

Royal Academy of Music Confidentiality Policy

1. The Academy holds information about staff and students for administrative and monitoring purposes. Individuals have rights to confidentiality in particular relating to personal and sensitive information held by the Academy both under 'Common Law' and the 'Data Protection Act.' 1998 (DPA). These rights apply to the disclosure, storage and processing of information.
2. It is the Academy's policy that any information of a personal or sensitive nature will be stored and used for statistical purposes in a manner which maintains confidentiality in accordance with legislative requirements. We may also use sensitive data in an aggregated form in order to inform improvements to our services and procedures.
3. This Policy should be read in conjunction with the Academy's Data Protection Policy and Records Management Policy which can be found on Air as follows: [Data Protection Policy](#); [Records Management Policy](#);
4. Where 'sensitive information' needs to be disclosed, for example to implement 'reasonable adjustments' for disability, the signed consent of the individual will be sought and obtained first. Disabled students have the option to agree to various levels of disclosure or no disclosure and the implications of this discussed with them. Only in exceptional circumstances, e.g. perceived danger to self and others will such information be passed to a third party (usually a medical professional). However every attempt should be made to discuss this course of action with the student first.
5. Staff who have a supporting role in a professional capacity (e.g. HR, disability, counselling, tutors, spiritual) are in addition bound by their own professional codes of practice in respect of the maintenance of confidentiality.
6. All staff and students are under a common law obligation not to disclose confidential information inappropriately.
7. The Academy takes the confidentiality of its records very seriously and those having access to records will ensure that no inappropriate disclosures of such information are made.
8. Staff and students e.g. student union, will ensure that any confidential information for which they are responsible is stored securely so that confidentiality is maintained. Deliberate or reckless breaches of confidence relating to confidential information held by the Academy may be treated as a disciplinary offence (under either staff or student disciplinary procedures) and may constitute an offence under the Data Protection Act 1998. Such breaches may also be actionable by the party whose confidence has been broken and result in litigation against the individual who breached the confidence.

9. Disclosure of sensitive information outside of the Academy – sensitive information will not be passed on to anyone outside of the Academy (including parents or relatives) unless one or more of the following apply:

- The student has provided consent for the information to be disclosed.
- There is considered to be a real and serious risk of harm to the student, or other persons, if the information is not disclosed to an appropriate person (eg medical, mental health professional such as psychiatrist, CMHT or police officer).
- There is a legal requirement to disclose the information e.g. under the Children Act 2004; or any other activity which has broken the law e.g. murder, GBH, the intention to harm another, the intention to commit a crime, child abuse to a minor, etc which must be reported to the police and the relevant authorities

Academy staff are required to make every effort to discuss the need to disclose with the student concerned and to inform them of proposed disclosure in advance of the disclosure.

10. The Academy is required to send some information it holds about students and staff to the Higher Education Statistics Agency (HESA) and/or HEFCE annually. This information is statistical and will not be used to identify individuals. Details of the information provided and its uses, is available from www.hesa.ac.uk/fpn.

Glossary of key terms relating to Data Protection

- Confidential Information under Common Law

Confidential information is any information to which the common law 'duty of confidence' applies. A duty of confidence is created when 'private' information has been passed on in such a way that the person receiving the information was aware, or should have been aware, that the information was being imparted on the basis of confidentiality. (The legal test is whether a 'reasonable' person would think the recipient ought to have known that the information was confidential).

Traditionally, English common law has protected an individual's right to expect that personal information about him or her will be kept confidential. Information will be protected if it has "the necessary quality of confidence about it" and has been imparted in circumstances importing an obligation of confidence. For example, information given to a doctor, social worker or lawyer would normally be considered to have this quality of confidence, but a conversation with a friend would not. A duty of confidentiality may also arise as a result of a contract where one party agrees to keep confidential information provided by the other party.

Data Protection Act (1998) – some terms (see also Appendix 3)

- Personal data

Personal data means information which relates to a living individual who can be identified from that information.

- Sensitive personal data

Sensitive personal data includes information relating to ethnic or racial origin, religious or political beliefs, physical or mental health, sexual matters and criminal offences.

- Processing

Processing has an extensive definition. It means obtaining, recording or holding information or any handling of the information, including organising, altering, retrieving, using, disclosing and disposal of information.

Procedure for responding to disclosure and meeting the requirements of Disabled Students Draft

Introduction

The Academy has a legal obligation under the Equality Act 2010 to respond appropriately and positively when students tell us about a disability and ensure all relevant staff are aware of any 'reasonable adjustments' required. At the same time our systems need to comply with confidentiality and data protection requirements.

The mechanism at the Academy for communicating and implementing disability related arrangements, ('reasonable adjustments') for students is the 'Personal Learning Plan' (PLP). This is drawn up by the Disability Advisor in dialogue with the student and relevant members of staff, usually after appropriate documentary evidence confirming a disability or health condition is available. Once the PLP has been agreed with the student and signed off by the Deputy Principal (Programmes and Research) it is circulated to relevant staff with a copy to the student.

Encouraging Disclosure

Disabled students have opportunities to disclose throughout their studies; at the application stage, at audition, on the 'Student Support and Health Questionnaire' filled out at enrolment and at any stage in their studies. This might be to Tutors, the Disability Advisor or the Counsellor.

Responding appropriately to disclosure - the role of the Disability Advisor

In the summer prior to the new academic year starting, the Disability Advisor emails all students who have accepted a place and disclosed a disability or health condition. They are invited to meet with the Advisor and sent a copy of the 'Guide for Prospective and Current Academy Students with Disabilities and Specific Learning Difficulties'.

After enrolment, Registry informs the Disability Advisor of all new students entering the Academy who have disclosed a disability. The Disability Advisor will then inform the relevant Tutor and Head of Department and other relevant departments by email if students are likely to require a PLP. Information detailing the individual's disability as identified by monitoring category will be disclosed if appropriate. However at this stage no detailed information relating to a disability or health condition will be given until consent has been agreed with the student.

Detailed information relating to a disability or health condition is considered 'sensitive and personal information' under the Data Protection Act. Specific consent needs to be agreed with the student relating to the degree of information disclosed and the circulation of this information, unless in exceptional circumstances e.g. perceived danger to self and others.

The Disability Advisor meets with all students who have declared a disability and responded to email invitations as early as possible. The Personal Learning Plan (PLP) is the Academy's mechanism for communicating agreed adjustments will be sent to teaching staff who have contact with disabled students as soon as possible. PLP's are prepared in consultation with students and will be sent to staff as promptly as possible following disclosure. PLP's are circulated to relevant staff who are requested to confirm receipt.

Distributing PLPs

Confidential information such as PLPs is normally only sent to RAM email address. Information will only be sent to named personal emails outside the Academy for part-time hourly staff when this has been mutually agreed.

Confirming Consent

Students are required to sign a Disability Disclosure Consent form prior to the disclosure of detailed information relating to disability related issues, usually via the PLP. This gives them options to consent to disclosure at different levels or not at all. However if a student chooses not to consent to any level of disclosure the implications of this are discussed with them.

Sometimes staff may be required to make 'reasonable adjustments' without having access to detailed documentation about a medical condition or disability.

Sensitive scenario relating to Disclosure

What to do if you receive confidential information from a student (or about a student)

Any information about a student that causes concern should be written down, kept securely, and be communicated where appropriate to a line manager. It is important that staff in receipt of confidential or sensitive information, are aware that they hold this information as a member of Academy staff and not as an individual, and are confident that they will be supported by their manager in any appropriate sharing of this information. This applies to sensitive information received from a student either formally or informally.

What to do if a student requests a 'confidential' conversation with you?

Staff are encouraged to explain that they reserve the right to discuss any matter raised with their line manager. This does not, however, prevent them from agreeing to keep something confidential once they know what the issue is. The important point is that students should be aware that if a member of staff hears anything of sufficient concern they are obliged to speak to whomever necessary in order to reduce risk (to self or potentially to others). It is unwise to give an unqualified assurance of confidentiality in advance of any discussion.

Additional Advice

Staff who have questions about disclosure and confidentiality are welcome to contact Student Support Services

Dani Singer, Counsellor/Student and Student Support Co-ordinator;
d.singer@ram.ac.uk

Judy Fink, Disability Advisor;
j.fink@ram.ac.uk



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Disability Disclosure Consent Form

Student Name:		
Department & Programme of Study:	Principal Study:	Tutor:
Nature of Disability:	Date of interview:	Start year: Year of study:
Nature of Documentary Evidence:	Date of Submission:	

Please complete **either** A (both parts) **or** B **and** C below:

- A. I give permission** for members of **Academy staff** (e.g. teachers) to be made aware of my disability so that appropriate help and support can be provided.

Student Signature: Date:.....

I do / do not give permission (please delete as applicable) for a copy of my **documentary evidence** (e.g. medical or psychological reports) to be given to my **Tutor** who may show it to members of the BMus/Post-Grad Programme Board.

Student Signature: Date:.....

Or

- B. I do not give permission** for members of Academy staff (eg teachers) to be made aware of my disability and by doing so understand that the full appropriate support may not be available to me.

Student Signature: Date:.....

And

- C. I do/ do not give permission** for additional information about my disability to be provided to registry for statistical purposes although I recognise that details declared on my application may be recorded in the student record system.

Student Signature: Date:.....

Please return this form to the **Disability Adviser, Room G 87.**



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Counselling Service

Consent to third party disclosure

Date:

Name:

I give my consent for

to have contact with the following people (please name/list):

about the following issues (please identify/list):

Please identify/list details here that you do not wish to be discussed or disclosed about you by your counsellor:

This consent allows your counsellor to have contact with the above named individual(s) by: (please tick)

TELEPHONE

EMAIL

Signature (Student) Date

I agree to respect the student wishes as outlined above

Signature (Counsellor) Date



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COUNSELLING SERVICE CONFIDENTIALITY CODE

I understand that counselling is confidential and that the counsellor will not normally divulge anything to third parties e.g. Tutors, teachers etc. without my permission. I understand that the counsellor will keep brief case notes and coded statistics on service usage.

I agree to confidential case notes and other references being kept on file and to my personal details being kept for the sole use of the Counselling Service. I understand these files will not be seen by anyone outside the Service and that I have the right of access to my records.

This means that all information held within the Counselling Service is confidential except in the most extreme circumstances. These are:

- When you are putting yourself at serious risk
- When your behaviour is adversely affecting the rights of others
- When staff are being placed in a position in which their professional integrity or safety is compromised
- When disclosure is required by law.

In such instances, the counsellor would seek to discuss the situation with you before breaching confidence. Please share with the counsellor any worries/queries you may have about confidentiality.

CONSENT:

I have been informed of the Confidentiality Policy of the Counselling Service.

Signed Date