

## CHURCHILL COLLEGE POLICY ON CONFIDENTIALITY WITHIN THE CONTEXT OF STUDENT WELFARE

1. **Key summary: Churchill College Tutors, Tutorial Office and other staff engaged in student welfare support cannot promise to maintain absolute confidentiality because, if the welfare of students or other individuals is significantly endangered, further help may need to be sought. Nonetheless, confidentiality will normally be maintained within the Churchill College welfare team on a strict need-to-know basis.**
2. The College welfare team consists of the Senior Tutor, the graduate and undergraduate Tutors, the Tutorial and Graduate Office staff, the College Nurse, the College Counsellor and the Head Porter. Please note that the College Nurse and Counsellor are bound by additional professional obligations to confidentiality. This means that their application of confidentiality is even stricter than is the case for other welfare team members.
3. Directors of Studies are not included in the College welfare team because the College prefers clearly to distinguish between academic and pastoral roles. Members of the College welfare team will not normally disclose personal and sensitive information about a student to that student's Director of Studies (DoS) without the student's consent.
4. Occasions may arise where, with a student's consent or at their bidding, a DoS will be made aware of a welfare issue affecting a student in order for the College fully to support that student. There may also be times when a DoS needs to know that a pastoral issue is affecting a student because it directly impacts upon their academic studies, without the details of that issue being divulged to the DoS.
5. In the overwhelming majority of cases the College will seek the student's consent to share information about them with another party before doing so, even if a breach of confidentiality without consent is justified.
6. Student welfare information disclosed to College staff is normally treated as confidential to the College welfare team rather than absolutely confidential. However, even within the welfare team, the sharing of confidential information is only done on a strict need-to-know basis.
7. Disclosure to any party or parties external to the College welfare team (e.g. the wider College and Collegiate University, including Faculties and Departments) would normally only be made where either a) the student has explicitly consented; b) there is clear risk of imminent and serious harm to that student or to others in which a duty of care outweighs the duty of confidentiality; or c) there is a legal obligation to do so.
8. Notwithstanding the expectation of an individual who provides information in confidence, members of the welfare team must bear in mind that, under certain circumstances, they may owe a duty of care to a student or to others that cannot be discharged unless the College takes action on information provided in confidence.
9. A duty of care would normally override any obligations regarding confidentiality where there is an *imminent and serious risk of harm* to the individual or to others.
10. Whether an imminent and serious risk of harm is present will depend upon the facts in a particular case. Staff will consider whether the risk of harm is actual or probable (not just 'possible'), and when that harm would have a **substantial and significant** detrimental effect on the individual's or (or another's) physical, psychological or emotional wellbeing. If unsure, staff will explore the scenario hypothetically with a senior and experienced colleague.
11. Welfare team members not bound by specific professional obligations regarding

confidentiality – in practice, staff other than the Nurse and Counsellor – operate under the following principles:

- Assurances of absolute confidentiality will **never** be given in respect of personal discussions between students and staff;
  - A student's circumstances, when concern to protect the best interests of that student or others warrants it, will be discussed by the Tutor or other welfare staff member with the Senior Tutor, perhaps keeping the identity of the student anonymous in the first instance;
  - The Senior Tutor, on a strict need-to-know basis, may decide to disclose information to a member of the wider College welfare team either for specific advice or for information, but will limit disclosure only to those who need to know to help the student, and will provide no more information than is absolutely necessary in the circumstances;
  - Reassurance should be given to students that matters relating to their health or welfare disclosed to College welfare staff will only be shared beyond the College welfare team where either a) the student has explicitly consented; b) there is clear risk of imminent and serious harm to that student or to others; or c) there is a legal obligation to do so. Decisions to share information beyond the College welfare team when the student has not explicitly consented will normally be restricted to the Senior Tutor, acting in accordance with the principles set out within this policy.
  - *Generic* advice about a situation may be sought from outside of the College welfare team, but the student's identity will not be revealed.
  - Reassurance will be given to students that discussion by Tutors or Tutorial Office staff about a student within the College but beyond the College welfare team, (e.g. with the Director of Studies, where the DoS has no formal welfare role) will normally be confined to an exchange of information on academic matters relating to educational performance and conduct.
  - Disclosure of information in the interests of reflective best practice and continuous professional development between Tutors or within the College welfare team will be anonymised as far as is reasonably practicable.
12. It is often helpful for Tutors to be able to talk to Counsellors or Mental Health Advisors at the University Counselling Service (UCS) about students who are seeking advice and support, or experiencing difficulties. The individual's consent for this to happen is normally sought in advance of any approach to the UCS. If consent is not forthcoming, this will normally be respected, although it does not preclude Tutors from seeking non-specific advice without identifying the student concerned. However, if there is clear risk of imminent and serious harm to that student or to others, the details both of the situation and of the student's identity may need to be disclosed to the UCS.
13. The Equality Act 2010 requires HEIs to treat disabled students no less favourably than others, and to make reasonable adjustments to policies, practices, and procedures in order to achieve this. In the event of a student disclosing a disability to, and only to, the College, the College will write to the student to request that the student contacts the Disability Resource Centre (DRC) to ensure that he or she enters the established process for the determination of support requirements. It will be made clear to a student that, while it is their prerogative not to disclose their disability to the DRC, if they do not do so, the Collegiate University could be limited in its ability to provide appropriate support to the student and to meet its obligations under the Equality Act 2010. It is essential to record if disclosure to the DRC has been refused, in case a student later questions the level of support that they received.
14. When a disabled student discloses a disability to the DRC, they are asked to sign a

confidentiality agreement. This asks the student to confirm whether their disclosure is full or restricted. Full disclosure allows the DRC to use its discretion to share information about the student in order to set up necessary support, including contacting staff within the University and Colleges and requesting further information about the student's additional support requirements from the medical professional(s) or other specialists the student has been engaged with.

15. Restricted disclosure limits the DRC's ability to share information about the student. It may communicate only with those parties to which the student gives express consent (including the student's College, Department/Faculty, Funding Body or any other party). Restricted disclosures may limit the level and type of support the DRC and Collegiate University can provide, and students are made aware of this in the DRC's confidentiality policy and agreement.
16. There may be occasions when it would be helpful to share information about a student's personal circumstances with a member of their Department or Faculty in order to resolve an issue or to maximize the support available to that student. Disclosures of this kind will be discussed with the student. The student's consent to share information will be obtained in advance.
17. However, should consent not be forthcoming for a scenario not specifically outlined within this guidance, it will be made clear to the student, in writing, that while it is their prerogative not to consent to wider disclosure, doing so may limit the Collegiate University's ability to arrange appropriate support and/or fully to resolve the student's issue(s).
18. Special considerations apply to students on courses leading to qualifications for professions governed by codes of conduct intended to protect the public, for example, Medicine. These requirements, in some circumstances, override the need for student confidentiality. If there are concerns about the health or behaviour of a student on one of these courses, they will be referred to the appropriate body for consideration (for example, the Medical Progress Panel), and the student will be alerted to any referral when it is made.
19. Medics and Veterinary Science students are required to disclose information about any disability or mental ill-health that might affect their capacity to practice, and a failure to do so may later compromise that student's professional registration.
20. As well as the police, other government agencies may request data for law enforcement purposes, such as the National Crime Agency, the Department for Work and Pensions, local authorities, HM Customs and Revenue, and the Border and Immigration Agency. If the police or another agency asks the College for information about a student to be disclosed to them in the course of an investigation, this request will ordinarily be escalated to the Senior Tutor to respond.
21. In most cases, there is no automatic obligation on the College to provide information without first obtaining the student's consent. There are, however, specific exemptions where the College may appropriately disclose sensitive personal information about a student without their consent. This is the case where seeking consent would either a) risk national security or b) undermine the purposes of the disclosure (for example, prejudicing the prevention or detection of serious crime, the apprehension or prosecution of offenders, or the assessment or collection of any tax or duty). Before releasing information to a government agency, and depending upon the circumstances, the Senior Tutor may wish to seek independent legal advice.

22. In emergency situations, where there is reason to believe there is a clear risk of imminent and serious harm to an individual or individuals, the police or emergency services may urgently require personal data about a student or students to be disclosed, and may not have time to put a request for it in writing. Under these circumstances, disclosure is acceptable without consent so long as the request is legitimate. Depending upon the nature of the situation, it may or may not be appropriate to tell the student afterwards that sensitive personal information has been disclosed. (As detailed above, there are specific exemptions where the College may disclose sensitive personal information about a student without their consent).
23. If a student discloses that they have been the victim of a crime to a College Tutor or other staff member, but does not wish to report the matter to the police, the College will normally respect the student's wishes. However, in exceptional circumstances, where the facts as they emerge give rise to concerns that there is a clear risk of imminent and serious harm to the individual or members of the wider community, the Senior Tutor may need to report the matter to the police.
24. Students aged 18 or over are legally independent adults and will be treated as such. No information will ordinarily be shared about them with their family, legal guardian or next of kin by College welfare staff without express consent from the student. This includes confirming whether the student is a member of the University or the College.
25. Tutors and Tutorial Office staff may occasionally be contacted by a student's family/guardian/next of kin to alert the College of a pastoral issue affecting a student. In the vast majority of cases, the family member is motivated by a genuine desire to support the student and it is usually in the student's best interests for the Tutor or other staff member to listen to any information provided, but not to disclose any information to the caller about the student in response.
26. Contacting family members to discuss a student without explicit consent may exceptionally be justified as being in the student's best interests, when, in the view of a medical professional, a student is a) at risk of serious self-harm or is suffering from serious ill-health, and b) is lacking the capacity to make informed independent decisions. Decisions of this nature will normally be taken by the Senior Tutor acting on the advice of a medical professional.
27. Where a student or others are in serious and/or imminent danger, the emergency services will be contacted without hesitation. Where the issue relates to a mental ill-health crisis and there is time to consider action, confidential advice may be sought from a UCS Mental Health Advisor or the NHS.
28. The College may be approached by students who wish to transition to a gender other than that assigned at birth. How information regarding a transition to a different gender will be managed, and who will reasonably need to have access to it within the College, central University and Faculty or Department, will be discussed with the student. The student must give written consent before the information can be shared. The disclosure of information about gender transition or reassignment without consent may constitute a criminal offence. The sharing of such information will be on a strict need-to-know basis. The person transitioning will, so far as is possible, retain control over what and when people are told, and the language used to explain it. The number of people who need to be informed about the gender reassignment of the student will be carefully managed. All records relating to the student's transition or transgender status will be kept confidential.

29. The College has a legal responsibility in relation to the Counter Terrorism and Security Act 2015 and the Prevent Statutory Duty. If the College has a significant concern that a student may be particularly susceptible to radicalisation, in rare circumstances, a decision may be taken to share this information and the details of the student in order to ensure that the individual concerned is supported appropriately. Wherever appropriate and possible, the consent of the student concerned will be obtained in advance of any referral for support. Any individuals engaged in illegal terrorist-related activity will be referred directly to the police.
30. The Cambridge Students' Unions' Advice Service (SUAS) offers a confidential, independent advice service to students. SUAS understands confidentiality to mean that no information regarding a student who has approached the Service shall be given (directly or indirectly) to any third party outside the Service, without that student's prior, explicit and informed consent. This includes confirming whether a student has used or is using the Service. In very rare circumstances advice officers may need to break confidentiality, either where there appears to be a serious and imminent risk to the student's own or to others' safety, or where the law requires disclosure.
31. Students have recourse to the College's Complaints procedure should they wish to raise a concern about the way their personal, sensitive information has been handled and to allege any breaches of confidentiality in respect of a Tutor or another College welfare team member.

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