



Lincoln Bishop University

Document Administration

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***Please Note:** This document remains valid until formally revoked or replaced by the University.

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VERSION CONTROL TABLE

<u>Version Number</u>	<u>Date Authorised</u>	<u>Summary of Key Changes</u>
1.0	10 May 2006	Policy first issued and approved by SLT
1.9	27 August 2015	Amendments made to policy
1.11	14 January 2016	Amendments made to policy
2.0	03 July 2023	Updates made post University re-structure
2.1	16 September 2024	No change to content. Changes made to nomenclature only following University staffing re-structure
2.2	07 May 2026	No change to content. Changes made to nomenclature and formatting only

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1. INTRODUCTION

- 1.1. Student Advice & Wellbeing (SA&W) provides impartial, non-judgemental and confidential services to prospective and current students of the University. Students' personal information will be handled appropriately and sensitively, in accordance with Data Protection legislation. When a student has shared personal information with SA&W, it will usually only be shared with third parties with the student's consent and on a relevant and need to know basis.
- 1.2. SA&W recognises all students should usually access the services it provides in confidence and that no one, including staff working in other departments within the University, should be aware such contact has taken place. SA&W will ensure a confidential interview space is available to students using its services.
- 1.3. SA&W recognises that, in order to provide a wholly effective response to students, from time to time it must respond to situations where the interests of the student and the interests of the university may be in conflict. The confidentiality of such situations will be respected under this policy, and conflicts of interest managed as set out below.

2. CONFIDENTIALITY STATEMENT

- 2.1. The following statement will be displayed in our reception area and interview rooms:

Confidentiality Statement:

- 2.2. Student Advice & Wellbeing offers a confidential service. Any information you disclose to our team will be handled sensitively and confidentially, in accordance with Data Protection and other relevant legislation.
- 2.3. We will not share information you provide with anyone outside our service unless we have your authorisation, except in those circumstances set out in our Confidentiality Policy. We will require your written authorisation before we can act on your behalf and contact relevant organisations and individuals in order to assist you. We will not contact anyone you expressly ask us not to.
- 2.4. Please refer to the Student Advice & Wellbeing Confidentiality Policy for full details.

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3. CASE RECORDING

- 3.1. All University students contacting SA&W will be advised that a case record will be created relating to their enquiry. Case records are kept electronically on a secure case recording application, which can be only be accessed by members of the SA&W team. A student must give consent for the file to be created in their name. If consent is not received, an anonymous record will be created instead.
- 3.2. A hard copy file may also be created if necessary (e.g. for supporting documents relating to a student's case).
- 3.3. Students have the right to full access to their file and can request a copy of their case file at any time. SA&W will keep a copy of a student's case file on record for six years. After a period of six years has elapsed (beyond the date SA&W last had contact with the student) the case file will be destroyed. All electronic records will be deleted after six years. Any supporting documentation will be destroyed at that time.
- 3.4. SA&W will ensure all case files and student details are kept secure. Hard copy documents are held in lockable filing cabinets. Filing cabinets can only be accessed by members of the SA&W team. Student details include electronic case files, copies of correspondence, and any other documents containing personal information.
- 3.5. Filing cabinets are locked at the end of each working day. Electronic case records are kept on secure software on a shared drive accessible only by members of SA&W and IT staff (for administrative purposes).
- 3.6. Case files and other personal documents will only be removed from the SA&W office when absolutely necessary and in such cases all due care will be taken by SA&W staff to ensure case notes are kept secure.

4. THIRD PARTIES

- 4.1. SA&W will not usually disclose information to third parties without the student's express consent, but see "Limitations to Confidentiality" below.
- 4.2. SA&W requires a student's authorisation before any action can be taken on their behalf with a third party. Authorisation should be in writing wherever possible (although it is usually possible to speak to third parties over the telephone if the student is present). This ensures any action undertaken complies with Data Protection legislation.



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- 4.3. SA&W staff are required to ensure that agreed action will be only be taken on behalf of a client with a third party where a student has provided express consent for the party to be contacted. SA&W staff will not contact third parties without the student's consent, other than in circumstances where there is evidence of significant risk to the student, or others.
- 4.4. SA&W staff are responsible for checking with clients whether it is acceptable to contact them at home or work in relation to their case. All staff must ensure they make no reference to the reason for their call to third parties when attempting to make telephone contact with clients, unless they have the student's consent. Any correspondence should be marked 'Private & Confidential'.
- 4.5. All details of consent or requests not to disclose information must be recorded in the student's case file.

5. LIMITATIONS TO CONFIDENTIALITY

- 5.1. There are limitations to the confidentiality of SA&W's services, as follows:

General:

- 5.2. We are unable to ensure total confidentiality in our Reception area - if students do not wish to be overheard, they should provide minimal information and ask to discuss their circumstances in a confidential space.
- 5.3. We are also unable to ensure confidentiality where students discuss their circumstances with members of the SA&W Team in other areas of the campus – it may be possible for other students and members of staff to overhear what is being discussed.
- 5.4. Only members of the SA&W Team have access to the case recording software used to keep records of contacts with students. This application, together with any other electronic documentation relating to our clients, is held securely on a secure shared drive only accessible to SA&W staff (with the exception of IT staff for systems administration purposes). We have assurance from the IT department that they will not access files within our shared drive.

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Accessibility Support:

5.5. The Equality Act 2010:

- 5.5.1. The Equality Act 2010 determines that, once a person has disclosed their access needs to an employee of the University the entire institution is deemed to be aware of those needs. In order to fulfill its duties under the Equality Act, SA&W (as a department of the University) is required to pass on information regarding access needs disclosures so that an appropriate response can be implemented.
- 5.5.2. Such disclosures will be made on a relevant and need to know basis following the principles of the Data Protection Act. If a student has discussed additional circumstances which are not related to their access needs disclosure, information about these circumstances will not usually be circulated beyond SA&W and will remain confidential.

5.6. Access Needs Disclosure:

- 5.6.1. If a student informs the University about their access needs, a response will be made in accordance with the Access Needs Disclosure - Response and Support Procedure.
- 5.6.2. SA&W recognises that students may not always wish to give express consent for information about their access needs to be circulated to relevant parties within the University. If a student indicates they do not wish information to be passed on further, SA&W will treat the information as a limited disclosure. The student will be informed it may not be possible for the University to respond fully to their support needs until a full disclosure is made.

5.7. Counselling and Wellbeing:

- 5.7.1. If a member of the SA&W team is satisfied a student presents a significant risk to themselves or others, the team will usually seek to contact appropriate third parties both within and external to the University.
- 5.7.2. Wherever it is possible to do so, we will discuss any action we intend to undertake with the student in the first instance, and we will seek to keep the student informed of the outcome of any such action.
- 5.7.3. The Head of Student Success will be informed of any situation where confidentiality may need to be breached. The Head of Student Success is responsible for making the decision as to whether confidentiality should be breached. If it is decided that confidentiality is to be broken, the Head of Student Support will then identify the relevant parties that need to be contacted. The student will then be informed, where it is reasonably possible to do so.

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5.7.4. If the decision is urgent and the Head of Student Success cannot be contacted, members of the SA&W team should consult one another, using precedents in case history, together with guidance from colleagues at other agencies where available, in order to reach a decision. The team members will be responsible for their decision. In seeking such guidance, the individual student's identity will be kept confidential.

5.7.5. Under no circumstances should any breach of confidentiality be discussed with anyone in a position to investigate a complaint against SA&W. This measure seeks to preserve the integrity and independence of any future complaints or investigations arising from the decision to breach confidentiality.

5.8. The Learning Fund:

5.8.1. In making an application to the Lincoln Bishop Learning Fund, students will be required to give their consent for the application to be made available to relevant third parties in the Finance Office and Students' Union, for the following reasons:

- i. Applications are initially dealt with by SA&W staff; once an initial decision has been reached, instructions are sent to the Finance Office where a payment is required.
- ii. In order to make a payment to a student, SA&W will pass the student's name, the amount payable, and relevant account details to the Finance Office. No other information will be supplied to the Finance Office.
- iii. In cases where a student appeals against a decision, the Student Union is used as an independent body. The Student Union President and Vice President will require full copies of the information relating to the application, in order to consider the appeal.

6. STUDENT CONSENT AND DATA PROTECTION

6.1. Any information provided by a University student to SA&W will be treated in accordance with Data Protection (and other relevant) legislation. Data will be:

- 6.1.1. fairly and lawfully processed;
- 6.1.2. processed for limited purposes;
- 6.1.3. adequate, relevant and not excessive;
- 6.1.4. accurate;
- 6.1.5. not kept for longer than is necessary;
- 6.1.6. processed in line with your rights;

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6.1.7. secure; and

6.1.8. not transferred to countries without adequate protection.

7. CONFLICT OF INTEREST

7.1. The following sections set out instances where conflict of interest might arise, and how SA&W will manage such a conflict:

7.2. Situations arising against the interests of Lincoln Bishop University:

7.2.1. SA&W acts primarily in the interests of students, even where the student's interests are in conflict with the University, subject to the practical considerations of the limitations to confidentiality set out above.

7.2.2. Any student in a situation where their interests are in conflict with the University can access SA&W for impartial and confidential information, advice, and guidance. SA&W will usually aim to offer full support to a Lincoln Bishop student and will only seek to refer to an alternative agency in the event that it becomes apparent a student cannot be supported in a way that ensures their best interests are served.

7.3. Student Disputes:

7.3.1. SA&W's services are available to all Lincoln Bishop students; we will not usually deny students access to our services. This means that special provisions must be made to manage situations where students are in dispute with one another, in order to protect the confidentiality of all parties concerned.

7.3.2. In situations where it becomes apparent students are in dispute with one another:

- i. SA&W will provide advice and information to all parties;
- ii. Where possible, we will endeavour to ensure that the disputing parties are seen by different members of staff;
- iii. No representation will be available to any party;
- iv. If a student seeks representation, SA&W will refer the student to the Students Union.
- v. SA&W will not disclose to any party whether it has had contact with the other parties involved in the dispute.

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7.4. Monies owed to the University:

7.4.1. Where a student has approached SA&W for debt advice and that student owes money to the University, a potential conflict of interest arises. In this situation:

- i. SA&W will provide the student with information about alternative sources of debt advice; A full explanation of SA&W's debt advice procedures will be given, including how debts to the University will be dealt with.
- ii. SA&W will take a professional and impartial approach to identifying the student's priority and non-priority debts, and will negotiate with the University Finance Office in the same way as it would deal with any other priority/non-priority creditor.
- iii. SA&W will not knowingly aid or abet the continuance of fraudulent activity by a student. However confidentiality means that the adviser will not normally reveal fraudulent activity without the student's consent. The student's refusal to give such consent will result in the termination of the money advice service. SA&W will be entitled to breach confidence if required to do so by legal process. Where SA&W has concerns over the consequences of not divulging fraudulent activity, those concerns will be brought to the attention of the Chief Financial Officer for further consideration.

7.5. The Lincoln Bishop Learning Fund:

7.5.1. As well as administering the Learning Fund, SA&W offers advice and guidance to students so that their applications for funding from the Fund can be made as effective as possible. The Hardship Fund Guidance published by the National Association of Student Money Advisers, which the University has adopted to govern the Fund, requires that any advisory functions are separated from administrative ones.

7.5.2. In order that a separation of advisory and administrative functions is achieved:

- i. Any member of the SA&W Team providing advice and guidance to a student must declare that they have done so on the Learning Fund application form;
- ii. That person will not be involved in later stages of the application process.

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8. STATISTICAL RECORDING

- 8.1. SA&W is committed to carrying out effective monitoring of its services. In order to achieve this, statistical analysis of contact with students is carried out. As well as identifying the types of issues handled by SA&W, analysis also identifies the extent to which SA&W's services are used by students on different programmes and in different years of study. The Head of Student Success will ensure that all statistical records and subsequent reports, which may be made available to third parties, shall be produced in anonymous form, so individuals cannot be identified (unless they have given their express consent for this to happen).

9. LEGISLATIVE FRAMEWORK

- 9.1. SA&W will monitor this policy to ensure it meets statutory and legal requirements including: the Data Protection Act, the Children's Act, the Rehabilitation of Offenders Act, the Social Security Administration (Fraud) Act, the Prevention of Terrorism Act and the Human Rights Act.

10. ENSURING THE EFFECTIVENESS OF THE POLICY

- 10.1. All members of the SA&W team will receive a copy of the Confidentiality Policy. Existing and new members of SA&W will be introduced to the Policy via induction and training. The Policy will be reviewed annually. Copies will be available to students on request, and will be available via BlackBoard.
- 10.2. SA&W staff will be required to sign an agreement stating they will abide by the terms of the Policy. Copies of the signed agreements will be held by the Head of Student Success.