

UPSU is committed to providing a confidential Advice Service and believes our clients' deserve the right to confidentiality; to protect their interests and to safeguard our services.

The Advice Service operates independently from the University of Portsmouth and any other external organisation. Client details will not be released to any member of University staff, or to any other organisation or individual without the client's expressed permission.

UPSU Advice Service understands confidentiality to mean that no details will be given to the University that would enable any client to be identified without their consent. Furthermore, no information regarding a client shall be given directly or indirectly to any third parties outside the Department, without the client's consent except in cases where we feel we need to breach confidentiality (See section 5. Breaches of Confidentiality) . All clients should be able to access our service confident that no other person will know that they have used our services.

UPSU will not confirm the client's presence in the Advice Centre (or any other outreach facility) or use of the UPSU Advice Service to any third parties without obtaining the client's consent.

In regards to our collaboration with Portsmouth Mediation Service(PMS) with whom we support and facilitate Sort It Out, our Service usage statistics will be reported monthly using 'Advice Pro' by the Union Advice Service and shared with PMS. Data can be shared between the organisations in the interest of case management as agreed in our [Memorandum of Understanding](#).

UPSU recognises that clients need to feel secure when accessing our services. We will ensure that all clients are seen in an appropriate and wherever possible, a private interview space. Our policy will be stated to any third party enquirer and requests for information will be declined.

1. Confidentiality in Case recording

- 1.1. Clients complete a Support Request Form online to record personal data, brief details of their case and consent to allow the Adviser to record information.
- 1.2. These are held electronically or hard copies. Only relevant information is recorded.
- 1.3. All case records and other supporting documentation are kept electronically on a secure password protected system or in lockable filing cabinets unless being used. The keys to the filing cabinets will be kept away from public view.
- 1.4. 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.

2. Confidentiality and sharing information

- 2.1. Advisers will ensure that where action involving any third party is agreed the client will sign up to Consent to Share - an email giving consent may be acceptable and should be recorded on the case record.
- 2.2. If a member of UPSU staff (outside of the Advice team) has been involved in the case, for example, has attended advice appointments with the client for the duration or the majority of the time, the assumption will be that the client has given consent to share information with that member of UPSU staff. If the client does not want the Adviser to share any further information relating to their case with the other member of UPSU staff, they are to inform the Adviser.
- 2.3. Clients need to inform an adviser if it is unacceptable to telephone, email or send correspondence to their address. However, when a message is left or the call is taken by someone other than the client, no direct reference should be made to the Advice Service unless the client has previously stated that this is acceptable.

3. Access to information

- 3.1. Client information (held on the Case Management System and in paper form) should only be accessed by the UPSU Advice team and UPSU Data Protection Officer (when necessary). However, client information and case records may be accessed and audited for quality assurance purposes by a person/organisation appointed by UPSU.
- 3.2. Clients have the right of access to their own case records. Any such requests must be put in writing to the UPSU Data Protection Officer. There will be an initial £5.00 charge. UPSU reserves the right to satisfy ourselves as to the enquirer's identity.
- 3.3. Support Request forms for both the Union Advice Service and Sort it Out will be deleted once uploaded to the case management system Advice Pro.
- 3.4. Emails will be uploaded to Advice Pro and Kept in the inbox until the closure of a student case for ease of case management. Upon the closure of a students' case any emails will be deleted from the inbox.
- 3.5. At the beginning of each academic year, all closed electronic cases over 6 years old will be deleted from Advice Pro by the Student Advice Lead in line with the Advice Quality Standard.

4. Recording statistics and monitoring information

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- 4.1. Statistics are compiled for research, service development and reporting purposes. UPSU Advice Service uses these for effective statistical recording of services provided to enable us to monitor take up of service.
- 4.2. It is the Advice Lead's responsibility to ensure all statistical records given to third parties, including the University, are produced in an anonymous form and all identifying client details will be withheld.
- 4.3. To help improve the work we do and to meet the requirements for membership with our membership organisations, we may share statistical data and monitoring information with selected external agencies, such as NUS, AdviceUK, UKCISA, and NHAS. All statistical records are produced in an anonymous form and clients cannot be identified.

Breaches of Confidentiality

- 4.4. UPSU Advice Service recognises that occasions may arise where Adviser's feel they need to breach confidentiality.
- 4.5. UPSU recognises that any breach of confidentiality may damage the reputation of our services and therefore is treated with the most serious of approaches.
- 4.6. Circumstances where an Adviser may feel they need to breach confidentiality, in exception to this policy include:
 - 4.6.1. Where the Adviser feels there is an issue of serious current/potential self-harm or harm to others.
 - 4.6.2. 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.
 - 4.6.3. Where not to do so would break the law; for example, 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.
 - 4.6.4. 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.
 - 4.6.5.
 - 4.6.6. 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.

4.6.7. 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.

4.6.8.

4.7. When an Adviser feels confidentiality should be breached the following steps must be taken:

4.7.1. The Adviser should raise the matter immediately with the Advice Service Lead. In the case of the Advice Service Lead, they should discuss with the Student Focus and Advice Manager.

4.7.2. 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.

4.7.3. The line Manager is responsible for making a decision on whether confidentiality should be breached.

4.8. If the line Manager decides that confidentiality is to be breached then they should take the following steps:

4.8.1. The line Manager who is responsible for making the decision, should be briefed by the Adviser/Advice Lead on the full facts of the case, ensuring they do not breach confidentiality in doing so.

4.8.2. If the line Manager, Chief Executive or another appointed individual agrees to breaching confidentiality, there should be a written record of this and the case file, detailing any action agreed upon. The line Manager responsible for making the decision to breach confidentiality is responsible for ensuring all activities are undertaken.

4.8.3. If the line Manager, Chief Executive or another appointed individual does not agree to breach confidentiality, this is the final decision of the Chief Executive.

4.8.4. No Adviser should be solely responsible for making the decision to breach confidentiality and before any breach occurs, agreement from senior line management must be sought.

5. Ensuring effectiveness of the Policy

5.1. The following staff will be provided with copies of the policy:

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- 5.1.1. Existing and new members of staff working in the Advice team
 - 5.1.2. UPSU Data Protection Officer (if different person to those mentioned below)
 - 5.1.3. Staff supporting the work of the Advice team
 - 5.1.4. Chief Executive
 - 5.1.5. Senior Management Team
 - 5.1.6. Any other appointed individual who may take on the role of Manager in cases considering breaching confidentiality
- 5.2. 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.
- 5.3. The UPSU Advice team, UPSU Data Protection Officer and staff working in the Advice Centre who support the work of the UPSU Student Advice team, such as the Reception team and other members of the Representation Department are party to our Confidentiality Policy and may be asked to sign a Confidentiality Agreement.
- 5.4. The policy and procedures will be reviewed annually and agreed by the Advice Lead, Student Focus Manager and SMT