

Statement on Information Sharing and Emergency Contact in Student Support

The University is committed to supporting students and their academic progress and personal development. Information given by students to staff involved in their support will be treated with respect, sensitivity, care and discretion. This statement outlines University Policy on the management of personal data within the University and situations when we might need to share information with third parties - individuals or organisations.

The University Data Protection Policy

Our commitment to protect the rights and privacy of students in accordance with appropriate UK and European legislation is demonstrated by our Data Protection Policy

<https://www.dur.ac.uk/ig/policies/dppolicy/>

and information about how we process student data is available in the **Privacy Notice - Students**

<https://www.dur.ac.uk/ig/dp/privacy/pnstudents/>

Information sharing within the University

The Privacy Notice for students confirms that personal data held for the purposes of student support is passed between sections of the University only for the purposes of support, as necessary and proportionate to the intended purposes.

The University understands that students will often disclose personal information to staff. In many cases this may not need to be shared with other staff, but information will be held on University systems that are available to other members of staff within the department and some information will be held on University systems that are available to staff in other departments. Information will only be shared within the University for the purposes of student support and on a 'need to know' basis (for example between a College Support Officer and a Mental Health Advisor). Support plans involving the sharing of information within the University will be discussed with the student concerned and their consent will be sought prior to any information sharing.

There may be exceptional circumstances when a student requests that information is held confidentially, i.e. it is not available to be shared for the purposes of student support. This may limit the capacity of the University to offer support, for example, if a student feels unable to disclose Serious Adverse Circumstances then an Exam Board will not be able to consider the impact on assessments. The information to be held confidentially and the reason for the request for confidentiality must be explicitly recorded and signed by the student.

Please note that the Equality Act places a duty on universities to take reasonable steps to facilitate the disclosure of disabilities to ensure that reasonable adjustments are made to prevent the university from discriminating against a student stemming from the student's disability (see Disability Support below).

Information sharing with external support agencies

Students may also be obliged to provide information via the University and/or require support from sources external to the University and so, during the course of student support, data may be shared with external agencies, for example for medical or counselling support, and for international students with UK Visas and Immigration. Plans for non-urgent support from external agencies will be discussed with students in advance and they will be asked for consent to share any data with an external agency. Information will then be disclosed on a confidential 'need to know' basis or where required to be disclosed by operation of law.

Involving other third parties

Students are required to provide Emergency Contact details when they register with the University. The Emergency Contact details will be held on the student's record in accordance with the Privacy Notice-Students. The University will assume that an individual nominated as an Emergency Contact has agreed to perform this role and consented to the University holding the details. In circumstances where a student or the University considers that input from the Emergency Contact could be helpful for support this will be discussed, where possible, with the student and their permission to make contact sought.

Recording consent

When a student agrees that data may be shared outside the University, a record of the student's agreement will be kept. The record will often take the form of email correspondence, a signed filenote or a contemporaneous note of a discussion with a student. A copy will be kept in the appropriate departmental

record-keeping system. Where a student's express consent to share information is not given, staff will record the reason for that decision and ensure that a record is kept within the appropriate departmental record-keeping system.

Information sharing without student consent

There are certain emergency and exceptional circumstances where the University may need to share information internally, with external agencies or with Emergency Contacts whether or not consent has been given. The University may, in order to protect the vital interests of the student or another person, contact third parties, such as medical professionals or an Emergency Contact, concerning the health of a student when it believes it is reasonable and/or in the best interests of the student to do so. The University will attempt to gain the prior consent from the student to do so but where consent cannot or will not be given it might act without consent. Whenever information is to be shared without consent the student concerned would be informed unless to do so would endanger their or another person's vital interests.

Where information given in confidence concerns potential harm to an individual or to others, the University will weigh the duty of confidentiality against that potential harm. A decision to share information to a third party will be taken in consultation with the Director of Student Support and Wellbeing or his nominees (currently the Head of the Counselling Service, or the Head of Disability Support, or the Head of the Student Conduct Office).

The circumstances when information provided by a student needs to be shared whether or not consent has been given could include but are not limited to the following:

- Where it is believed that someone is at risk of harm including:
 - Where a student may be a danger to themselves or others;
 - Where a third party may represent a danger to others;
- Where a student lacks the capacity to give informed consent;
- Where the University would be liable to civil or criminal proceedings if the information was not disclosed;
- Where there is a child protection or vulnerable adult concern;
- When required by a court of law to provide information.

Disability Support

A student may disclose their disability to any University employee who is then deemed to have received the information on behalf of the University. Where this happens, University staff are required to encourage the student to make contact with Disability Support, or if the student is happy with this, for the member of staff to refer them to Disability Support. Disability Support will liaise with the student regarding the documentary evidence required if reasonable adjustments are to be made (if the student is not already known to them). A student at all times will retain the right to choose not to disclose to the University any disability they may have. If a student discloses a disability in confidence, and they make it clear they don't consent to the sharing of that information, then they will be advised that they may be disadvantaging themselves by not engaging in the potential support available.

For further information see: <https://www.dur.ac.uk/resources/disability.support/DataCollectionNotice.pdf>

The Counselling Service

The Counselling Service is accredited by the British Association of Counselling and Psychotherapy (BACP) and adheres to the Ethical Framework for Good Practice which can be viewed online at www.bacp.co.uk The Counselling Service provides a confidential service in terms of the personal information disclosed. Personal data will not be shared with anyone outside the Counselling Service. A student's status as a service user may be shared outside the Counselling Service team, if a staff member has a need to know – for student support purposes – if the student is receiving or has received any support from the Counselling Service. If there has been a direct referral by a member of staff the Service will inform the referrer if a booked session is not attended.

Mental Health Advisors in the Counselling Service may attend support meetings with the student and with other members of University staff. The Mental Health Advisors will exercise discretion in the information shared in a support meeting and the meeting will be discussed and agreed with the student beforehand.

If the Counselling Service wishes to share any data – for student support purposes – it will attempt to gain prior consent to share any data, but where consent cannot or will not be given, or if it compromises the safety of an individual, the Counselling Service reserves the right to act without consent.

Further information can be found in the Counselling Services Agreement:

<https://www.dur.ac.uk/resources/counselling.service/aboutus/CounsellingServicesAgreementforStudentsv3September2019.pdf>

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Please see diagram below for the University process for sharing information with third parties when a student is at significant risk.

Information sharing when students are at significant risk

In order to protect the vital interests of a student or another person, the University may contact third parties concerning the health of a student. Third parties can include medical professionals or a student's designated emergency contact. We would only resort to this when we believe it is reasonable, or when it is in the best interests of the student or others to do so. We will always attempt to gain consent before contacting anyone, however if a student cannot or will not give consent we may be duty bound to proceed anyway.

Our decision process regarding these circumstances is outlined below:

