



## Confidentiality Procedure

### 1. Context

This document offers guidance to staff on how to apply principles of confidentiality to its dealings with students. It does not cover data held on staff.

Specific regard is given to the Data Protection Act 1998, which requires data to be:

- processed fairly and lawfully
- obtained only for specified and lawful purposes
- adequate, relevant and not excessive
- accurate and up-to-date
- not kept for longer than is necessary
- processed in accordance with the rights of the 'data subject'
- kept securely.

### 2. Equality and diversity statement

Bedford College is committed to the promotion and development of equality and diversity. We aim to provide a working and learning environment which values individuals equally regardless of age, disability, ethnic origin, gender, sexual orientation, marital status, religious belief or trade union membership.

This procedure is implemented in accordance with our policies on equality and diversity, disability and race equality. Decisions/actions taken in relation to student confidentiality are not influenced by the student's background or situation, and each case is dealt with on its own merits.

### 3. Types of information held

The student information which staff deal with on a day-to-day basis includes:

- personal details (e.g. name, address, date-of-birth)
- fee status, qualifications, attendance, achievement and progression
- gender, ethnicity, learning difficulty and disability

Some staff, including personal tutors, Student Services staff and first aiders, may be in possession of more sensitive information about the student, such

as behavioural issues, home background/relationships, financial circumstances, physical and mental health, career plans, and previous criminal convictions.

Under Data Protection legislation, the following is regarded as sensitive data:

- race or ethnic origin
- political beliefs
- religious or other beliefs
- trade union membership
- sexual life
- physical or mental health or condition
- commission or alleged commission of an offence
- any proceedings for an offence committed.

Staff should make every effort to ensure that any information held is accurate, current, fair and necessary. Subjective comments and value judgements which cannot be substantiated should be avoided.

#### **4. Disclosure of information**

**Within College**, disclosure of confidential information about a student should be strictly on a need to know basis and wherever possible with the student's consent.

Information about a student should never be shared with other students, however well intentioned the disclosure.

**Outside College**, as a general rule, no information about a student should be passed on to a third party *without the student's prior consent*. All referrals to other agencies, for example Connexions, should be made with the knowledge and agreement of the student.

Whenever possible, consent should be obtained in writing. Where consent is verbal it should be noted on the student's file. Where sensitive data is being disclosed, explicit informed consent should be obtained for each occasion unless there are overriding health and safety concerns.

#### **Disclosing information to parents**

Students, even those under 18, are normally deemed competent to give consent ('Gillick competent'). This means that they should also give consent to the disclosure of information to parents. There is a clause on the enrolment form which students sign to say that, if they are under 18, they agree to the College passing on information to their parents about their progress (this would include attendance, academic performance and disciplinaries).

Consent must be obtained before any other information is disclosed to parents.

### **Disclosing information to the police**

The College is committed to acting in a lawful and ethical manner, and expects its students to act similarly.

Where the police advise the College that they wish to receive information in respect of a student they believe has committed an offence, the College will provide them with the following personal information:

- personal details (name, address, contact number)
- course details (course of study and mode of attendance)
- current status details (whether a student is active or withdrawn)

Timetable/rooming information will not be provided.

Where the police advise the College that they wish to receive information in respect of a student they believe witnessed an offence, or may assist in some other way, the College will confirm whether or not the individual is a student in the current year (and whether withdrawn or not) but will not provide further information. The college will offer to contact the student directly and request that they speak to the police. If the student so wishes, the student may ask to be accompanied by a member of staff if the meeting takes place on College premises during normal working hours.

### **Disclosing information to government agencies**

The terms of our data protection registration permit disclosure to relevant government agencies such as LSC, DWP. Care should be taken that the organisation requesting information are who they say they are.

### **Students with disabilities**

Under the Disability Discrimination Act the College must give students and prospective students every opportunity to disclose a disability or learning need. The student has the right to request that this information be kept confidential. However, it should be pointed out that, in such circumstances, it may be difficult to provide appropriate support. Once a student has disclosed a disability and agreed for the information to be passed on, the institution as a whole is deemed to know about the disability. Please refer to the Disability Disclosure Procedure (Staff Intranet>Teaching and Learning>Additional Support).

## **14-16 students**

The development of the 14–19 curriculum has led to increasing numbers of pre-16 students attending College. Consent is obtained from students to:

- permit the school to pass on information to the College
- permit the College to pass on information to the school and/or parent
- permit the College to process information about them.

## **5. Limits of confidentiality**

The College will respect a student's wish for confidentiality except in situations of perceived risk of significant harm to the student or others. This includes child protection concerns and the risk of serious crime being committed. For this reason, it is important that you **never offer absolute confidentiality** and that the limits to confidentiality are explained.

### **Confidentiality and the Counselling Service**

The Counselling Service complies with the British Association of Counselling and Psychotherapy (BACP) Ethical Framework and has a strict code of confidentiality. A leaflet on confidentiality is available from the College Counsellor.

Counsellors will not pass on personal information about their clients (including information on attendance) to anyone outside the Service (including other College staff), subject to the following exceptions:

- where the counsellor has the written consent of the client to disclose information for a specified reason or purpose
- where a counsellor would be liable to civil or criminal court procedure if the information was not disclosed
- where a counsellor believes the client or a third party is at risk of serious harm.

In such circumstances, the counsellor will normally encourage and support the client to pass on information to the relevant person/agency. If there is no indication that this has happened, or is likely to happen, and if the danger is very serious, the counsellor may pass on the information directly.

Consent to disclose information will be sought from the client whenever possible.

## **Confidentiality and child protection**

A good working relationship between staff and students depends to a large extent on the establishment of trust. This may be described as a 'confidential relationship'. However, guarantees of absolute confidentiality should not be given as it may prove necessary to make a referral to an appropriate agency.

If a student under 18 discloses abuse to a member of staff, it is important that the boundaries of confidentiality and the need to pass on that information are explained to the student. It is often easier to explain to the student that you have a responsibility to pass on information on certain matters than to get into a situation where you break a confidence.

A member of staff concerned that a student may be at risk must follow the procedures set out in the College's Child Protection Policy.

### **6. Storage of information**

Student information should be stored securely. Records should not be left unattended on desks in unlocked areas, even when the location is not public access (e.g. offices, staff rooms). Information should not be kept longer than necessary.

All counselling records and notes are kept in securely locked storage. Because they may contain sensitive information, counselling notes are filed anonymously and contain no direct references to clients' names.

### **7. Supporting documentation**

- Child Protection Policy and Procedure
- Counselling Service Policy
- Disability Disclosure Procedure
- Confidentiality and the Data Protection Act 1998: Notes for Students (College Counselling Service)
- Boundaries and Confidentiality – Guidelines for Tutors

Lesley Ferguson  
Director of Student Services  
January 2007