

Confidentiality Policy

Confidentiality Statement with Regards to Students

The College adheres to the statutory principles of privacy and respect for confidentiality, most recently defined in the Human Rights Act 1998 and the Data Protection Act 2018.

This statement sets out the circumstances in which matters relating to individual students may be shared within or outside of College.

Definitions

The term ‘Adviser’ is used in this Statement to denote anyone a student consults for welfare advice within College in an official capacity. At Pembroke, this could include Peer Supporters, JCR/MCR Welfare Representatives, Junior Deans, individual Tutors, the Chaplain, the Nurse, Welfare Fellows and Academic Office staff.

The term ‘Officer’ is used to refer to College staff who may not be directly involved in an individual student’s welfare case, but may need to be informed of it. This could include:

- The Master, the Academic Director, the Welfare Fellows: those with responsibility for students’ overall welfare.
- The Academic Office: responsible for academic implications of welfare problems and dealing with external enquiries about students.
- The Home Bursar: responsible for domestic implications of welfare problems and absence from accommodation.
- Tutors/College Advisers: responsible for the academic implications of welfare problems, and pastoral responsibilities.
- Junior Deans: responsible for general welfare matters.
- Lodge Porters: responsible for the involvement of external agencies on College site, together with security issues, and student absences from College.

The term ‘College Officer’ refers to the Master, the Academic Director, the Welfare Fellows, the Equalities Fellow and the Home Bursar.

Statement

1. Information given in confidence by a student to an Adviser will not generally be disclosed to others. This document sets out the basis for dealing with exceptions to that general rule.
2. The College's duty of care for the welfare of students may make it necessary in certain circumstances for confidential information to be disclosed, but only to Officers who need to know such information in order to exercise that care. Advisers will use their professional discretion to assess what information needs to be shared, and with whom.
3. 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.
4. At the outset of any consultation with a student, an Adviser will normally explain these principles (1 and 2 above) and, if relevant, attempt to establish the extent of the confidentiality necessary in the particular case.
5. Whenever possible, consent to disclose any necessary information to other Officers or Advisers will be sought. The Adviser will explain why others may need to know, or why it would be helpful for other Officers/Advisers to be informed and for Officers/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 will explain that, in certain circumstances, some disclosure and consequent action may be necessary because of the duty to protect the student or others from harm. Examples include circumstances where this or another student may put themselves or others at serious risk of harm or death.
7. Only in rare circumstances, such as when a student is unconscious or has been assessed as lacking the capacity to make the decision, will families or emergency contacts be contacted without the consent of the student, and they would normally be informed that such contact had been made. Such disclosure will only be made with the agreement of two College Officers. Requests from family members for confidential information about students will be treated in the same basis.
8. Tutors will be informed when a student is absent from College or otherwise unable to fulfil their academic obligations (noting that often, tutors are the first to know about a welfare issue).
9. Medical practitioners, clergy and counsellors, including those at the University Counselling Service, have their own professional guidelines. Student Peer Supporters also adhere to the Peer Support Code of Confidentiality.
10. Special considerations apply to students on courses leading to qualifications for

professions governed by codes of conduct and health intended to protect the public, such as medicine, social work and teaching. Any concerns about the health or behaviour of a student on one of these courses may be discussed with the department concerned, initially on an anonymous basis.

11. In matters relating to the misuse of drugs and other banned substances, the Chaplain and College Nurse are happy to talk in complete confidence to any student. They will encourage people to face any issues that they may have honestly and with empathy, including any underlying issues which may prevent people from addressing their problems. They have a network of appropriate professional support to which they can refer the student, with their agreement. The College Nurse and Chaplain are committed to accompanying people in the process should students desire that. If students disclose information about the use of drugs, alcohol or banned substances to any other person apart from the College Nurse or Chaplain, confidentiality cannot be guaranteed, in line with the exceptions outlined in paragraph 6 above.
12. Any request from the police for information about a student should normally be made in writing and should be considered carefully. Disclosure may be made when necessary for the prevention or detection of crime or apprehension or prosecution of offenders and seeking an individual's consent will prejudice the enquiry. If it is decided that a degree of disclosure is appropriate this should be limited to the minimum required. Such disclosure may only be made with the agreement of two College Officers.
13. All parties must also respect privacy, including communication by email and in dealings with the press. There is a need to exercise caution in using email for sensitive welfare matters. Emails should not be used to convey detailed information about a student; they should be used only as an effective means of recording and circulating essential, factual information. 'Welfare in confidence' should be included in the subject line of emails where relevant, and the unnecessary inclusion of other parties (e.g. through forwarding emails or using the CC or BCC fields) should be avoided. Individual names can be used in emails, as anonymity is not practical in most cases. Email 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 to all' when not necessary.