

BHASVIC

STUDENT DISCLOSURE & CONFIDENTIALITY POLICY

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1 Policy Statement

- 1.1 BHASVIC is committed to ensuring that all learners have access to a high quality learning experience. Information about a student's circumstances can be essential in enabling the College to provide this. The College seeks, wherever possible, to be pro-active in supporting its students. This means that disclosure to the College of information about a student's personal circumstances will be sought and encouraged from the student, parents, previous school or College and any other relevant organisations, such as the Local Authority. This information will help the College in preparing to make reasonable adjustments for a student as soon as possible.
- 1.2 Confidentiality of a student's personal information is very important and the College maintains strict controls on data holding and high professional standards on data handling. All College activity is guided by the principle that every individual student has a right to privacy and confidentiality where requested (please also see 5.6 below).
- 1.3 Disclosure of relevant needs include:
 - 1.3.1 Special Educational Needs or Disabilities (SEND)
 - 1.3.2 any form of ill health (including mental health)
 - 1.3.3 barriers to accessing education at the College due to financial or other domestic circumstances (such as a caring role, living independently or in care, unstable accommodation, etc.)
 - 1.3.4 first language not being English
 - 1.3.5 a gap in attending school
- 1.4 All personal information obtained about a student will be treated with sensitivity and passed on, if relevant and in an appropriate manner. The College will meet its statutory duties to provide information about its students to all relevant agencies and normally, or wherever possible, the full consent of the student will be sought before sensitive or confidential information is shared about them. Data Protection regulations will be followed at all times.

2 Policy Scope

- 2.1 This policy covers disclosure and confidentiality of personal information regarding all current and prospective students. As such, all actions by members of the College community and relevant external agencies (such as the Local Authority, previous schools, police, children's services, etc.) will be guided by its principles.

3 Policy Aims

3. 1. The purpose of this policy is to ensure clarity in the process of disclosure, obtaining consent and passing on information about an additional need to relevant staff. In particular, to ensure:
3. 2. Staff know how to respond if a student or applicant discloses a significant need or difficult or sensitive circumstances, and to whom, with the individual's consent, information should be passed.

- 3.3. Staff understand their role and responsibility in ensuring that, provided consent has been given, information must be passed on to relevant staff.
- 3.4. Information is kept confidential to relevant staff, or completely confidential if the student requests this.
- 3.5. Students are made aware of the implications of keeping information completely confidential in the few cases where this may be relevant.

4 Roles and Responsibilities

- 4.1 All staff must follow this policy to comply with a student's wishes, where possible, regarding their personal information.
- 4.2 All staff must also follow the College's Data Protection policy.
- 4.3 Any member of staff who receives confidential information or a disclosure must pass this information on to the relevant manager (also refer to Child Protection and Safeguarding policies).
- 4.4 All students are encouraged to share information with the College. The College cannot act on a student's needs if they are not disclosed to a member of staff.
- 4.5 Parents are encouraged to maintain open and transparent communication with the College. Passing information to the College about their child is welcomed; parents are asked to ensure that their child knows about and agrees to this happening.

5 Policy Areas

- 5.1 **Data Protection and conflicting requests for information between parents and student:** Normally, and in the vast majority of cases, students agree to the College sharing information about them with their parents. This permission is given to the College through a Data Protection Form, signed by the student.
- 5.2 The College promotes a triangle of trust and mutual support between the student, the College and parents. Normal expectations are that there is open communication between the College and parents.
- 5.3 On rare occasions the College must follow Data Protection and Education Regulations regarding disclosure of sensitive information about a student. If the student requests that the College does not communicate with a specific person or persons (such as parents), the student must sign a new Data Protection notice explaining the reasons and giving instructions of who not to communicate with. An example might be where there is a dispute between the student and a parent or parents, or where the student has disclosed information to the College and specifically requests that this is not communicated to parents. In such circumstances, the College will explore decisions or requests to withhold information carefully with the student and would normally seek to agree communication with parents.
- 5.4 Sixth Form Colleges were established as independent institutions under the Further and Higher Education Act 1992 and therefore Education Regulations giving parents the right to request information about their child's academic records from a school do not apply. There is no statutory right for parents of students in further education to request details of their child's academic record. If the student has instructed the College not to share personal information about them with anyone (including parents), the College will not share such information; doing so would be a breach of the Data Protection Act 1998.
- 5.5 Where the College does not have the student's consent, information will not be shared unless it is necessary to either:
 - 5.5.1 protect the student's or someone else's vital interests ('life or death' situations or situations where there is a risk of significant harm to life); or
 - 5.5.2 comply with a court order; or

- 5.5.3 fulfil a legal duty; or
 - 5.5.4 perform a statutory function; or
 - 5.5.5 perform a public function in the public interest (i.e. law enforcement activities).
- 5.6 It is not for the College to become involved in family disputes or to mediate between family members. Where disputes occur, the College is obliged to follow the requests of the student.
- 5.7 **College Forms:** The College will use the following three forms to ensure that it has understood and can comply with a student's wishes around sharing of their personal information:
- 5.7.1 **Application Form** - Signed by student and kept on student file. Details the names and contacts of the applicant's Next of Kin (normally parent(s)/ carer(s)/ Guardian(s)) whom the College has permission to communicate with and provide personal information to regarding the applicant. The form requests Bottom of form – signature statement.....
 - 5.7.2 **Data Protection Form** - Signed by student and kept on student file.
 - 5.7.3 **Student Information and Confidentiality Form** - Signed by student and member of staff at point of disclosure, request or instruction from the student to the College. Used by the College when a student requests their personal information not be shared with Next of Kin or other relevant stakeholders. The form is also used in cases where the College advises wider information sharing but the student expressly refuses this, thus going against the advice of the College.
- 5.8 **Freedom of Information Requests:** no personal information about a student will be given under such requests. The College's Data Protection Policy will be followed in all such cases.
- 5.9 **College and externally requested surveys:** all students will be given the option of completing surveys. No instances of compulsory completion of a survey will be made of a student.

6 Monitoring and Reporting

- 6.1 Breaches of this policy or College procedures regarding student disclosure or confidentiality will be monitored via the complaints process and via student casework tracking within the Guidance Department.
- 6.2 A review of College procedures will take place on an annual basis by relevant departments (and particularly Admissions, Student Services, Guidance, CIS and Study Support) through the Self-Assessment and Action Planning cycle. If internal College procedures need to be changed this policy will be adjusted accordingly.

7 Related Documents

Data Protection Policy
Disability statement (Meeting your Needs)
Equality and Diversity Policy
Single Equality Scheme
Admissions Policy
Child Protection Policy
Examination and Assessment Policy
Safeguarding Policy
The Student College Contract

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