



UNIVERSITY OF LINCOLN

CONFIDENTIALITY, DISABILITY AND DISCLOSURE (In respect of students).

Guidance and Procedure

Student Services, The University of Lincoln

1. Confidentiality Statement

Student Services at the University of Lincoln is committed to providing a confidential service to students. Student Services believes all students have the right to confidentiality to protect their interests and ensure a relationship of trust between student and staff.

2. Definition of confidentiality

Student Services understands confidentiality to mean that no information regarding a student shall be shared either directly or indirectly with any other department of the University, or any external agency or person, without that student's prior, expressed consent; except where issues of safety or legality apply (see Section 8).

Furthermore, we acknowledge that students are autonomous and so Student Services will not discuss any details of a student's case with his/her parents, or other family members, unless prior consent has been obtained from the student. Confidential records of all such contact will be kept on the student's file.

This does not include information previously declared on UCAS application forms which it is reasonable to expect will be shared within the University as it forms part of the application process, or

anonymous details which may be used for statistical and planning purposes.

3. Definition of Disability

There are many kinds of disability, some more widely understood and visible than others.

Legally, under the Equality Act, a person is likely to be considered disabled if they have a mental or physical impairment that has an adverse effect on their ability to carry out day to day activities. This effect must be:

Substantial – in other words, not minor or trivial. The person is still considered disabled if the effect of their impairment are alleviated or removed by ongoing treatments or aids.

Long Term - which is usually taken to mean, that it has lasted, or is likely to last for more than 12 months.

4. Expressed consent to share information

It is the responsibility of the Student Services staff to ensure that they obtain consent in writing before sharing any information or taking any action on behalf of a student. This can be obtained by asking the student to sign the 'Personal Details Form PD1 or 'Student Agreement Form'. Students are not necessarily required to give blanket agreement for information to be shared. They can specify which people/departments they are willing for information to be disclosed to. Usually this will be on a 'need to know' basis. The consent form will be placed in the student's file. (In exceptional circumstances, e.g. when a student is abroad, consent may be obtained by e-mail. If the student then returns to the University, a consent form should still be signed retrospectively.)

If a student chooses not to give consent for information to be shared, this decision will be respected, except where issues of safety or legality apply (see Section 6). However, the student should understand this may limit the kinds of support that are open to them.

5. Information shared within The Disability Service.

Where necessary, information may be shared between the different members of The Disability Service. Files are held centrally and can be accessed by members of this respective team.

6. Information shared within Counselling.

All counsellors share their case load anonymously with external supervisors, as in accordance with the BACP ethical framework and guidelines for good practice. Under no circumstances will your personal information be shared with colleagues within counselling unless you have been highlighted as being "at risk". (See Section 8).

7. Information shared within Advice.

Where necessary, information may be shared between the different members of the Advice Team. Files are held centrally and can be accessed by members of this respective team.

8. Breaches of confidentiality

Student Services recognises that occasions may arise where individual member of staff feel they need to breach confidentiality; for example, by an emergency contact. The key circumstances where confidentiality may need to be broken are:

- When there is an immediate and serious threat to personal safety.
- When there is an immediate and serious threat to the safety of others.
- When there is a legal requirement to disclose that information (eg where there is a substantial chance that non disclosure would be likely to prejudice the prevention or detection of a crime.)
- There are serious concerns about a student's mental health
- In line with the University's policy on Safeguarding Children and Vulnerable Adults.

On those occasions where a member of staff feels confidentiality should be breached, the following steps should be taken:

- The staff member should raise the matter immediately with their Line manager
- The staff member should discuss with their Line manager the issues involved and explain why they think confidentiality should be broken. The Line manager should make a written record of this discussion.
- Head of Student Services should be informed.
- The Line manager and staff member should then agree on what steps should be taken next.
- If the Line manager and staff member do not agree, the ultimate decision is to be made by the Head of Student Services
- In all circumstances the student involved should be informed, as far as practicable, and at the earliest possible opportunity of the decision to breach confidentiality and the reasons why the decision has been taken. A note should be placed in the students file.

9. Notification of personal data held on students by The University of Lincoln.

Data Protection Act 1998

Under the Data Protection Act 1998 holding information, whether computerised or in other forms, on a persons disability is defined as "**Sensitive Person Data**", and Schedule 3 of the Act requires that the processing of such data requires "**explicit consent**".

The University needs to collect and use data (information) for a variety of purposes about its staff, students and other individuals who come into contact with the University. In collecting and using data the University must comply with the requirements of the Data Protection Act 1998 which govern the processing of personal data.

The personal data you provide for us during the application and enrolment procedure is securely held by the University on a central computer facility. It will be treated confidentially and with sensitivity for the benefit of the student, the University and its members. Under the Act, students have the right to a copy of most of the personal information the University holds about you in our computer systems

and in manual filing systems. Students wishing to exercise their right should contact in the first instance, the University's Data Protection Officer. The University aims to comply with requests for access to personal information as quickly as possible, and will ensure that it is provided within 40 days. If there is justifiable reason for delay the student will be informed. The University takes the matter of data security and protection extremely seriously and the University's Data Protection Officer will be pleased to discuss with you any matter relating to this which may be causing you concern.

10. Disclosure

The University positively encourages the disclosure of disabilities so as to ensure that individual needs can be met and reasonable adjustments made. We fully understand that sometimes there is a reluctance to disclose disability, but hope that by relating disclosure to improved services and provision, and clearly defining the purpose to which such information will be put, more applicants and/or students may be willing to share their disability-related needs with us.

There is a general responsibility on the University to create a welcoming atmosphere, a climate of trust, and have clear signs/symbols that diversity is valued and promoted. In such a situation disclosure is most likely to occur.

As far as possible encouragement to disclose a disability will be contained within the following: prospectus, student codes, web-site, student handbooks/information, publicity material, particularly around key events e.g. enrolment/visitor days.

Irrespective of whether or not a disabled student discloses their disability and/or gives explicit consent to inform others, there is a duty on the University to make anticipatory adjustments on the basis that the needs and requirements of many disabled people/students are known about and can reasonably be anticipated in advance.

Under the Equality Act there is a legal imperative to encourage disclosure of disability. Once disclosed, there is a subsequent obligation on the University to act on this information to meet the individual needs of disabled applicants/ students concerned.

Non-disclosure of disability, or the request that information about disability remains confidential, may result, in some cases, in The University being unable to appropriately meet individual needs.

Disclosure is, not the same as obtaining consent to use information supplied. Indeed disclosure may be accompanied by the insistence that the information should remain confidential and not be shared with others. Under the DDA disabled people who disclose their disability also have the right to insist on it remaining **confidential**.

The University positively encourages and supports the earliest disclosure of disability.

It is important for all staff who receives a disclosure of a student's disability for the first time to ascertain from the student whether or not they have explicit consent to inform other staff members within the University about their disability and invite them to complete the appropriate **Consent Form**.

When completed consent forms should be sent to the relevant department within Student Services (i.e. The Disability Service, The Counselling Service). To the appropriate Manager marked Private and Confidential.

Without explicit consent no information should be disclosed to others (except in very exceptional circumstances – see 6).

11. Explicit consent is not given.

A student having disclosed a disability to someone within the University also has the right to request that the existence and/or nature of their disability is treated as confidential. In this situation the University, as an Institution could "not reasonably have known" that the person had a disability.

As far as possible without breaching confidence, reasonable adjustments to meet the needs of a student should be made by the person to whom the disability has been disclosed to. This may require discussions with others (The relevant managers within the Student Wellbeing Centre and The Student Support Centre). Information should be provided without disclosing any details whatsoever about the individual and/or in a manner that might lead to their identity becoming known.