



STUDENT CONFIDENTIALITY POLICY

Date of most recent review: Aug 2010
Date of next review: August 2013
Responsibility: Assistant Principal
Approved by: College Academic Committee

**Please ask if you, or someone you know, would like
this document in a different format.**

1.0 Introduction

Moray College recognises that in the course of the student life-cycle students will divulge a significant amount of information about themselves and others. This may include:

- 1.1 Family and other relationships;
- 1.2 Domestic circumstances/difficulties;
- 1.3 Their own financial circumstances and those of others;
- 1.4 Educational experience and qualifications;
- 1.5 Employment history and ambitions;
- 1.6 Course progress and results;
- 1.7 Support given by other agencies;
- 1.8 Disability;
- 1.9 Learning Support needs;
- 1.10 Health issues;
- 1.11 Criminal convictions.

This list is not to be taken as exhaustive, and the scope of the policy extends to any and all information about students held by College systems and staff.

2.0 Key Principles

2.1 All College staff will respect the right to confidentiality of all students. Legal and other circumstances in which information may be disclosed are dealt with in this policy. "Students" in this context is taken to include potential and former students as well as those currently enrolled. The sharing of relevant information amongst staff is based on the following three principles:

- information given to a member of staff in the performance of his/her duties is understood to be information given to the College. (See para 7.1 below)
- the individual student is capable of giving informed consent. (See Section 5 below); and
- information will be accessed by, and shared amongst, only those who "need to know."

Students will be encouraged to disclose any information which will assist College staff to support their learning and assessment needs, as well as any personal support needs, and to agree that this information should be made known to relevant staff. However, if a student withholds agreement to the sharing of any information about him/herself this position must be respected by the member of staff, **subject to the following paragraphs.**

- 2.2 If the information is disclosed in the context of the Disability Discrimination Act and there are implications for maintaining confidentiality whilst making reasonable adjustments to existing arrangements, advice should be sought from the Learning Support Co-ordinator.
- 2.3 If the member of staff is concerned about legal, Health and Safety or other potentially damaging implications of the information NOT being shared with appropriate colleagues, he/she should seek advice from the Assistant Principal or, if not available, the Principal.
- 2.4 If there are potential Child Protection issues or the information pertains to adults at risk, staff must refer the matter to the Student Advice Manager in accordance with the Student Support and Protection Policy.

3.0 References

The key external references relevant to this policy are listed at Appendix 1.

4.0 Responsibilities

It is the responsibility of the Assistant Principal to ensure that this policy is reviewed every three years, or more frequently if required. The responsibilities of other members of College staff are identified in the relevant sections of the policy.

5.0 Informed Consent

- 5.1 This policy applies to all students who have passed their school-leaving date, except where there is formal evidence that the student is incapable of giving informed consent. For these students this policy will be effected through the responsible parent or carer identified during the application process.
- 5.2 If there are potential Child Protection issues involved, information about those over school-leaving age but under 18 years of age

may be passed to relevant authorities in accordance with the Student Support and Protection Policy.

- 5.3 This policy does not prohibit direct communication with schools concerning those students who have not reached the school-leaving date but attend College (ie “exceptional entrants,” day-release students from school who are still required to attend) Once such students have passed their school-leaving date, ie after the end of the term in December for Christmas leavers, they enter the scope of this policy.
- 5.4 It is recognised that some students who are in a position to give informed consent may be inexperienced in dealing with matters subject to confidentiality, and some may have difficulty with implications, eg financial matters. An important aspect of this policy is the support to students in its implementation.
- 5.5 It is not sufficient to obtain the signature of a student without confirming that he/she understands what is being signed and the consequences of signing. The involvement of parents or other supporters should be encouraged if there is doubt as to whether the student properly understands the issues. Students should be allowed to be accompanied at meetings to help them with these matters, whether by a parent/parents, fellow-student, an officer of the Students’ Union or a member of staff.

6.0 Implementation

The College has a notification under the Data Protection Act 1998 to hold personal data about its students. All personal information in the College’s possession is managed in accordance with the Act and its principles. All staff who process or who are likely to process personal data as part of their job are expected to adhere to this policy. Whilst the policy does not directly address the status of verbal information, the general principles of the Act would still apply and certainly any written notes arising from discussion are subject to the provisions of the Act.

It is important that issues of confidentiality are clearly understood by students in the various contexts in which information is given.

- 6.1 All College forms on which such information is collected are to contain, immediately above the student signature, a declaration which identifies:
 - 6.1.1 The purposes for which the information will or may be used;
 - 6.1.2 Any external agencies who will or may be given access to the information.

6.2 The College records covered by this policy include:

- 6.2.1 Application forms;
- 6.2.2 Enrolment forms;
- 6.2.3 Registration forms, eg Certification bodies;
- 6.2.4 Examination application/entry form;
- 6.2.5 Attendance records;
- 6.2.6 Progress reports, including placement reports;
- 6.2.7 Personal Development Plans and Personal Learning Support Plans;
- 6.2.8 Bursary and other financial support application forms;
- 6.2.9 Certification and results records;
- 6.2.10 Student cease/transfer forms;
- 6.2.11 Guidance records.
- 6.2.12 Work Experience Agreement forms/reports.

6.3 The duty of confidentiality extends to information provided to the College either by the student or about the student, and to records created by the College about the student. Such information includes:

- 6.3.1 Reports and references from external agencies, including schools, SDS, Educational Psychological Services, Health agencies, Social Work agencies, and JobCentres;
- 6.3.2 Financial information used in support of applications for bursary and/or other financial support;
- 6.3.3 Photographic data on ID card machines and CCTV security cameras;
- 6.3.4 Medical certificates;
- 6.3.5 Disclosure Scotland documentation;
- 6.3.6 Examination results and certificates;
- 6.3.7 Correspondence.

6.4 It is important to ensure that confidential information, whether held electronically or on paper, is stored securely. The use of shared drives needs to be carefully controlled to ensure that only those entitled to access the information do so; paper-based materials must be kept in a locked storage facility when not being used. Any “flagging” of student records in the MIS context must not be visible outwith the relevant area(s).

6.5 All students have a right to request a copy of their records.

7.0 Limitations on Confidentiality

7.1 The existence of this policy does not imply that a member of staff is unable to reveal information about a student to a colleague. In certain circumstances the member of staff has a **responsibility** to refer the matter to a line manager or colleague. The information is given to staff in the performance of their duties, and it is NOT a breach of confidentiality for this to be shared with relevant colleagues, or for advice to be sought from line-managers.

7.2 Confidential information is to be used and shared ONLY as specified in policies, procedures and associated documentation, unless the student concerned confirms explicitly and in writing his/her agreement to any alternative use, and/or to the information being provided to others beyond the original intention.

7.3 Particular care is necessary in circumstances where the student does not agree to alternative use and/or to the information being provided to others beyond the original intention, and the member of staff is concerned about the Health and Safety of the student, other students, staff or others. In such cases the member of staff is to seek advice from the Assistant Principal or, if not available, the Principal. If the context in which information is obtained relates to The Disability Discrimination Act, advice is to be sought from the Learning Support Co-ordinator. At least initially the identity of the student/s need not be revealed.

7.4 Information will be provided, **without reference to the student**, to those legally entitled to receive such information. In these cases only information which must be provided to comply with the law will be released. It will not always be possible to advise the student that such information has been requested and/or provided.

7.5 Information will also be provided, **without reference to the student**, to any employer or sponsor who pays all or part of a course fee on behalf of the student. In these cases only

information relevant to attendance, conduct and progress and achievement will be made available.

- 7.6 Particular sensitivity is required in situations where a work placement provider may have a legitimate interest in a confidential piece of information about a student, eg a care student with a Disclosure Scotland record. Students should have completed the Disclosure Scotland procedure BEFORE the start of the placement and should be prepared to discuss any issues with the provider. Failure to agree to this will lead to the withdrawal of the placement opportunity.

8.0 Dealing with Requests for Information

- 8.1 If a person approaches any member of College staff, whether within College or outside, to request information about a student, the request should be refused, unless the member of staff is certain that the person is the identified responsible parent or carer of a student who is incapable of giving informed consent.
- 8.2 Telephone requests for information should likewise be refused. This also applies to those claiming to be students, unless the member of staff is certain of the caller's identity and his/her entitlement to the information. In cases of doubt, the member of staff should arrange to telephone back and check that the number given is recognised. If the member of staff is still in doubt, the caller is to be advised to write to the College with the request.
- 8.3 Responses to requests for information will be provided without the direct involvement of the student only to the extent covered explicitly by this policy and known to the student, ie specified in student declarations on application forms, enrolment forms and other records. Where information requested falls outside this scope the prior consent of the student must be obtained in writing before the information is released.

9.0 Providing References for Students

- 9.1 References for students in support of applications for further study or employment should be prepared on the assumption that the students will see them. Students are entitled to request sight of references obtained as part of a selection process, and to take action in the event that the reference contains significant inaccuracies or unsubstantiated opinions.
- 9.2 References should contain only information relevant to the application, and for which there is evidence. If the referee is

invited to express opinions care should be taken to obtain the views of colleagues and to ensure that there is evidence to support any opinion expressed.

- 9.3 In some circumstances it may be appropriate NOT to provide a reference, or to advise the applicant of the content of any reference provided and the evidence on which this would be based.

Appendix 1

Key External References

Disability Discrimination Act 2005
Special Educational Needs and Disability Act 2001
Equality Act 2006
Data Protection Act 1998
Freedom of Information (Scotland) Act 2002