



Learner Confidentiality and Data Protection Policy

August 2011

To be reviewed: 2013

Introduction

Confidentiality can be defined as when one person receives personal or sensitive information from another person, then that person who receives the information has a duty not to pass it on to any other person without the consent of the person who confided in them.

Aim

The aim of this Policy is to ensure that learners' rights to confidentiality of personal information are protected and that all staff and volunteers understand their respective roles in relation to confidentiality and data protection.

Learners have rights under the Data Protection Act 1998. This protects personal information from being used inappropriately. KAE believes that all learners have the right to expect their personal information to be held securely, treated with confidentiality and with respect at all times.

Scope

Personal information about learners may be held in a variety of formats at many stages of the learner journey, including:

- At enrolment, for purposes of funding and fee remission
- When disclosing information about an impairment, disability, health issue or learning needs
- When disclosing financial or residency information, e.g. at enrolment or for discretionary Learner Support Fund applications
- During Information and Advice sessions or discussions
- When being referred for additional support
- In classroom settings, e.g. if disclosing information about beliefs or domestic circumstances during discussions
- During assessment and review
- During completion of Individual Learning Plans.
- When giving feedback.

The Confidentiality Policy applies in these situations.

Policy

The KAE policy requires that:

- ❖ All staff and volunteers maintain a high standard of confidentiality
- ❖ All staff and volunteers are made fully aware of the KAE policies on Data Protection and confidentiality
- ❖ All staff and volunteers abide by the principles of these policies, and report any breach in confidentiality or weaknesses in the systems guaranteeing confidentiality

- ❖ Tutors inform learners that personal information discussed in the classroom is confidential and should not be shared outside of the classroom.

Where learners are encouraged to disclose personal information, this should be with their informed consent.

Where there may be legal requirements for disclosure (e.g. in cases of a suspected criminal offence, where there is a likelihood of harm to an individual, or where there may be child protection or vulnerable adult issues) individuals will be told about this at the earliest possible stage.

Learners are entitled to expect clear and transparent information and advice about the implications of disclosure and about their freedom to access and change what is held on record.

Under the Data Protection Acts, personal information must be destroyed when it ceases to be relevant. (The Skills Funding Agency requires providers to retain information for six years plus the current academic year.) This may be longer for European Social Fund (ESF) contracts/co-funded ESF data.

Individuals are therefore made aware of:

- Their entitlements to confidentiality
- Their right to see any personal information held about them
- Their right to refuse to give personal information and any likely impact on them, e.g. fee charge and discretionary Learner Support Fund refusal

Sharing and Storage of information

The information kept on learners is identified by the Fair Processing Notice and KAE is bound by the Data Protection Act. The Skills Funding Agency requires KAE to record, store or pass on information to other agencies, e.g. for data analysis or for follow up surveys, individuals will be informed about this at enrolment and induction, together with any rights to opt out. This privacy policy is outlined in the KAE prospectus which is updated annually and is also included in the Information for Learners leaflet.

Where learners request access to their personal information, the request should be dealt with sensitively, in a timely manner and with a clear explanation about the process and its outcome (e.g. likely timescales and next steps).

Safeguarding

The KAE Safeguarding Policy states that staff should never ignore a disclosure of abuse. It may be necessary to share information without the consent of a young person or vulnerable adult or against their wishes when there is:

- A danger to them
- A danger to other people
- A history of past violence
- An infringement of the law
- A statutory responsibility

Any incidence of abuse should be reported in the first instance to the designated KAE Safeguarding Team. Where a decision is taken to share information without consent, members of staff should:

- Be able to justify that decision
- Normally inform the young person or vulnerable adult beforehand
- Only use the information for the purposes for which it was intended
- Only share the minimum amount of information necessary to meet the requirements of the situation
- Ensure that the safety/protection of the vulnerable adult is paramount throughout

Child abuse should always be reported.

Signposting

Where there are concerns that need to be kept confidential (see Safeguarding section above), individuals should be signposted to the appropriate agencies. All Centres have a list of voluntary and community groups available covering a range of issues. This information is also displayed in common areas.

Responsibilities

All staff and volunteers are responsible for implementing the Confidentiality Policy according to their roles. Learners are expected to respect this policy. Staff are aware under Safeguarding Policy they are unable to offer unconditional confidentiality.

Governors are responsible for reviewing the policy on a bi-annual basis.

Breaches of confidentiality or weaknesses in systems should be reported to line managers and action taken through the Principal.

The Principal will be responsible for providing both learners and tutors with information about Data Protection and confidentiality. Information regarding confidentiality is also contained in the Curriculum Staff Handbook.

Monitoring

- ❖ Through queries and issues raised with the Principal
- ❖ Through feedback, i.e. complaints, suggestions and surveys
- ❖ Through bi-annual Policy Review.

Links to other policies and documents

This policy links with the following KAE policies and procedures:

- ❖ Disabilities Disclosure
- ❖ Safeguarding Policy
- ❖ Single Equality Scheme
- ❖ Health and Safety
- ❖ Complaints and Appeals Procedures

Most relevant policies are publicly available through the KAE's website at www.kingston.gov.uk/browse/education/adult_education/kae_useful_documents