



**Guidance and Policy on Confidentiality in  
Student Health and Welfare**

February 2025



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## Introduction

1. This document is intended for all those involved in student health and welfare for whom confidentiality might be an issue. It also a point of reference for all student members seeking to understand the guidance and policy on confidentiality in student health and welfare followed by Linacre College.
2. This document is based on that published by the University in December 2024 and therefore should be read alongside this: [Guidance on Confidentiality in Student Welfare v3 MT24.pdf](#) which is designed to promote greater consistency in the way individual cases are handled, with paramount emphasis on student health and welfare, noting that the majority of university students are adults, and as such their confidential personal information should be managed confidentially.
3. A significant amount of sharing of personal data relating to students is already permitted and envisaged between the University departments and the Colleges under both: the Terms and Conditions of the student's contract with the University; and the Student Privacy Policy (incorporated as part of that contract).
4. Difficult cases have arisen where different parts of the Collegiate University each have part of the picture relating to a student's health and welfare which, if combined, may help to indicate a Risk of Serious Harm which could require immediate action to be taken to protect the student or others. The Confidentiality in Student Welfare Guidance December 2024, and the Student Privacy Policy, have been updated to address that issue. The Director of Student Welfare and Support Services ([director@swss.ox.ac.uk](mailto:director@swss.ox.ac.uk)) can advise colleagues on a no-names basis.

## Definitions

5. “**Confidential information**” refers to information about a person that might be seen as more sensitive or private, such as information about a student's health.
6. Information should be treated as confidential if: (1) it is something that is not publicly known, and (2) it is received in circumstances which import an obligation of confidence (e.g. including where the student says the information is confidential, where the University's policies say that the information will be treated as confidential, or where the student reasonably believes that the information will be treated as confidential (for example because of the job role of the recipient). For example, a written disclosure marked as “confidential” should be treated as confidential, while observed behaviours in public spaces may not need to be treated as confidential.
7. “**Serious Harm**” means a harm which is life threatening and/or traumatic, and from which physical or psychological recovery is expected to be difficult or impossible , including:



- death or serious mental or physical injury, including from illegal drug use and sexual assault; and/or
  - suicide (whether or not there is or has been an attempt or intent to end their life; and/or
  - self-harm; and/or
  - endangering the life, health or safety of any other person.
8. **“Health”** in this document means both physical and/or mental health.
  9. **“Risk”** means a risk that a person involved in student health and welfare considers is reasonably possible may occur given the facts within their knowledge. They need not conclude an outcome is more likely than not, only that they reasonably believe an outcome is possible.
  10. **“Vital interests”** means that doing whatever is necessary and proportionate to help prevent loss of life or serious physical, emotional or mental harm
  11. **“Capacity”** is understood as “the ability to use and understand information to make a decision, and communicate any decision made which may be impaired due to physical reasons, e.g. lack of consciousness or serious mental confusion”.
  12. Relevant College staff members and those in positions of welfare responsibility should familiarise themselves with this guidance and policy as part of induction or ongoing training, so that in an urgent situation they are well-informed and not making decisions in isolation.
  13. This guidance applies to all students studying at Linacre College including those on overseas research trips. Students overseas may not be able to access the full range of welfare services referenced in this guidance, but the general principles still apply. Further advice should be sought from Safeguarding Leads where appropriate.

## Legal Context

14. In general, information relating to the health and welfare of an individual will amount to special category data (as defined in the UK General Data Protection Regulation (UK GDPR)) and must be treated with care and held in confidence. The University will usually seek a student’s consent to share information about their health and welfare, although there are circumstances in which it will be lawful to share information in the absence of consent.
15. The Information Commissioner’s Office has published guidance for the Higher Education sector in relation to sharing information in an emergency, and that provides a useful starting point for considerations. The ICO are clear that *‘university and college staff should do whatever is necessary and proportionate to protect someone’s life. Data protection law allows organisations to share personal data in an urgent or emergency situation, including to help them prevent loss of life or serious physical, emotional or mental harm’*.



16. The ICO's approach has always been to be a pragmatic and proportionate regulator. That means the ICO does not seek to penalise organisations for acting in good faith and in the public interest in an urgent or emergency situation.

## General Principles

### Respect for confidentiality

17. In general, information relating to the health and welfare of an individual will amount to sensitive personal data, and must be kept confidential and only disclosed with consent **unless** there is a **Risk of Serious Harm, including cases where the student lacks capacity to give consent and needs intervention from medical professionals.**
18. Whilst sharing information might seem the most helpful response, students are adults and the confidentiality of their data must be maintained, and information not shared against their wishes unless an exception applies ie Risk of Serious Harm or lack of capacity.
19. Those advising students should consider at the outset of a discussion the extent of the confidentiality which can be afforded to any disclosures. It is not appropriate to give absolute assurances of confidentiality to those who may wish to talk about health-related matters.

### Key Questions and Steps

The following key points should be considered when deciding whether to share confidential information about a student where there are welfare concerns outside of formal University procedures.

- Is there an immediate risk of serious harm to the student or a third party?
- Has the student given their consent for their confidential information to be shared?
- Is it necessary and proportionate to share confidential information to help prevent loss of life or serious physical, emotional or mental harm?
- What is the format and source of the information under consideration?
- Tell the student who you are sharing confidential information with.
- Keep a written record documenting decisions and action taken where it has been deemed necessary to share confidential information without consent.

### When discussing confidentiality with students, the following should be made clear:

20. Formal University procedures will necessarily involve general information being shared within the collegiate University. This is covered by the Student Privacy Policy.
21. Confidentiality will be respected, wherever possible;



22. Consent will be sought, wherever possible, to any onwards disclosure of information; consent to be obtained in writing. Where consent cannot be provided in writing it is good practice to record any consent to onward disclosure e.g. in a note or by way of letter to the student;
23. There are limited circumstances in which information might be shared with a third party ie. Risk of Serious Harm to the student or others;
24. Any disclosure of harm suffered in circumstances where a person under 18 is, or may be, affected, then the Safeguarding duty may require the Collegiate University to override confidentiality and report the circumstances urgently to police and/or social services. All staff are advised to seek guidance urgently from Designated Safeguarding Leads/officers who are experienced in handling these highly sensitive cases; See Linacre safeguarding policy.
25. Where disclosure of personal data is deemed necessary because there is a Risk of Serious Harm, the disclosure is:
  - Limited to only those recipients who need to know the information in order to be able to decide on the appropriate provision or provide medical, psychological, pastoral or practical **assistance to the student or to others at Risk of Serious Harm**, that is reasonably likely to mitigate the Risk of Serious Harm or its effects;
  - Limited and adequate to that information which is proportionate and necessary to mitigate the Risk of Serious Harm, while maintaining confidentiality of information which does not need to be shared for that purpose;
  - Recorded in writing contemporaneously, noting reasons a student or others were deemed at Risk of Serious Harm and why disclosure of confidential information was thought necessary. If a decision to disclose is challenged (to the Information Commissioner's Office, Office for the Independent Adjudicator or a Court) this may be important to show how the Collegiate University weighed conflicting duties regarding confidentiality/Data Protection and safeguarding vital interests.
26. Where students arrive at University with serious medical conditions (particularly, but not limited to, conditions which affect their mental health, e.g., those with histories of self-harm or suicide attempts) or are diagnosed with such conditions while at University, the issue of consent to sharing of information should ideally be discussed with the student at an early stage in the context of wider safety planning and relapse prevention support.

#### **Seeking Advice – No Names Consultations**

27. Those to whom information has been given in confidence, or who have acquired information which they regard as confidential, may not always be sure whether to disclose information or not. It may be sensible to seek advice



from an appropriate person, e.g. a senior college officer, welfare lead or the University's Student Counselling Service ([counselling@admin.ox.ac.uk](mailto:counselling@admin.ox.ac.uk)) or the Director of Student Welfare Services ([director.swss@admin.ox.ac.uk](mailto:director.swss@admin.ox.ac.uk)). This consultation should be done without divulging the name of the student concerned save where there is a Risk of Serious Harm.

28. It is often helpful for the College welfare lead – the Senior Tutor - to talk to college doctors, college nurses or members of the University's Student Counselling Service about students' difficulties, this can be undertaken as a no names consultation or with consent.
29. The Student Counselling Service's Liaison Scheme, whereby colleges have a named counsellor with whom they can liaise, is specifically designed so that college staff members can seek the advice of someone who is familiar with the college context. Linacre College has a named contact at the Service
30. Student Peer Supporters and Junior Deans are also required to share information where there is concern, and have a separate policy on confidentiality, which is aligned with the key principles of this University Guidance.

#### **Contact with third parties, including families and Trusted Contacts for Emergencies**

31. Some students may give non-family members as Trusted Contacts for Emergencies depending on their circumstances. There may be cases of estrangement where contacting families could put the student at increased risk.
32. It is inappropriate to speak to a student's trusted contacts, family or other third parties against the student's wishes.
33. Contact can only be justified where either:
  - the student is physically incapacitated (e.g. unconscious due to serious accident) or the student has been medically assessed as lacking capacity to make the decision.
  - where the student (or a third party) is at Risk of Serious Harm, other attempts to mitigate that Risk (e.g., through medical professionals) have failed or are impractical, and it is reasonably considered that disclosure is necessary and safe for the student concerned and third parties, and is the only or best way to ensure the student obtains support to mitigate the Risk of Serious Harm. Such circumstances will be exceptional but can happen, for example, in cases of self-harm or where suicide has been attempted or threatened. They may also arise where a student is creating a Risk of Serious Harm to others. In these cases, the Collegiate University cannot delegate responsibility for mitigating Risk to a student's Trusted Contact, and should contact emergency services as well.
34. Any decision to contact the family should be made at the highest level (e.g. The Principal), taking specialist legal advice as necessary, and the student should normally be informed.



35. Where third parties contact the University or a College requesting information, the confidentiality of information provided by students in confidence should be maintained except in cases of Risk of Serious Harm and with permission of the Principal.
36. Where welfare concerns are raised by a third party:
- Verify the identity of the third party, recording their name and contact details alongside the concerns raised. Listen to the concerns with sensitivity and provide general information about the welfare support services available to students.
- Establish if the student subject of the concerns is aware, and has consented, to the information being shared with the University;
- If possible, speak directly to the student subject to verify the details of the situation and discuss support or encourage the reporter to facilitate the student contacting the welfare team
  - Where the student is not aware of the disclosure and the third-party requests anonymity, explain that it might not be possible to act on anonymous, unverified, disclosures, and that confidentiality cannot be guaranteed. Students may request access to their records at any point. Advise the third party to encourage the student to seek support themselves where possible.
  - Evaluate the likely validity of third-party disclosures, noting that malicious, vexatious and harassing communications do occur, and it may not always be appropriate to follow up with the student subject if this would constitute an intrusion of their privacy. For example, if it seems likely (e.g., from your knowledge of the student subject of concern, their circumstances, and the nature of the reported information) that a third party is making a disclosure with the intention of creating difficulty for the student subject, you may decide on a different course of action than the one you would have followed had you found their report credible.
  - Wherever it is appropriate, follow-up directly with the student who is the subject of third-party concerns to establish their safety and any possible support needs
  - If the third-party reporting the concerns is another student of the University, where appropriate signpost them to “support for students supporting students”, recognising the importance of looking after yourself when trying to help a friend you may be concerned about
37. Where the concerns raised are of sufficient severity to necessitate contacting Emergency Services due to an imminent Risk of Serious Harm, instruct the third party to contact the police, ambulance or fire service directly – the University should not usually act on behalf of the third party in these instances as this is likely to delay the response through introducing an additional stage in the communication chain, but it is important to follow-up and ensure that appropriate services have been alerted.





### **Disclosures to the police**

38. The police may occasionally contact the College in order to request that information be disclosed to them as part of an investigation. In such circumstances, the following considerations should be taken into account:

- Is it possible to obtain the consent of the relevant individual to the disclosure to the police?
- Whether disclosure is requested under the Data Protection Act for the prevention or detection of crime or apprehension or prosecution of offenders and seeking an individual's consent will prejudice the enquiry. Please note, however, that this provision does not compel disclosure and decisions about whether or not to disclose information should be considered carefully. Factors such as the seriousness of the offence will be relevant. If it is decided that a degree of disclosure is appropriate this should be limited to the minimum required. Any such requests made to the College should be referred to the College's Information Compliance Team ([data.protection@linacre.ox.ac.uk](mailto:data.protection@linacre.ox.ac.uk)) for processing.
- Whether the College will require the police to obtain a court order for disclosure. If College staff are unsure what to do in these circumstances, they should contact the University's Legal Services Office or Information Compliance team for advice.

### **Major Student Health and Welfare Issues**

39. In the event that a student's behaviour does not pose a serious, imminent risk to staff or students within the collegiate University, however is causing serious disruption to college life, including a substantial and negative impact on the emotional wellbeing of other students and staff, the senior member responsible for college welfare should consider whether there is a need to share confidential information about that student.

40. Students should be signposted and encouraged to engage with college welfare, their GP, and Student Welfare and Support Services to explore any personal or academic difficulties and determine a collaborative support plan, including clear expectations about engagement with the support plan and reasonable behaviour as a member of the University community.

41. If students do not engage with the agreed arrangements and problematic behaviours continue, it may be appropriate to start a formal Fitness to Study process, and staff may wish to contact the Director of Student Welfare and Support Services, Head of Counselling or Head of the Disability Advisory Service to discuss possible sources of help.

42. If a student is causing concern or disruption but is not considered to pose a risk to other members of the college or department or themselves, and they are unwilling to consult medical professionals, a senior member of a college or department with pastoral experience may well be able to achieve a satisfactory solution, and case conferences can be a useful tool. It may be appropriate to start a formal Fitness to Study



process, and staff may wish to contact the Director of Student Welfare and Support Services or Head of Counselling to discuss possible sources of help.

### **Risk of Self-Harm**

43. If it appears that a student is at risk of self-harm (e.g., through self-harm or disclosures of serious recent suicidal thoughts, plans or attempts) they should be encouraged to engage with their GP or Mental Health Crisis Services in the first instance, but where such a student is failing to take steps to mitigate the Risk of Serious Harm (including not engaging with health professionals) it is likely to be necessary to communicate Confidential Information to those members of staff who are in a position to provide medical, pastoral or psychological assistance to mitigate that Risk.

### **Discharge from Hospital**

44. It is the responsibility of hospital staff to ensure a 'safe' discharge and this may include communication with the college or family to which the patient will be discharged, but this is subject to the patient giving permission to share information.
45. In cases of serious mental illness and/or following incidents of self-harm or suicide attempts, in practice, students often withhold permission to share information, potentially increasing their Risk of Serious Harm in future. Where there is a Risk of Serious Harm, disclosure of health data about the student – by those engaged in student health and welfare in Colleges or Departments to those concerned with the welfare of the student in the location to which the student is discharged – should be considered.

### **Discipline and Ill Health**

46. Please refer to the University Fitness to Study procedure (or College procedures) for more information.

### **Serious crime**

47. Victims of serious crime can seek advice from the University Safety Office, in-person or remotely, or approach the police directly.
48. Staff may be obliged to provide evidence in court proceedings arising from an allegation of sexual assault or sexual violence; therefore it is advisable that disclosures of sexual violence are taken by specifically trained staff members of the Sexual Harassment and Violence Support Service. The University Student Welfare and Support Services has produced a simple and easy to use flowchart when responding to instances of sexual violence [Sexual Harassment and Violence Support Service | University of Oxford](#).
49. All information concerning sexual assault and sexual violence should be treated in confidence, and information should only be shared in the course of a formal University procedure or on a need-to-know basis, usually with the consent of the individual. Sharing of information with consent will usually be



limited to staff in order for support to be put in place, and the purpose of sharing should be explained to the individual. This support may include arrangements to limit contact between the parties concerned or (depending on the reporting student's wishes) to assist a student to report an incident to the Police for the purposes of a disciplinary investigation (whether through the University Proctors or by the College, depending on the context and circumstances of the complaint). In such cases advice can be sought from the Director of Student Welfare and Support Services or Service Lead for the Sexual Harassment and Violence Support Service.

50. There may be circumstances in which confidentiality cannot be maintained, e.g., where there is a risk of serious harm to the individual (e.g., failure to seek suitable medical support) or others. Decisions on sharing information without consent outside of usual University procedures must be made at a senior level (e.g. Principal), seeking specialist legal advice as appropriate.

#### **Students on Professional Courses Governed by Codes of Conduct**

51. Special considerations apply to students on courses leading to qualifications for professions governed by codes of conduct and health intended to protect the public, for example, medicine, social work and teaching. Any concerns about the health or behavior of a student on one of these courses may be discussed with the department concerned, in the first instance, without divulging the name of the student. Advice may also be sought from the Head of the Student Counselling Service or Director for Student Welfare and Support Services.
52. The General Medical Council (GMC) expects medical students to be open and honest about any conditions which might affect their ability to study or practice and to engage readily in any assessment or monitoring. Non-disclosure is likely to be viewed adversely when problems do become apparent. The Associate Director of Pre-clinical Studies [Health & Welfare] is available to support medical students with welfare issues and provide advice. Concerns about fitness to practice should be addressed to the Assistant Registrar in MSD. Concerns about fitness to practise should be addressed to the relevant Director of Studies (Director of Clinical Studies, Director of Pre-Clinical Studies or Director of Graduate Entry Medical Studies). Allegations that a student may be unfit to practise medicine should be addressed to the Fitness to Practise Officer (currently the Head of Administration and Finance).
53. It is a mandatory condition of offer for all PGCE students to complete an occupational health assessment and to provide an enhanced Disclosure and Barring Service (DBS) Certificate, and to provide a full timeline of their activities from their secondary school education until the present day. Additional background checks may also be required for students who have spent significant time abroad. Students are expected to declare, while on course, any mental health concerns which are affecting their progress on the course; these are recorded by the department and support will be offered, but the student would only be referred to occupational health under the Fitness to Study procedures.



54. The University, its Colleges, and individual members of staff may owe duties of disclosure in cases where students on courses governed by professional codes of conduct. are under investigation (e.g., obligations of disclosure to the Medical Sciences Division during an investigation into a medical student under the Fitness to Practise Regulations). Where special category personal data relating to the student is directly relevant to the Fitness to Practise (or other professional) investigation, the obligation of disclosure will be likely to override the student's right to confidentiality. In such cases data will be treated appropriately by the investigator and any Fitness to Practise panel, although it may be necessary to disclose it to the GMC, along with the panel's findings, if relevant. Guidance can be sought from the University Legal Services Office in these cases.

## **Professional Guidelines**

55. Social Workers employed as a College Welfare Lead are required by Social Work England to operate within Professional Standards or Practice and Registration. Disclosures are to be made where it is essential to a person or groups safety and is justifiable. Social workers have a responsibility to stay alert to and investigate suspected harm, neglect or abuse and, where risk has been identified, agree plans to address it urgently. This may involve a no names consultation or disclosure to a statutory body.
56. For Doctors and NHS staff, The General Medical Council states: "Disclosures may be necessary in the public interest where a failure to disclose information may expose the patient, or others, to risk of death or serious harm. In such circumstances you should disclose information promptly to an appropriate person or authority."

### **Student Welfare and Support Services**

57. The Director(s) of Student Welfare and Support Services hold additional responsibilities relating to student safety and safeguarding, operating as a central point of co-ordination in instances where serious concerns for a student's welfare arise across multiple settings including colleges, departments and the local community.
58. All services within SWSS will keep information confidential unless they have written consent from students or there is a Risk of Serious Harm.

## **University and College Policies**

59. The Linacre College student privacy, confidentiality and safeguarding policies based on that of the University are available on the Linacre website.



## Dealing with the Media

60. The Principal will handle all enquiries by the Press, and will be the sole College spokesperson. The Principal will liaise with the University News and Information Office – 01865 (2)80 528 (office hours), 07738 135 619 (Duty Officer). In cases of student death the [Procedure-for-dealing-with-Student-Tragedies-Final.pdf](#) should be followed.

## Under 18s

61. Disclosures of abuse or harm to those under 18yrs should always be shared with relevant authorities and the college Designated Safeguarding Officer & Designated Safeguarding Lead as per Linacre Safeguarding Policy [Safeguarding-Policy-October-2024.pdf](#) .