Confidentiality Procedure		
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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 2018, 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

The Bedford College Group is committed to the advancement and promotion of equality and diversity. We aim to provide a learning and working environment which values individuals equally.

It is our duty and obligation under the Equality Act 2010 to:

- eliminate discrimination, harassment and victimisation
- advance equality of opportunity
- foster good relations between different groups

The College does not disadvantage individuals by discriminating on any grounds, particularly - Disability, Age, Race, Gender (Sex), Religion and Belief, Sexual orientation, Gender reassignment, Pregnancy & Maternity and Marriage and Civil Partnership (not applicable to Education).

This procedure is implemented in accordance with our policies on equality and diversity, disability and race equality, and is subject to an equality and diversity impact assessment. Decisions/actions taken in relation to a

student grievance 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)
- next of kin
- fee status, qualifications, attendance, achievement and progression
- gender, ethnicity, learning difficulty and disability

Some staff, including Personal Achievement Tutors, Student Services staff, the Safeguarding Team 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, 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.

As a general rule, no information about a student should be passed on to a third party **outside college** without the student's prior consent, although there may be legitimate reasons where data may be shared without consent such as police requests, safeguarding law requires etc. All referrals to other agencies, such as counselling, health and advice

services, should be made with the knowledge and agreement of the student.

Whenever consent is used as a basis to share information; this, if possible, should be obtained in writing. If not possible, and 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, safety or safeguarding concerns.

Disclosing information to Parents/Carers

Students, even those under 18, are normally deemed competent to give consent. This means that they should also give consent to the disclosure of information to parents/carers. Full-time students are asked to sign a consent form at induction stating that, if they are under 19 at the start of their course, they agree to the college passing on information to their parents/carers about their progress (this would include attendance, academic performance and behaviour). Specific consent must be obtained before any sensitive information is disclosed to parents/carers.

Disclosing information to External Agencies inc MASH, Police etc

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)

The police must provide an information request form.

Disclosing information to government agencies

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

Students with disabilities

The college must give students and prospective students every opportunity to disclose a disability or learning need in line with the Equality Act 2010. 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.

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 safeguarding 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 confidentiality agreement is signed at the start of the counselling process.

Counsellors will not pass on personal information about their clients (including information on attendance at counselling sessions) 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 serious, the counsellor may pass on the information directly.

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

Confidentiality and safeguarding children and vulnerable adults

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, or a vulnerable adult, discloses safeguarding concerns 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 Safeguarding 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

- Data Protection Policy
- Safeguarding Policy and Procedure
- Counselling Service Policy
- Counselling service code of practice on confidentiality and data protection
- Parent/Guardian Involvement Strategy