

# Union Advice Confidentiality Policy

<b>Approved by:</b>	Board of Trustees
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<b>Implementation date:</b>	30 May 2019
<b>Review date (no later than):</b>	30 May 2022
<b>Responsible for implementation:</b>	SU Advice Manager
<b>Responsible for interpretation:</b>	Chief Executive

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# Union Advice Confidentiality Policy

## 1.0 Policy Statement

- 1.1 City, University of London Students' Union Advice service (Union Advice) is committed to providing a confidential advice service and believes our members deserve the right to confidentiality; to protect their interests and to safeguard our services.
- 1.2 Union Advice recognises that confidentiality is essential in any situation where personal information and problems are being shared; without this, individuals will not feel safe to talk or share their problems and experiences with their Adviser.
- 1.3 Union Advice operates independently from City, University of London and any other external organisation.
- 1.4 Student details will not be released to any member of staff outside of the Union Advice or to any other organisation or individual without the client's expressed permission.
- 1.5 Union Advice understands confidentiality to mean that no information regarding a student shall be given directly or indirectly to any third parties outside the service without the student's consent.
- 1.6 No details will be given to the University that would enable any student to be identified without their consent.
- 1.7 All students should be able to access our service confident that no other person will know that they have used our services. Union Advice will not confirm the student's presence in the service without obtaining the client's consent.
- 1.8 Union Advice recognises that students need to feel secure when accessing our services. We will ensure that all students are seen in an appropriate and private interview space.
- 1.9 Our policy will be stated to any third party enquirer and requests for information will be declined.

## 2.0 Legislation

- 2.1 Union Advice will monitor this policy to ensure that it meets statutory and legal requirements including the General Data Protection Regulations 2018 and Anti-Terrorism and Security Act 2001.

## 3.0 Confidentiality in case recording

- 3.1 Advisers will record information that is relevant to the students' case and information collected for diversity and statistical purposes.

- 3.2 Students' can choose to remain anonymous and they should discuss this with the adviser during their first meeting. The adviser should advise the student whether maintaining anonymity will affect the level of advice the Advice Service is be able to provide. If a student wishes to remain anonymous, the adviser will record their case under forename and replace the surname with "Anonymous". The client will be given the case reference number so their case file can be accessed in the future.
- 3.3 The adviser will ensure any paper documentation is kept in lockable cabinets unless being used and should be destroyed once it is digitised. No confidential information should be kept on desks either in Advice rooms or on permanent work stations. Keys to lockable cabinets should be kept on the cabinet owner's person or out of public view.
- 3.4 Advisers will log off the computerised Case Management System when not in use. The login details of the case management system will not be shared with anyone.
- 3.5 Computers should be locked when advisers are not at their workstation.

#### **4.0 Confidentiality and sharing information**

- 4.1 Advisers will ensure that actions involving **any** third party are agreed and the student has completed or signed the Case Form. The adviser will tick the Case Form box on AdvicePro to indicate a Case Form has been signed. Case Forms are logged against each client case file in AdvicePro.
- 4.2 Union Advice will not share any information with departments within City, University of London Students' Union unless given permission to do so by the student. For example, if a student raises an issue with an elected Officer and they then referred the student to the advice service we will not provide the Officer with updates on the case unless if the student requested that we do so.
- 4.3 In the case of students who have been removed from their course, Union Advice has an obligation to let University Security know that the student in question has an appointment with the the service and so will be on campus at those pre-arranged times. Union Advice will not do this without consent, so if consent is not given the student may be restricted to phone and email advice only. Union Advice will not breach confidentiality by telling Security any more about the appointment than the times.
- 4.4 Staff working within Union Advice will adopt the practice of challenging any information not treated as confidential and will encourage all connected institutions and individuals to do the same.
- 4.5 Students will be asked (on the Case Form / during the appointment) for permission for us to leave a message on their mobile / home telephone. If somebody was to answer the phone who was not the student we would not

make them aware of where we are calling from, we would state that we would call back another time.

4.6 All details of expressed consent should be recorded on the case record in AdvicePro.

4.7 The client has the right to withdraw consent to share at any time, and will need to do so in writing.

## **5.0 Access to information**

5.1 Student information (held on the AdvicePro case management system and in paper form where applicable) should only be accessed by staff within Union Advice. However, client information and case records may be accessed and audited for quality assurance purposes by a person/organisation appointed by City, University of London Students' Union.

5.2 Further rights with regard to accessing information can be found in the [Privacy Policy](#) and [Data Protection Policy](#).

## **6.0 Recording statistics and monitoring information**

6.1 Statistics may be compiled for research, service development and reporting purposes.

6.2 Union Advice is committed to effective statistical recording of services provided to enable us to monitor take up of service by specific groups and to identify any recurring welfare and academic-related issues.

6.3 It is the SU Advice Manager's responsibility to ensure all statistical records given to third parties, including the University, are produced in an anonymous form and all identifying student details will be withheld.

6.4 To help improve the work we do and to meet the requirements for membership to our membership organisations, we may share statistical data and monitoring information with selected external agencies, such as, but not limited to City, University of London, the National Union of Students (NUS), and AdviceUK. All statistical records are produced in an anonymous form where clients cannot be identified.

## **7.0 Breaches of confidentiality**

7.1 Union Advice recognises that occasions may arise where Adviser's assess that they need to breach confidentiality, any breach of confidentiality will be considered with great care and the following procedure must be followed:

- 7.2 Circumstances where an Adviser may assess that they need to breach confidentiality, in exception to this policy, include:
- Where the Adviser assesses that there is an issue of serious current/potential harm, self-harm or harm to others or a situation of child abuse.
  - There is a conflict of interest which necessitates an Adviser informing one or more client(s) that they cannot provide advice services or that they can no longer act on their behalf. By its very nature, this will draw attention to the fact that they are acting for the other party and/or the other party has already sought advice.
  - Where not to do so would break the law; for example under the POCA Laws regarding Money Laundering or the Anti-Terrorism Crime and Security Act 2001 it is an offence to fail to give information which may help to prevent acts of terrorism or apprehend a terrorist.
- 7.3 Where an Adviser feels that there is an issue of serious current/potential harm, self-harm or harm to others, or a situation of child abuse, the [Safeguarding Children and Vulnerable Adults Policy and Procedure](#) should be followed.
- 7.4 In all circumstances where an Adviser feels confidentiality should be breached the following steps must be taken:
- The Adviser should raise the matter immediately with the SU Advice Manager or an appropriate member of the senior management team if they are not available. In the case that the SU Advice Manager is required to break confidentiality, they should discuss with their line manager. If they are not available they would follow the same process with the Chief Executive.
  - The Adviser should discuss the issues involved in the case and explain why they feel confidentiality should be breached and what would be achieved by breaching confidentiality. The line manager is responsible for discussing the options available. This discussion should be recorded in the case notes.
- 7.5 The line manager or appropriate member of the senior management team is responsible for making a decision on whether confidentiality should be breached.
- 7.6 The line manager responsible for making the decision to breach confidentiality is responsible for ensuring all activities are undertaken or that the Safeguarding Policy and Procedure is followed.

- 7.7 If the line manager, does not agree to breach confidentiality, the advisor or SU Advice Manager can raise their concerns to the Chief Executive. The Chief Executives decision is the final decision of the organisation.
- 7.8 No Adviser should be solely responsible for making the decision to breach confidentiality and before any breach occurs, agreement must be sought.
- 8.0 **Unauthorised breaches of confidentiality**
- 8.1 If an Adviser or the SU Advice Manager discovers an unauthorised breach of confidentiality they should notify the SU Advice Manager or an appropriate member of the senior management team and the Chief Executive.
- 8.2 Even if the breach is accidental for e.g email being sent to incorrect address this should be raised in order for the managers to look at how the situation arose and how to avoid it happening again.
- 8.3 Managers would need to discuss potential consequences of such breach. Repetition of such breaches will be discussed with the adviser and may lead to an investigation being carried out under the disciplinary procedure if further instances were to occur.
- 8.4 If in the event that confidentiality was breached intentionally or maliciously disciplinary action will be taken.
- 8.5 If a complaint was made against the service regarding breach of confidentiality, Union Advice would not be able to advise the student due to a conflict of interest.
- 8.6 **Ensuring effectiveness of the policy**
- 8.7 The following staff will be provided with copies of the policy:
- Existing and new members of staff working in Union Advice
  - Staff supporting the work of the Advice team
  - Chief Executive
  - Senior Leadership Team
- 8.8 Training will be given on the policy and procedures to new staff as part of an induction to the organisation or on-going training reviews when necessary.
- 8.9 Union Advice and staff working for City, University of London Students' Union who support the work of the Union Advice, such as the reception team are party to our Confidentiality Policy.
- 8.10 The policy and procedures will be reviewed every three years.