

Confidentiality Policy

The protection of students' data is covered in UWLSU's Data Protection policy. Students can request a copy of the policy from the Advice & Outreach Manager. UWLSU Advice also has a Privacy Statement which is available on our website.

UWLSU Advice is committed to providing a confidential Advice Service. All users of the service have the right to confidentiality to protect their interests. Assuring confidentiality is necessary to maintain the credibility of the service.

UWLSU Advice asks all students accessing the Advice Service to complete a Client Registration form asking for consent to: record their information, contact them, and make their file available for an AQS Quality Audit. Students' consent is recorded on Advice Pro and the completed Client Registration form saved in the student's file. The Client Registration form is also in Appendix one of the UWLSU Advice Manual.

Students' rights and consent

Subject to what follows, no information regarding a student shall be given directly or indirectly to any third party who is not a member of UWLSU Advice staff, without that student's express consent to the disclosure of such information. UWLSU Advice reserves the right to discuss cases, where appropriate, and with the student's consent, with the SU VP Education. No information will be given to any external agency without the student's express consent unless the provision of such information is required by law. Consent should normally be given in writing, but if this is not possible, then verbal consent must be obtained and recorded on the case record. All students will be made aware of what the confidentiality policy is and when it will be broken before they discuss the nature of a confidential query.

Students have the right to see the information held on them by UWLSU Advice. Students should be advised that requests must be made in writing to the Advice & Outreach Manager, who should respond within three working days.

The Advice & Outreach Manager may, however, decide that information should be disclosed without consent if in his/her judgement there is risk of immediate physical danger to the student or others.

Breaching confidentiality

Legislation may affect student confidentiality in the following circumstances:

- There is no duty to disclose a criminal offence under English Legislation, however the exception is under the Prevention of Terrorism Act 1989. It is an offence to fail to give information which may help to prevent acts of terrorism or apprehend a terrorist, and as such UWLSU Advice staff must disclose such information to the relevant authorities if it is disclosed by a student. In such a situation the Advisor must first discuss the matter with the Advice & Outreach Manager, who will be responsible for reporting the matter to the police. The student must not be informed that confidentiality is being broken, as this could constitute assistance or joint liability for a crime;
- Under the Fraud Act 1997 Advisors are required not to knowingly assist in any way a fraudulent claim. As such a suspected fraudulent claim must be reported to the relevant authorities. In such a situation the Advisor must first discuss the matter with the Advice &

Outreach Manager, who will be responsible for reporting the matter to the police. The student must not be informed that confidentiality is being broken, as this could constitute assistance or joint liability for a crime;

- Under the Proceeds of Crime Act 2002 and the Money Laundering Regulations 2003 Advisors are obliged to report any disclosure of information about a transaction that they know, suspect or ought reasonably to have known or suspected, involves money laundering. It is a criminal offence to fail to disclose this information to the relevant authorities, and it is an offence to 'tip off' the student. This applies if the Advisor knows or suspects that a money laundering disclosure has been made by a student, and informs a third party of this, when the provision of this information is likely to prejudice any investigation. In such a situation the Advisor must first discuss the matter with the Advice & Outreach Manager, who will be responsible for reporting the matter to the police. The student must not be informed that confidentiality is being broken, as this could constitute assistance or joint liability for a crime.
- There is no duty for a student to disclose any prior criminal offences. Under the Rehabilitation of Offenders Act 1974 ex-offenders have the right not to reveal convictions in most situations when the offence has become "spent" after a rehabilitation period without further offence.

Where UWLSU Advice staff become aware that a student is at risk of breaking the law they must inform the student that this is the case, with the exception of the areas covered by legislation above. The student will be advised to seek advice from a solicitor before disclosing further details to UWLSU Advice.

Safeguarding responsibilities and potential risks of harm to self and others

Confidentiality may be breached in line with our Safeguarding and Risk of Harm policy, where an Advisor believes a safeguarding risk exists or a student is at immediate risk of physical harm to themselves or others.

Assuring Quality in the Advice Service

UWLSU Advice recognises that information may need to be shared when UWLSU Advice staff discuss cases within the team. Staff are expected to ensure that such discussions take place in an appropriate environment – and not normally outside the offices of UWLSU Advice, except when seeking additional advice from an external advisor.

Further to the above, in order to uphold standards in the advice service and ensure consistency in quality, students' case files are periodically reviewed in line with the Internal File Review Policy and the Supervision Policy.

UWLSU Advice is committed to the statistical recording of UWLSU Advice use to enable it to monitor the demand for the service and to identify any practical or policy issues related to the advice services. It is the responsibility of UWLSU Advice staff to ensure that all statistical records given to third parties are produced in an anonymous form, so that individuals cannot be recognised.

Confidentiality in Advice work

It is the responsibility of UWLSU Advice staff to ensure that all individual hard copies of case files are scanned and saved electronically and then confidentially destroyed at the end of each day, and that electronic records are held securely and appropriately protected. If for any reason paper files must be kept, and this has been approved by the Advice & Outreach Manager, these must be locked securely at

the end of each day. It is also Advisors' responsibility to ensure that all computer records are held securely and appropriately protected.

If UWLSU Advice staff wish to contact or correspond with students, they are responsible for confirming that it is acceptable to call or write to them at home or work in relation to their case. All staff must ensure that

they make no reference to the purpose of the call when making telephone contact through third parties. All details of express consent must be recorded on the case file.

All UWLSU Advice staff, full-time officers and members of the Executive Committee of the Students' Union will be introduced to the Confidentiality Policy via induction and training.

The Confidentiality Policy will be reviewed on an annual basis by the Advice & Outreach Manager.

