

Appendix 6: Code of Practice on Confidentiality

This document outlines College policy in two related areas:

- i) confidentiality of information on the part of welfare advisers
- ii) guidance as to how information about students should be circulated amongst College officers.

A. CONFIDENTIALITY

The term 'adviser' is used here to denote anyone whom a student consults for welfare advice in an official capacity.

These include JCR and MCR Welfare officers, Peer Supporters and Junior Deans; the Principal, Tutors/College Advisers, the Welfare Adviser, the Welfare Fellow, the College Nurse, the Chaplain, 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*,

https://www.ox.ac.uk/media/global/wwwoxacuk/localsites/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 those 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 principles (1 and 2), and attempt to establish the extent of the confidentiality necessary in the particular case.
5. Consent for onward disclosure 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. They should explain 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 to another adviser or officer, ensuring that no name is disclosed either in writing, or orally.
9. Advisers will follow relevant professional advice; for instance, from 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 may sometimes be circulated amongst an **Inner Ring** of College officers: (**The Principal, Vice- Principal, Welfare Fellow, Welfare Adviser, College Nurse, Chaplain, Junior Welfare Deans, Senior Tutor, Tutor for Graduates**) to enable the College to exercise its duty of care towards all its members.

2. Discretion

Officers will use discretion in circulating information, disclosing only the minimum that needs to be known, and only 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.)

3. Guidelines

While the following offers guidelines to the circumstances in which information should be disclosed, 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, and 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.

a) Medical & Psychological circumstances

In the circumstances listed below, **The Inner Ring, Junior Deans, and Personal Tutor or College Adviser** should normally be informed. The **Tutor for Graduates** will decide whether to inform the graduate's **Supervisor**

- Admission to hospital overnight. + **College Doctor** (message at practice), **Lodge**
- 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**
- 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.

b) Legal circumstances

In the circumstances listed below, **The Inner Ring, the Dean, Junior Deans, and Personal Tutor or College Adviser** should normally be informed. The **Tutor for Graduates** will decide whether to inform the graduate's **Supervisor**.

- Arrest and detention in Police custody. + **Lodge**
- Arrest without detention.
- Serious criminal charges laid against a student.
- Student is victim of incident involving Police.
- Theft in College of which student is the victim. + **Lodge**

4. Information

Disciplinary incidents are normally dealt with by the Dean: 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

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.

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