



Cardiff Students' Union
Undeb Myfyrwyr Caerdydd

Confidentiality Policy – Student Advice

Person responsible for this Policy:	Head of Student Advice & Wellbeing
Who the Policy applies to:	Student Advice Staff/Volunteers
Date issued:	March 2023
Date to be reviewed:	March 2024

Introduction

1. Cardiff Students' Union Student Advice is committed to providing a confidential advice service and believes that the principles of confidentiality must be instigated across all aspects of service and its management. Confidentiality means establishing a relationship of trust between the organisation and the client/service user so that all personal details are kept private and not passed on to a third party without the express consent of the client, with reference to our Third-Party Engagement Policy where necessary. Confidentiality ensures that the client's privacy is protected especially when handling sensitive, often highly personal information. It involves having secure systems that limit access to client records to certain persons in the organisation. The data covered by the confidentiality policy includes:
 - Information about the organisation, for example, its plans or finances.
 - Information about other organisations.
 - Information about volunteers and staff whether recorded electronically or in paper form.
 - Information about clients, their files and supporting documents.
2. All staff, Trustees/Senior Managers, volunteers and others who work at Student Advice must respect the need for confidentiality of information held about anyone who comes into contact with the organisation. This is expected to continue even when contact has ceased with this person, and when the Trustee/Management Committee member, volunteer or staff member no longer works for Student Advice or a client is no longer in receipt of services.

Breaching Client Confidentiality

3. In certain circumstances it may be necessary for Student Advice to breach confidentiality should this be deemed necessary, or in accordance with the law. These circumstances include:



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- If a member of staff believes that a client could cause danger or harm to themselves or to others;
- If a member of staff suspects abuse, or has knowledge of abuse;
- If the client gives information which indicates that a crime has been committed;
- If disclosure is required by law, for example, by the police or a judge/magistrate;
- If a person is felt to lack the mental capacity to make a decision, and/or;
- If the client gives information which indicates a possible terrorist threat.

The decision on whether to break confidentiality will be decided on a case-by-case basis and always in conjunction with a line manager.

Client Consent

4. In many situations where a client is simply being given general information about their problem, offered leaflets or is signposted to another organisation there is no need to obtain the client's authorisation to act.
5. Information will only be passed to another agency or to other individuals outside of Student Advice with the consent of the client, where possible this will be with written consent. If a member of staff or volunteer intends to get information from another agency to help the client or to refer them to another agency, then this must be explained to the client and their permission given. Client Consent is also required in order for AQS assessors to access a sample of files and complete a file audit during the on-site assessment.
6. Consent should be provided through use of a Form of Authority, provided by a member of staff or volunteer. The client should be made aware that they can rescind their consent at any time, and as such communication should cease between the member of staff or volunteer and the third party (unless exempted by clause (3) of this policy).

Access to Data

7. All clients and service users have the right to request access to all information stored about them and have a right to see a copy of this confidentiality policy on request. For further information on access to data, please see a copy of our GDPR Policy on the Student Advice website.
8. Where clients, service users or staff have a sensory or physical impairment, efforts should be made to ensure that all aspects of this policy and exchanges between parties are understood.

Discussions in Public or Off the Premises



9. In no circumstances should details of a client be discussed by anyone outside of the organisation or in an open plan area in such a manner that it is possible to identify the client. Staff and volunteers should take due care and attention when speaking to clients and using the telephone. No client should be able to hear a conversation or personal details of another service user.
10. All students and clients are entitled to privacy and will be made aware that they can specifically request to be seen in private.

Confidentiality and Other People

11. If a client asks someone to act on their behalf, e.g., bringing in or collecting documents, it is the adviser's responsibility to ensure that permission has been given, where possible through the form of authority procedure. It is best practice to evidence the permission.
12. Student Advice staff/volunteers must not disclose that the client has visited the service unless the client has given consent to do so. This includes to:
 - A partner
 - A members of the extended family
 - A children
 - Friends
 - The University
13. The same applies if the police or social services ask about the client, unless the disclosure is exempted by clause (3) of this policy.

Contact with Clients

14. Staff/volunteers should always ensure they have permission to contact the client at home and check whom they give consent for the service to speak to. Clearly to speak to a partner in a relationship break-up, or in a case of domestic violence for example would not be appropriate. Further best practice is as below:
 - a. Staff should endeavor to check where or when it is acceptable to telephone the client;
 - b. If required to leave an answerphone message, staff should maintain confidentiality and state that they are calling from the Students' Union and not from the Student Advice Service. This is in the interests of confidentiality, noting that other individuals may have access to this answerphone mailbox;
 - c. Staff should only send emails to external (non @cardiff.ac.uk) email addresses where they have consent to do so.

Post



15. Should postal correspondence be required, staff will always check with the client that they are happy to receive correspondence via post, and the address to send to.

Confidentiality within the Advice Service

16. The client's right to confidentiality applies to prevent details of their case being released outside Student Advice. Within Student Advice, only members of staff and volunteers involved in providing information, giving advice or supervisors:

- should have access to clients' records.
- only the above staff and volunteers should take part in discussions relating to the enquiry.
- all staff and volunteers should receive training on the organisation's confidentiality policy.

Please see Appendix 1: Confidential Client Discussion Framework for further guidance on client discussion.

17. Cardiff University Students' Union Trustees/Senior Management are not part of the staff team and therefore, unless they are acting as supervisors, not legitimate file reviewers or advisors they should:

- not have access to clients' records
- not be aware of any individual who has come into the organisation that has been in contact with Student Advice
- not be made conscious of any contact a client may or may not have had with the service, unless consent is provided by the client.

18. Cardiff University Students' Union Trustees/Senior Management should however:

- be aware of the policy and provide training for new members.
- have responsibility to deal with any potential breach of confidentiality.
- be responsible for ensuring that the confidentiality policy is implemented.

19. If Trustees / Senior Management members are involved in supervision or direct advice-giving, your organisation should ensure that the Trustee/Management Committee member is clear about their different roles. Issues around individual clients should not be discussed by the whole Board of Trustees/Management Committee unless it is to deal with a complaint, breach of confidentiality issue or another issue which fits into the Trustee/Management Committee's strategic role, or where consent has been given to do so.

Premises

20. Staff will ensure that particular attention should be paid to the Student Advice waiting area, taking all



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reasonable precautions to limit the chances of people in the waiting room being able to overhear the details of another client's case.

21. If a client requires absolute privacy, they may request an appointment at a time when no other clients will be present.
22. Staff will take all reasonable precautions to ensure that consultation rooms are confidential, being mindful of visibility and sound. Staff will ensure that case discussions, telephone calls, and other sensitive discussions cannot be overheard either in the meeting room or the waiting area.

Please see Appendix 1: Confidential Client Discussion for further guidance on client discussion on the premises and in a public setting.

Outreach Sessions or Taking Notes Home

23. If advisers need to take client records to an outreach session or make notes, it is best practice to return these to the organisation to store or destroy them. If files/notes have to be taken out of the office, you should make sure they are not left where staff or individuals from outside the service will be able to read them.
24. The same applies to accessing AdvicePro or electronic records outside the office. The same discretion and confidentiality should be applied to accessing work from home.

Client Information for Publicity, Reporting or Training Purposes

25. Occasionally, Student Advice does need to be able to give information where appropriate about the impact of our services. If one of our services has an outcome which would provide useful material for publicity, reporting or training purposes, then wherever possible the permission of the client will be sought in writing. If permission cannot be obtained, then any details that would enable identification of the client will be changed and other elements anonymised for this purpose.

Storage of Records

26. Client records should be stored on AdvicePro, the case management system. These records are only accessible to those with a log in, limited to members of Advice Staff and those volunteers involved in running the Enquiry Desk. These log in details should never be shared with anyone other than those in the Advice staff network. This does not extend to other members of the organisation.
27. Should any paper files be required, these client files should be locked away or destroyed and not left on desks.



28. Best practice of paper documents is to scan any required document using the Print Room Scanner, keep an electronic copy securely on AdvicePro, and destroy the physical paper copy securely using the shredding machine.
29. Any client files should be kept for a minimum of 6 years, in line with GDPR, unless requested by the client. Where a client wishes for their record to be destroyed, if electronic these should be deleted, and where paper/physical, these should be destroyed securely using the shredding machine.
30. Information on the AdvicePro Confidentiality Policy is available [here](#).

Monitoring

31. Statistics that are presented to the Trustees/Management Committee and funders should be in an anonymous form so that individuals cannot be identified. Where Student Advice use case studies as part of an annual or other report, individuals cannot be identified unless they have expressly agreed.

Breaching Confidentiality

32. There are a number of key pieces of legislation that directly or indirectly relate to how Student Advice implement confidentiality. Legislation changes rapidly; it is Student Advice's responsibility to keep up to date with relevant legislation.

Terrorism

- a. The legislation regarding terrorist activities is constantly changing and being updated by Government. The Terrorism Act 2000, The Anti-Terrorism Crime and Security Act 2001 (ATCSA), Terrorism Act 2006, Counter Terrorism Act 2008, Terrorism Prevention and Investigation Measures Act 2011 and Counter Terrorism Act 2015 and other more recent legislation have made it a criminal offence not to inform on others where you suspect them of being involved in an act of terrorism. All staff have a PREVENT duty and should be trained in accordance with the organisation's policy.

Drug Trafficking

- b. The Drug Trafficking Act 1994 makes it a criminal offence not to report to the police suspicion or knowledge of drug money laundering gained during the course of contact with a client.

The Social Security Administration (Fraud) Act 1997



- c. Student Advice must not knowingly assist with a fraudulent claim for benefits in any way, for example helping someone claim for Job Seekers Allowance when they are in paid employment.

Child Protection Legislation

- d. The Children Act 1989 (updated 2004), Protection of Children Act 1999 and Safeguarding Vulnerable Groups Act 2006 are just some of the relevant pieces of legislation regarding the protection of children.

Advisers may come across these issues in a number of ways:

- They may suspect that a child is in need or being abused.
- An accusation of abuse may be made about a member of your staff or a volunteer.
- An adult client may reveal an incident of abuse about a child.

Advisers should discuss any information about child abuse with their supervisor/manager and the DSL, where necessary, before informing Social Services or other outside bodies. Decisions will be taken on a case-by-case basis.

General Data Protection Regulations (GDPR) 2018

- e. The General Data Protection Regulation (GDPR) is a new EU legislation relating to data protection, which applies from 25th May 2018. It replaces the Data Protection Act 1998 (DPA) and introduces greater protections for how personal data is used and stored. Although it is a European law, GDPR will be transferred to the UK statute books upon the UK's exit from the European Union and thus will remain in force. Compliance is crucial due to the impacts personal data processing can have upon people's lives. GDPR revises and enhances the requirements on organisations to consider data protection and accountability, providing individuals new rights over how their data is used. Student Advice ensures its systems and processes are compliant with the new regulations and meet the essential privacy by design and accountability principal concepts.

Police and Criminal Evidence Act 1984 (PACE)

- f. This Act gives the police powers, lawfully in any premises to seize anything they reasonably believe is evidence in relation to an offence under investigation which otherwise might be concealed, lost, altered or destroyed. The police can summons a member of staff as a witness. Student Advice should inform the client that the summons has been received but you should not discuss the evidence to be given with the user.



Crimes committed in the Organisation

33. If the police are called following a burglary, ensure that any paper case files are in locked cabinets. If client records are stolen, inform the police they are confidential and should be returned unread.

Risk of Harm

34. If there is a possibility that a client may harm themselves or others, advisers should discuss this with Supervisors/Line Managers and consider the appropriate action. If there is an imminent risk of harm to someone, Student Advice should call the police. Staff can inform the client that they are taking this course of action if appropriate. If they feel that this would be unsafe, they can decide not to inform the client and breach confidentiality. It may be appropriate for some organisations to contact Social Services or a doctor. Student Advice should only do this with the client's consent.
35. It is the duty of all staff/volunteer members to avoid breaches of confidentiality and therefore, except where the disclosure is in the proper performance of their duties, staff members are normally forbidden from disclosing, or making use of, confidential information.
36. Employees raising a concern should be aware of the need to follow the whistleblowing procedure and in particular to maintain confidentiality. Allegations of breaches in confidentiality will be dealt with in accordance with our Disciplinary Procedure.



Appendix 1

Confidential Client Discussion Framework

The Student Advice Service exists within the premises of Cardiff Students' Union and operates in an open-plan office environment. The Head of Advice and Wellbeing and Deputy Head of Advice have offices of their own, and Meeting Rooms 1, 2 and 3 are available for all Advice staff to use for appointments and discussions with clients, or with other members of the team. However, whilst operating and discussing client cases in the open plan setting, members of staff must be aware and abide by the Confidential Client Discussion Framework set out below.

Acceptable client discussion in the open plan setting may include:

- Generic, hypothetical scenario discussions.
- Questions about regulation or policy in relation to an issue.
- Reference to clients using generic names/labels such as 'Student A'.

Queries raised to the Student Adviser or Deputy Head of Advice should use the above framework, if discussions take place within the open plan.

Unacceptable client discussion in the open plan setting may include:

- Explicit reference to client name, or clearly identifiable personal or contextual information.
- Personal conversation relating to clients (not including objective opinion on advice, or guidance for advice given their circumstances when spoken objectively or generically, as above).
- Any comment that provides personal opinion on a client outside of the scope of the service, where this is not an objective or generic comment that relates to the advice provided.
- Any discussion regarding client information or circumstance that could be deemed to be in contravention with this policy, or the Students' Union Code of Conduct.

