



## Confidentiality Policy

SUBU 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.

All SUBU Advice staff must have a practical understanding of confidentiality in relation to the service. In no instance shall a member of staff advise a third party, including parent/guardian, if a student is attending BU or have accessed SUBU Advice, without the prior consent of the student. See Third Party Involvement Policy.

Subject to what follows, no information regarding a client shall be given directly or indirectly to any third party who is not a member of SUBU Advice staff, without that client's express consent to the disclosure of such information. SUBU Advice reserves the right to discuss cases, where appropriate, and with the client's consent, with the Full-Time Elected Officers. No information will be given to any external agency, including BU, without the client's express consent unless the provision of such information is required by law. The SUBU Advice Worker may, however, decide that information should be disclosed without consent if in their judgement there is a safeguarding risk of immediate physical danger to the client or others.

Where an Advice Worker needs to contact BU staff on a client's behalf the client will be asked for either written or verbal consent. Consent via email needs to come via their BU student email account. Advice Workers are responsible for making a note of this consent on the client case notes. Clients are required to complete a Consent to Share Form when an Advice Worker needs to contact a third party outside of BU. This includes private halls providers, letting agents, Student Finance, local authority. All clients 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.

Clients have the right to see the information held on them by SUBU Advice. Clients should be advised that requests must be made in writing [subuadvice@bournemouth.ac.uk](mailto:subuadvice@bournemouth.ac.uk). A response will be provided within three working days.

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

It is the responsibility of SUBU Advice staff to ensure that all individual case notes are locked securely at the end of each working day, and that electronic records are held securely and appropriately protected. This includes notebooks, copies of correspondence and any other sources of information. It is also their responsibility to ensure that all computer records are held securely and appropriately protected. See Data Protection Policy.

SUBU Advice staff are responsible for ensuring they have noted the preferred contact method – See Client Update Policy. 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 SUBU 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.

## **Breaching confidentiality**

### **Conflict of interest**

Where a conflict of interest arises the Advice Worker may need to breach confidentiality – see Conflict of Interest Policy.

### **Legislation**

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 SUBU Advice staff must disclose such information to the relevant authorities if it is disclosed by a client. In such a situation the adviser must first discuss the matter with the SUBU Advice Manager, who will be responsible for reporting the matter to the police. The client 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 advisers 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 adviser must first discuss the matter with the SUBU Advice Manager, who will be responsible for reporting the matter to the police. The client 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 advisers are obliged to report any disclosure of information about a transaction that they know, suspect or ought reasonably 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 client. This applies if the advisers knows or suspects that a money laundering disclosure has been made by a client, and informs a third party of this, when the provision of this information is likely to prejudice any investigation. In such a situation the adviser must first discuss the matter with the SUBU Advice Manager, who will be responsible for reporting the matter to the police. The client 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 client 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 SUBU Advice staff become aware that a client is at risk of breaking the law they must inform the client that this is the case, with the exception of the areas covered by legislation above. The client will be advised to seek legal advice before disclosing further details to SUBU Advice.

### **Risk of Harm**

Where a client is at risk of causing harm to themselves or others either through action or inaction. The immediate risk can include a risk to the health, safety and wellbeing of any person.

### **Death of a client**

SUBU Advice committed to confidentiality continues after the death of a client. If a client has died, information relating to the records held by SUBU Advice should only be provided to the dead person's executor or personal representative. Where information is handed over a note should be made on the case file. This isn't considered a breach of confidentiality. If the police contact SUBU Advice for information related to a suspicious death, ideally staff should seek permission of the executor or personal representative. However, if this person is unknown and it may have a negative impact on the investigation, information can be released with the best interests of the deceased in mind.

### **Statistics and Reporting**

SUBU Advice is committed to the statistical recording of SUBU 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 SUBU Advice staff to ensure that all statistical records given to third parties are produced in an anonymous form, so that individuals cannot be recognised.

**Related documents:** SUBU Advice Data Protection Policy  
SUBU Advice Confidentiality Statement

<p><b>Review by:</b> SUBU Advice Manager <b>Review frequency:</b> Annually <b>Last reviewed:</b> August 2023 <b>Date of next review:</b> August 2024</p>
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