student Advice will not disclose to any party whether it has had contact with the other parties involved in the dispute.

iii) Monies owed to the University

Where a student has approached Student Advice for debt advice and that student owes money to the University, a potential conflict of interest arises. In this situation:

- Student Advice will provide the student with information about alternative sources of debt advice;
- A full explanation of Student Advice's debt advice procedures will be given, including how debts to BGU will be dealt with;
- Student Advice will take a professional and impartial approach to identifying the student's priority and non-priority debts, and will negotiate with the BG Finance Office in the same way as it would deal with any other priority/non-priority creditor;
- Student Advice will not knowingly aid or abet the continuance of fraudulent activity by a student. However confidentiality means that the adviser will not normally reveal fraudulent activity without the student's consent. The student's refusal to give such consent will result in the termination of the money advice service. Student Support will be entitled to breach confidence if required to do so by legal process. Where Student Advice has concerns over the consequences of not divulging fraudulent activity, those concerns will be brought to the attention of the Director of Resources for further consideration.

iv) The BGU Learning Fund

As well as administering the Learning Fund, Student Advice offers advice and guidance to students so that their applications for funding from the Fund can be made as effective as possible. The Hardship Fund Guidance published by the National Association of Student Money Advisers, which BGU has adopted to govern the Fund, requires that any advisory functions are separated from administrative ones.

In order that a separation of advisory and administrative functions is achieved:



- Any member of the Student Advice Team providing advice and guidance to a student must declare that they have done so on the Learning Fund application form;
- That person will not be involved in later stages of the application process.

8. Statistical Recording

Student Advice is committed to carrying out effective monitoring of its services. In order to achieve this, statistical analysis of contact with students is carried out. As well as identifying the types of issues handled by Student Advice, analysis also identifies the extent to which Student Advice's services are used by students on different programmes and in different years of study. The Head of Student Advice & Learning Development will ensure that all statistical records and subsequent reports, which may be made available to third parties, shall be produced in anonymous form, so individuals cannot be identified (unless they have given their express consent for this to happen).

9. Legislative Framework

Student Advice will monitor this policy to ensure it meets statutory and legal requirements including: all relevant Data Protection legislation from 2008 revisions onwards, as per current law within the UK and International requirements, the Children's Act, the Rehabilitation of Offenders Act, the Social Security Administration (Fraud) Act, the Prevention of Terrorism Act and the Human Rights Act.

10. Ensuring the Effectiveness of the Policy

All members of the Student Advice team will receive a copy of the Confidentiality Policy. Existing and new members of Student Advice will be introduced to the Policy via induction and training. The Policy will be reviewed annually. Copies will be available to students on request, and will be available via BlackBoard.

Student Advice staff will be required to sign an agreement stating they will abide by the terms of the Policy. Copies of the signed agreements will be held by the Head of Student Support.

11. Date of Policy Review

Manager Responsible for Policy:	Head of Student Advice & Learning Development
Date Approved:	10 May 2006
Date Reviewed:	27 August 2015