

# Confidentiality Policy – Student Advice

Person responsible for this Policy:	Head of Student Advice & Wellbeing
Who the Policy applies to:	Student Advice Staff/Volunteers
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## Introduction

1. Cardiff University 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. 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. These circumstances include:
  - If a member of staff believes that a client could cause danger 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;
  - 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.
4. 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

5. 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.
6. 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.

## 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 Privacy 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.

## Information discussions 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 not disclose that the client has visited the service unless the client has given consent to do so. This includes to a:
  - partner
  - members of the extended family
  - children
  - friends
13. The same applies if the police or social services ask about the client.



## Contact with Clients

14. Staff/volunteers should always ensure they have permission to contact the client at home and check whom it is all right 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:
- Staff should endeavour to check where or when it is all right to telephone the client;
  - Staff should not leave messages on answerphones, as you do not know who has access to them, and;
  - Staff should only send emails to external (non @cardiff.ac.uk) email addresses where they have consent to do so.

## Post

15. Staff will always check with the client that there are no problems with sending letter to the client's home address if required.

## Confidentiality in 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

17. Cardiff University Students' Union Trustees/Senior Management are not part of the staff team therefore, unless they are acting as supervisors, 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

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

- be aware of the policy – 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.

## Premises

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

### **Outreach Sessions**

23. If advisers need to take client records to an outreach session or make notes, etc, it is best to try and bring them back to the organisation to store them. Where there is not possible, files/notes should be stored in a lockable cabinet which has limited access to other members of staff. If files/notes have to be taken home, you should make sure they are not left where family members or children will be able to read them.

### **Client Information for Publicity, Reporting or Training Purposes**

24. From time to time 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 to be made will be changed.

### **Storage of Records**

25. Client records should be stored in lockable filing cabinets. Computer records should be password protected. All client files should be locked away at the end of the day and not left on desks. Any client files should be kept for a minimum of 6 years.

### **Monitoring**

26. 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**

27. 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.

#### **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 before informing Social Services or other outside bodies.

#### **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 principle 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**

- g. If the police are called following a burglary, ensure that 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

- h. 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 you are doing this if appropriate or if they feel that this would be unsafe, they can decide not to inform the client. It may be appropriate for some organisations to contact Social Services or a doctor. Student Advice should generally only do this with the client's consent. Again, if staff feel that asking for the client's consent would be unsafe, they may decide to contact a doctor or Social Services without consent.
28. 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.
29. 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

