

## **POLICY ON CONFIDENTIALITY & THE CIRCULATION OF WELFARE INFORMATION**

This document outlines College policy in two related areas: the application of the law relating to the confidentiality of information on the part of welfare advisers; and guidance as to how information about students should be circulated amongst College officers, in order to ensure that the College exercises its duty of care.

### **A. CONFIDENTIALITY**

The term 'adviser' is used here to denote anyone whom a student consults for welfare advice in an official capacity, from the Peer Supporters and Junior Deans to Tutors/College Advisers, the Dean, Principal and other College officers. Medical practitioners and counsellors (including those at the University Counselling Service) also have their own professional guidelines. For more detail on what follows, see *Guidance on Confidentiality in Student Health and Welfare*, [http://www.ox.ac.uk/media/global/www.ox.ac.uk/locations/studentgateway/documents/health/Guidance\\_on\\_Confidentiality\\_in\\_Student\\_Health\\_and\\_Welfare.pdf](http://www.ox.ac.uk/media/global/www.ox.ac.uk/locations/studentgateway/documents/health/Guidance_on_Confidentiality_in_Student_Health_and_Welfare.pdf).

1. The College complies with the statutory principles of privacy and respect for confidentiality, most recently defined in the Human Rights Act 1998 and the Data Protection Act 1998. Accordingly, information given in confidence by a student to an adviser will not generally be disclosed to others.
2. The College's duty of care for the welfare of all its members may make it necessary in exceptional circumstances for confidential information to be disclosed, but only to officers who need to know such information in order to exercise that care.
3. Advisers will use their discretion to assess what information needs to be passed, to whom.
4. At the outset of any consultation by a student, an adviser should enunciate these principles (1 and 2), and attempt to establish the extent of the confidentiality necessary in the particular case.
5. Consent for onward disclosure to other officers should always be sought from a student. The adviser should explain why others may need to know, or why it would be helpful for other advisers to be informed and for advisers to discuss the matter; and that such third parties will also be bound by the same principles.
6. If consent is not given, the adviser should explain that in exceptional circumstances, some disclosure, and consequent action, may be necessary because of the duty to protect the student or others from harm. Advisers must be able and prepared to justify any breach of confidentiality on the principle that others need to know to fulfil their duty of care. Examples are, that this or another student carries an infectious medical condition, is at risk of self-harm, has a tendency to violence, or may have committed a sexual assault.
7. Only in exceptional circumstances should families be contacted without the consent of a student.
8. In cases of uncertainty as to whether information should be passed on, or where advisers wish to consult others without betraying confidence, they may do so by outlining the general circumstances of a case anonymously to another adviser or officer.

9. Advisers will follow relevant professional advice, for instance medical practitioners or the University Counselling Service.
10. Students must also respect privacy, including in e-mails and in more public communications such as the use of social media.

## **B. WELFARE INFORMATION CIRCUIT**

### **1. Rationale**

Information about the welfare of individual students will sometimes be circulated amongst College officers to enable the College to exercise its duty of care towards all its members, and to ensure that students are able to carry out satisfactory academic work. The circuit consists of an **inner ring** of College Officers — **Principal, Dean, Senior Tutor, Domestic Bursar and Welfare Officer**.

The rationale for these and other officers' involvement with the information, and the particular functions they exercise on behalf of the College, are as follows:

**Principal and Deans:** responsibility for students' welfare.

**Domestic Bursar:** domestic implications of welfare problems and absence from accommodation.

**Senior Tutor/Welfare Officer:** academic implications of welfare problems; dealing with external enquiries about students.

**Tutor/College Adviser/Tutor for Graduates:** academic implications of welfare problems.

**Lodge:** involvement of external agencies on College site; security issues; absence of students. Information sent to the Principal will sometimes be accessible to her Secretary, who always has contact information for her and is able to decide what needs to be passed on quickly. Students, including those living out, have a responsibility to inform the College of changes in their circumstances likely to have a substantial effect on their ability to work and/or welfare.

### **2. Discretion**

Officers will use discretion in circulating information, disclosing only the minimum that needs to be known, to those who need to know. (For instance, in explaining that someone has left College for a time, it will often not be necessary to explain precisely why, especially if it involves sensitive personal data.) While the following offers guidelines to the circumstances in which information should be disclosed to whom, these should not be taken as rigid or automatic routes: in each case, the person who first encounters the information, or the person in the inner ring to whom the information is given, should assess who else needs to know, for what reasons.

**E-mail must be used with care to ensure that no inadvertent disclosure takes place, for instance by failing to modify circulation lists and collective addresses, or using 'Reply all' thoughtlessly.**

### **3. Guidelines**

The **Inner Ring, Junior Deans, and Personal Tutor or College Adviser and Graduate Tutor**, should normally be informed where the circumstances in i. or ii. apply to a student. The **Lodge** should also be informed in circumstances which involve a student being away from College accommodation for a night, and where there are security issues. In all cases involving graduates, the **Tutor for Graduates** will decide whether to inform the graduate's **Supervisor**.

i. Medical & Psychological

- Admission to hospital overnight. + **College Doctor** (message at practice), **Lodge**  
*This may not apply to graduates receiving routine treatment.*
- Emergency medical treatment in hospital. + **College Doctor** (message at practice)
- Emergency medical treatment in College. + **College Doctor** (message at practice), **Lodge**
- Illness leading to leaving College for a time. + **Lodge**  
*Not applicable to graduates not in College accommodation.*
- Suicide attempts. + College Doctor
- Physical or psychological conditions affecting a student's ability to work or otherwise function as a member of the community.  
*Considerable discretion will be necessary here.*
- Circumstances affecting family or friends, such as bereavement, serious illness or other troubles, which disturb or distract a student, or cause frequent trips away from College.  
*Considerable discretion will be necessary.*

*NB. Students with medical conditions should always be encouraged to seek medical help.*

ii. Legal

- Arrest and detention in Police custody. + **Lodge**
  - Arrest without detention.
  - Serious criminal charges laid against a student.
  - Student is victim of incident involving Police.
4. • Theft in College of which student is the victim. + **Lodge Internal Disciplinary Information** Disciplinary incidents are normally dealt with by the Deans: information is not more widely circulated, except as follows:
- The Dean will keep the Principal informed of serious disciplinary problems, especially those affecting the public life of the College.
  - Persistent or serious misbehaviour in College, that could lead to a significant sanction such as being required to live out of college, will cause the Dean to inform a student's tutor.
  - Disciplinary procedures will be invoked involving others where offences or procedures go beyond the Deans' jurisdiction (see Disciplinary Procedures as stated in the Student Handbook).