



# **UCFB Confidentiality - Student Wellbeing Guidance Statement**

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## **STUDENT VERSION**

### **Confidentiality – Student Wellbeing Guidance Statement**

#### **1. Principles**

- 1.1 We are committed to treating you with dignity and respect which includes handling any personal information you give us.
- 1.2 We work within the Student Agreement which all students sign up to at enrolment.
- 1.3 All your personal information is collected, stored and managed in accordance with the requirements of the General Data Protection Regulation (GDPR) and the UK Data Protection Act 2018. Information we hold about you will be kept and stored securely, and only accessed by authorised staff when required. Your interactions with us are normally confidential unless you give us permission to disclose to a third party:
  - We do not respond to requests for information from parents, guardians or other third parties (unless covered by a data protection exemption e.g. from the Police). Unless you have given explicit permission in advance, we will refuse such requests. However, there may be circumstances where the law requires disclosure for the prevention and detection of terrorism or where non-disclosure is likely to prejudice the prevention or detection of crime.
  - Our team is obliged to report matters such as safeguarding concerns to the UCFB Safeguarding Team who may be obliged by law to report to external bodies such as the Safeguarding Board, Police or Social Services. Our team may provide information in the interests of individual students or the wider student community as part of UCFB processes such as Fitness to Study/Practice.
- 1.4 If you are in contact with different services, we may ask you to give us permission to share relevant information about you with them. This is because it can be helpful for support service teams to speak to each other on your behalf. For example, if you need reasonable adjustments to support your learning it may be beneficial to speak to your Academic Team (i.e. your Course and/or Module Leaders) and/or the Student Administration Team. This will be discussed with you during your registration with the Disability and Learning Support Service; you can specify who you agree for us to contact.

## **2. Record Keeping**

2.1 The Student Support Team keeps a student record on our student information system, which is only accessible by our staff members on a need-to-know basis. You have access to this record at any time.

We keep records for the following purposes:

- Contact details - so we can contact you if we have to cancel an appointment or if you miss an appointment without notice.
- For statistical purposes - we use anonymised data to inform and improve our services.
- Brief notes to remind us of the main points of any issues we discuss with you, and any action agreed. All records are kept secure with access only available to members of the relevant team.

2.2 If you want to check your student record notes, you can ask to do so. Usually, you can make an appointment to see your notes face to face so any queries or factual corrections can be dealt with.

2.3 If you object to us keeping brief notes between sessions, please let us know in writing so we can keep your request on record.

## **3. Counselling Practice - Supervision**

3.1 All Counsellors in the UK are required to have professional supervision from an independent, external consultant, experienced in counselling supervision. This person's role is to ensure that we work ethically and effectively. In Counselling supervision sessions no identifying personal details are given about any of the individuals we work with. The external Supervisor is also bound by a confidentiality code.

## **4. Student Assistance Programme (SAP)**

4.1 The Student Assistance Programme (SAP) is a separate service offered to all students of UCFB. Our SAP partner provides a confidential service and the information you discuss with their helpline support workers is not routinely provided to UCFB unless your health, wellbeing or welfare is judged to be at imminent risk, or upon your request.

4.2 In these circumstances, and where the support worker thinks you need additional support, they will seek your consent to share your name and information about their concerns with the Student Support Team so that they can provide you with further help.

4.3 In some circumstances **where you are not able to provide consent or where you refuse consent**, our provider may still decide to share relevant information with UCFB where it is necessary to protect your or another person's vital interests. This approach is consistent with UCFB policies which you signed up to at registration.

## STAFF VERSION

### Confidentiality – Student Wellbeing Guidance Statement

#### 1. Introduction

- 1.1. This guidance applies across UCFB including distance and distance (with attendance) courses. Students overseas or out-of-residence may not be able to access the full range of welfare services referred to in this guidance, but the general principles will still apply.
- 1.2. The guidance is intended for **all staff** at UCFB who are involved in supporting students with their health and wellbeing needs where confidentiality might be an issue. It is designed to promote consistency in the way individual cases are handled.
- 1.3. For the purposes of this guidance, references to "**health**" covers both physical and mental health; and "**Academic Team**" means 'Academic Course or Module Leaders and any academic member of staff that a student chooses to share personal information about themselves'.
- 1.4. Staff are required to familiarise themselves with this guidance as part of their induction or ongoing training in welfare matters. Guidance on any issue can be sought from the Student Support Team.

#### 2. General Principles - Requirement for confidentiality

- 2.1. All members of UCFB staff involved in any matter relating to the health, welfare, disability support or financial hardship of students must comply with our [Privacy Notice](#).
- 2.2. Information is available to staff within the same service for the purpose of effectively providing support. Information may be passed between services, limited to what is relevant to facilitate support. Information may be stored on systems that are used by other services; however, access will be limited. However, at all points information should not be shared without prior discussion and/or agreement from the student concerned.
- 2.3. In general, all information about the health and wellbeing of an individual will be sensitive personal data and should be kept confidential and only disclosed with explicit and informed consent.
- 2.4. Staff who receive personal information about a student shared in an authorised context by another member of staff must also adhere to these confidentiality guidelines. If there is any doubt as to whether data should/can be shared, then you should check with the Student Support Team before proceeding.
- 2.5. Most UCFB students are adults (i.e. Over 18) and the confidentiality of their data must be maintained and their information must not be shared without their consent.
- 2.6. Those advising students must consider at the outset of a discussion to clarify whether this content is confidential and the extent of any confidentiality

which applies to any disclosures. When discussing confidentiality with students, the following should be made clear:

- Confidentiality will be respected, wherever possible;
- Consent will be sought, wherever possible, to any onwards disclosure of information;
- There are limited circumstances in which information might be shared with a third party, e.g. taking account of the vital interests of others, or where an individual lacks capacity to give consent.

- 2.7 Students should normally be advised to disclose relevant personal information to others where this benefits their interests. For example, students with learning differences or health considerations may find it helpful to discuss their individual needs further with their Academic Team.
- 2.8 All staff are obliged to report matters such as safeguarding concerns to the senior member of staff responsible for safeguarding who may be obliged by law to report to external bodies such as the Police or Social Services. Please refer to the [Safeguarding Policy](#) for further information.

### **3. Seeking Consent**

- 3.1. Those advising students should seek the consent of the individual to onward disclosure of personal information to a third party and for this consent to be obtained in writing. If consent cannot be provided in writing, it must be recorded as a note on the student's record and the advisor should consider sending a letter or email to the student.
- 3.2. Where consent is refused, in exceptional circumstances it still may be necessary to disclose the information to others and without informing the student. In certain circumstances, UCFB may owe obligations to individuals that cannot be discharged unless the institution takes action on information provided in confidence. This could include disclosures from external agencies such as Local Authority Designated Officers (LADO), or the Police. For example, disclosure of information may be necessary in order to protect the vital interests of others. Such circumstances involve the weighing up of different interests. An example of an exceptional circumstance is the risk of serious harm to the student or others. Guidance should always be sought from the Student Support Management Team and/or Director of Student and Academic Services. Please refer to the [Safeguarding Policy](#) for further information in relation to safeguarding and PREVENT obligations.
- 3.3. A member of staff who receives information that has been given in confidence, or acquires information which they believe to be confidential, may not always be sure whether they should disclose this information or not. In these circumstances you must seek advice from a member of the Student Support Management Team or Director of Student and Academic Services. This consultation should be done without divulging the name of the student concerned.

#### **4. Wellbeing Discussions**

- 4.1 Those advising students should not normally give absolute assurances of confidentiality to those who may wish to talk about wellbeing-related matters.
- 4.2 In some circumstances, it may be helpful for members of UCFB support services to talk to other professionals in relation to a student's difficulties; the individual's consent to do so should be sought.
- If consent is not forthcoming, it may still be helpful to seek general advice from a health professional or counsellor without identifying the student concerned.
  - In exceptional circumstances external health professionals, Disability Advisors or Counsellors may wish to speak to a member of the UCFB Student Support Team or Academic Team about a student. If the student is unwilling to consent, confidentiality will be respected unless there is an exemption under the relevant professional legal guidelines.
- 4.3 Where a student is discharged from hospital, NHS staff may contact us to ensure a 'safe' discharge occurs. We can only share information where the student has given us permission to do so. Usually, students will appreciate that it is in their interests to give permission to share information.

#### **5. Request from a third party, including family members**

- 5.1 There may be times when family members (including parents, guardians or other third parties) contact UCFB requesting information relating to a student. We do not respond to requests for information from parents, guardians or other third parties (unless covered by a data protection exemption e.g. from the Police). Unless the student has given explicit permission in advance, we will refuse such requests.
- 5.2 When family members make requests on behalf of students it is important that staff are polite and clear about being unable to share any personal information.
- 5.3 Where family members raise concerns about a student's welfare they should be informed about support channels that are available to all students (e.g. GP, Student Support Team, Student Assistance Programme). Staff should advise family members that information provided in relation to the student will not normally be acted upon, and that they should encourage the student to disclose this information themselves and seek help.
- 5.4 In cases where a third party discloses information about a student who is at risk of serious harm, UCFB staff must act upon this information. Staff must communicate to the third party that it will not be possible to guarantee their anonymity.

## **6. Contact by UCFB with a third party, including family members**

- 6.1. Normally, UCFB will only contact a third party or family member about a student where the student has first given written prior consent.
- 6.2. No member of staff may contact a third party or family member where consent has not been obtained from a student unless authorised by the Director of Student and Academic Services or member of Executive Leadership Team.
- 6.3. Exceptional circumstances where contact with a third party or family member without the consent of a student may be justified include:
  - The student is physically incapacitated (e.g. unconscious due to serious accident).
  - The student has been medically assessed under the Mental Capacity Act as lacking capacity to make the decision. Any issue of mental capacity can only be determined by an appropriate professional trained in undertaking Capacity Assessments.

As a general rule, where a student presents a risk to self (e.g. self-harm) but mental capacity is assumed to be intact, any decision by the student that family members should not be contacted must be respected. Where it is suspected that the student may be under exceptional pressure(s) and presents a risk to self, it may be considered appropriate to contact the given emergency contact.

## **7. Requests from the Police**

- 7.1. There may be times when UCFB are contacted by the Police for information about a student.
- 7.2. UCFB does not respond to requests for information from parents, guardians or other third parties (unless covered by a data protection exemption e.g. from the Police). Unless the student has given explicit permission in advance we will refuse such requests. However, there may be circumstances where the law requires disclosure for the prevention and detection of terrorism or where non-disclosure is likely to prejudice the prevention or detection of crime.
- 7.3. All Police requests must be referred to the Student Support Management Team and/or Director of Student and Academic Services for advice as soon as possible.

## **8. Students on courses accredited by professional bodies**

- 8.1. Special considerations apply to students on courses leading to qualifications for professions as these may be governed by additional codes of conduct and fitness to practice procedures which are intended to protect the public.
- 8.2. Those advising students with concerns about the health or behaviour of a student on one of these courses and the requirements for a professional body should seek advice from the Student Support Management Team.



8.3 Specific advice on the requirements of the professional body concerned may be sought from the relevant Course Leader without divulging the name of the student. The professional body may also be approached for generic guidance on its requirements.

8.4 If it appears to the Student Support Management Team that the health or behaviour of a student may be in breach of a code of conduct and/or fitness to practice procedure of a professional body, the Head of Student Support must refer the case to the Director of Student and Academic Services for consideration of appropriate next steps to take.

## **9. Behavioural and emotional concerns**

9.1 Where a student's behaviour is considered to pose a risk to themselves, concerns should be reported immediately to the Student Support Team, who will discuss these concerns directly with the student and follow all appropriate processes including record keeping.

9.2 In a situation where it is clear that the student is in imminent and serious danger, the emergency services should be contacted. Where possible, the advice of the Student Support Management Team or Director of Student and Academic Services should also be obtained.

9.3. Where a student's behaviour is reasonably considered to pose a risk to others, those advising the student should consider if the vital interests of others are affected. Where possible, the advice of the Student Support Management Team or Director of Student and Academic Services should be obtained.

9.4 If a student is causing considerable concern or disruption (but is not considered to pose a risk to other members of the UCFB community or to themselves), and they are unwilling to consult medical professionals, a Student Support Advisor may well be able to achieve a satisfactory solution. The advice of the Student Support Management Team should be obtained so that a consistent approach for similar cases is maintained.

## **10. Discipline and ill health**

10.1 UCFB has formal procedures for dealing with serious problems arising from ill health which may be relevant in the context of a disciplinary investigation or otherwise. All departments must ensure that any decision to share sensitive personal data is in accordance with the provisions of relevant UCFB policy and guidance, unless superseded by statutory legislation.

## **11. Professional and operational obligations**

11.1 All student counselling services must abide by the British Association for Counselling and Psychotherapy Ethical Framework for Good Practice. Confidentiality remains with the staff of student support services and information will not normally be conveyed to others without permission.

- 11.2 The Disability and Learning Support Service will share information relating to declared disabilities for the purposes of supporting that student with the written consent of the student.
- 11.3 Students are encouraged to speak to their Academic Team about any issue that may be concerning them, especially if they think that it might affect their academic work. They are also welcome to approach any member of the Student Support Team. The Student Support Team operates independently of the Academic Teams, and information is only passed from the former to the latter with the explicit consent of the student involved.

## **12. Under 18s**

- 12.1. Separate considerations may apply to students under the age of 18. Further advice should be sought from the UCFB Safeguarding Lead and more information is available in our Safeguarding Policy.

## **13. Complaints**

- 13.1. If a student wishes to make a formal complaint or appeal that cites services provided by the Student Support Team, the service may disclose information relevant to the complaint or appeal to the relevant officer. All complaints should be dealt with under the UCFB Complaints Policy.
- 13.2. If legal action is pursued against UCFB or a complaint is made to an external body, e.g. the Office of the Independent Adjudicator (OIA), then all information relating to interactions and support provided by the services (excluding the content of counselling sessions) will be made available to all relevant parties.