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### 1. Introduction

1.1. This document is intended for all those in Regent's Park College (hereafter 'the College') who are involved in student health and welfare, for whom confidentiality might be an issue.

1.2. It is relevant to all College staff who hold confidential student information, or to whom students may disclose such information, such as (but not restricted to) the Principal, Fellows, Directors of Studies, Lecturers, Personal Tutors, College Advisers, administrative and support staff.

1.3. It is designed to promote consistency in the way individual situations are handled, with paramount emphasis on student health and welfare.

1.4. All College staff who are involved in with student health and welfare are advised by this Guidance to consider – after a careful balancing of the various interests concerned, including a risk of students not engaging with welfare services – disclosure of personal information about students, including special category data about a student's physical or mental health where welfare staff reasonably believe that a Risk of Serious Harm to the student or others exists.

1.5. All College staff are advised to familiarise themselves with this Guidance as part of induction or ongoing training in welfare matters, so that in an urgent situation staff are well informed and do not make decisions in isolation. The Head of Welfare can advise colleagues on a no-names basis.

1.6 This Guidance applies to all full- or part-time matriculated students, registered visiting students (undergraduate and postgraduate), and ministerial students on non-matriculated courses.

1.7 Please see Appendix A for further guidance for Ministerial Students, and students on professional courses (for example, PGCE).

1.8. Separate and additional considerations apply to students under the age of 18. Further advice should be sought from Safeguarding Leads where appropriate and more information is available on the [University Safeguarding pages](#).



1.9. In appropriate circumstances it may also be helpful for the College to inform parents or guardians of the principles that will be followed with regard to confidentiality (see Section 9).

1.10. In establishing Duty of Care the College will have regard to the guidance of the Legal Panel of the Conference of Colleges.

1.11. The College's Head of Welfare is also the College Chaplain, and they operate within strict ethical codes as regards information disclosed to them in confidence. The Head of Welfare will abide by this College guidance on confidentiality in student health and welfare. Where appropriate the Head of Welfare may need to tell students the understanding of confidentiality within which they work.

1.12. This Guidance applies in the majority of cases to students. Where postgraduate students are also employees, e.g. as teachers or Junior Deans, further considerations in relation to overriding confidentiality of special category health data for staff may apply.

## 2. Definitions

2.1 'Health' in this document means both physical and/or mental health.

2.2. 'Risk' means a risk that a person involved in student health and welfare considers is reasonably possible to 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.

2.3. 'Serious Harm' means:

- a. death or serious mental or physical injury, including from illegal drug use and sexual assault, and/or
- b. suicide (whether or not there is or has been an attempt or intent to end their life) and/or
- c. self-harm; and/or
- d. endangering the life, health or safety of any other person.

2.3. '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'.

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### 3. General Legal Context

3.1. 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 kept confidential and only disclosed with consent. This Guidance sets out the basis for dealing with exceptions to that general rule.

3.2. This Guidance aims to balance the potentially competing principles involved in:

- (a) compliance with Data Protection legislation, particularly in relation to special category data;
- (b) other legal obligations to maintain confidentiality where information is provided in contexts where express or implied duties of confidentiality arise; and
- (c) the duties of the College to look after the vital interests of students (which arise under contract, tort, statutory duty and common law).

3.3. Situations where a student is considered to be at Risk of Serious Harm, and/or at Risk of causing Serious Harm, and yet are failing to adequately engage with help available (e.g. for serious mental health problems), while withholding consent to share special category data relating to their health with persons or services best placed to help them, are not unusual. This Guidance is drafted predominantly with those complex situations in mind.

3.4. In certain circumstances the College may owe obligations to individuals that cannot be discharged unless the institution takes action on information provided in confidence e.g. to protect the vital interests of others or the individual concerned. Such circumstances involve weighing up different interests.

3.5. Further detail on the relevant provisions of the Student Privacy Notice and the wider context of Data Protection legislation and Information Commissioner's Office (ICO) guidance, which underpin this Guidance, is at Appendix C below.

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### 4. Collegiate University Context

4.1. This guidance covers both sharing of special category data within the College, and situations where such data needs to be shared between colleges and other university departments and university services.

4.2. A significant amount of sharing of personal data relating to students is already permitted and envisaged between the College and University departments under both:

4.2.1. the Terms and Conditions of the student's contract with the University, and

4.2.2. The student privacy notice (incorporated as part of that contract).

The student privacy notice was updated in 2020 to clarify limited circumstances in which special category data related to health might be shared even if students have not consented to it (i.e. where there is a Risk of Serious Harm), providing the safeguards within the student privacy notice and this guidance are followed.

4.3. Problems 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, would constitute a Risk of Serious Harm which necessitates immediate action to protect the student or others. This Guidance, and the Student Privacy Notice, were updated to address that issue.

### 5. General Principles – Balancing Confidentiality with a Need to Act in Cases of Risk of Serious Harm

5.1. Exceptions to the general rule at paragraph 3.1 arise particularly if there is a Risk of Serious Harm to a particular student. This includes situations where the student lacks capacity to give consent and needs intervention from medical professionals.

5.2. 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 without consent save where paragraph 5.1 applies.

5.3. Those advising students should consider at the outset of a discussion, and sometimes during discussions, whether it would be helpful to make clear that the content is to be



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confidential and the extent of the confidentiality which can be afforded to any disclosures by the student or disclosure by any third party.

5.4. When discussing confidentiality with students the following should be considered and clarified:

5.4.1. Confidentiality will be respected wherever possible;

5.4.2. Consent will be sought, wherever possible, to any onwards disclosure of information; for example, in order to effect any necessary support or protective measures a member of staff concerned may seek consent to share information within the College welfare team, making clear to the student who comprises that team, and how information will be shared.

5.5. Those involved in advising students should, where possible, seek the consent of the individual for the onward disclosure of relevant information to those with a clear need to know, and for this consent to be recorded in writing, which includes e-mail.

5.6. Where such consent is not forthcoming, the person entrusted with the information should make it clear that in exceptional circumstances, that is, where there is a Risk of Serious Harm to the student (or others), it may be necessary to disclose the information to others. Guidance can be sought from the College's Head of Welfare.

5.7. Where disclosure of personal data, or special category data related to health, is deemed necessary because there is a Risk of Serious Harm, it is important to ensure that the disclosure is:

5.7.1. 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;

5.7.2. Adequate to enable reasonable steps to mitigate Risk to be taken;

5.7.3. Limited to that information which is proportionate and necessary to mitigate the Risk of Serious Harm, while maintaining confidentiality of personal data which does not need to be shared for that purpose;



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5.7.4. Shared in a way which informs recipient(s) of the confidential nature of the information and ensures, as far as possible, they respect its confidentiality;

5.7.5. Recorded in writing contemporaneously, noting reasons a student or others were deemed at Risk of Serious Harm and why disclosure of special category data was thought necessary. If a decision to disclose is challenged (for example, by the Office of the Independent Adjudicator (OIA)), this may be important to show how the College weighed conflicting duties regarding confidentiality/Data Protection and protecting vital interests.

5.8. If a student discloses that they, or another person, have suffered harm in circumstances where a person under 18 is, or may be, affected, then the safeguarding duty may require the College to override confidentiality and report the circumstances urgently to police and/or social services. This applies whether the student who makes such a disclosure is an adult or is under 18 themselves. All College staff are advised to seek guidance urgently from the Safeguarding Lead, and/or the Head of Welfare, who are experienced in handling these highly sensitive situations. For more information and contact details see the [safeguarding webpages](#).

### 6. Seeking Further Advice

6.1. 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. In this situation, advice should be sought from the Head of Welfare, and/or the Dean. This consultation may be done without divulging the name of the student concerned, except where there is a Risk of Serious Harm (see paragraph 2.3).

6.2. Student Peer Supporters operating under the University's Peer Support Programme 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 the University's Guidance.



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### 7. Promises of Confidentiality

7.1 It is generally not appropriate to give absolute assurances of confidentiality to those who may wish to talk about health and welfare-related matters. See paragraph 5.4 of this guidance for an outline of the appropriate approach to be taken when discussing how health and welfare related information will be dealt with.

### 8. Discussion with College Welfare and Support Services

8.1. It is often helpful for College staff (academic, administrative, support, Junior Deans) who are supporting students to talk to the Head of Welfare, Harassment Officers, and/or the Dean. In these situations, the individual's consent to do so should be sought (see Section 5).

8.2. If consent is not forthcoming, it may still be helpful to seek general advice from the Head of Welfare, Harassment Officers, and/or the Dean. If there is a Risk of Serious Harm then identification may become necessary (provided the guidance at paragraph 5.7 is followed).

8.3. In exceptional circumstances the Head of Welfare, Harassment Officers, and the Dean may wish to speak to other senior members of a College about a student. If the student is not willing to provide consent, confidentiality will be respected unless there are reasons not to within the relevant professional guidelines or where those concerned reasonably believe there is a Risk of Serious Harm.

8.4. When students arrive at College with serious medical conditions (particularly, but not limited to, conditions which affect their mental health) 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 whenever support is arranged. During these discussions it may be helpful to clarify the scope of the consent given by the student, that is, what the student consents to be shared, and with whom in the College and University. Every student is an individual, and the level of disclosure may depend on whether the student's condition at any point is believed to increase the Risk of Serious Harm.

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### 9. Contact with Families

9.1. In almost all situations it is inappropriate to speak to a student's family against the student's wishes. In such circumstances, contact can only be justified where either:

9.1.1. the student is physically incapacitated (e.g. unconscious due to serious accident); or

9.1.2. the student has been medically assessed as lacking capacity to make the decision; or

9.1.3. where the student is at Risk of Serious Harm, other attempts to mitigate that Risk (for example, through medical professionals) have failed or are impractical, and the person making the report reasonably considers disclosure to family members is necessary and safe for the student concerned and third parties, as only the family are in a position 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.

9.1.4. where a student is creating a Risk of Serious Harm to others. In such cases the College cannot delegate responsibility to a student's family.

9.2. Some students may give non-family members as next of kin depending on their circumstances. It may be appropriate to advise students that their next of kin contact does not have to be a family member, such as in cases of domestic abuse.

9.3. Any decision to contact the family should be made at the highest level in College (for example, the Principal, the Head of Welfare, the Dean), taking specialist legal advice as necessary, and the student should normally be informed.

9.4. If a student's records indicate that they are estranged from their family, then contacting that family will (save in the most exceptional cases) be inappropriate. It may be appropriate to contact non-family members which the student has indicated to be next of kin.

9.5. Where family members or partners of students contact the College the confidentiality of students' special category data should be maintained save where paragraph 4.1 applies.

College staff may need to inform parents or partners of a student's rights to confidentiality.





9.5.1. If family members raise concerns for a student's welfare it may be appropriate to inform them of channels of support available to all students (for example, the Head of Welfare).

9.5.2. College staff may need to advise family members that information provided in relation to the student will not normally be acted upon, and that they should encourage the student to disclose this information themselves and seek help.

9.5.3. If a family member or partner discloses that a student may be at Risk of Serious Harm, or they pose a Risk of Serious Harm to others the College must act on this information, and may need to communicate that it will not be possible to guarantee anonymity to the disclosing party.

9.6. Some students give written consent for information to be shared with others (for example, where parents or partners of students with disabilities are actively involved in their support).

## 10. Major Student Health and Welfare Issues

### 10.1. Major behavioural and emotional problems

10.1.1. if a student's behaviour is such that they are considered to pose a risk to College staff or students the Head of Welfare should consider whether the vital interests of others are affected.

10.1.2. Where there is time to consider action, it is important to seek the confidential advice and help of the College GP (when matters of safety are of concern).

10.1.3. In rare situations where there is a Risk of Serious Harm it will be necessary not only to warn the College GP, but to warn others to safeguard their health and welfare (such as, students or staff who are at risk of harm from a student's dangerous behaviour, University security staff, Junior Deans, College Reception staff, and Night Porters). In such cases the recipients and the information shared, should be limited to that necessary to mitigate the Risk of Serious Harm, in line with paragraph 5.7 above.

10.1.4. If a student is causing concern or disruption but is not considered to pose a risk



to other members of the College, or themselves, and they are unwilling to consult medical professionals, a senior member of the College with pastoral experience (such as, the Head of Welfare) may well be able to achieve a satisfactory solution. In such situations, a case conference can be a useful tool.

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

### 10.2. Risk of self-harm

10.2.1. If it appears that a student is at risk of serious self-harm (for example, through self-harm or suicidal threats/tendencies or attempts) they should be encouraged to engage with their GP in the first instance.

10.2.2 If 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 special category data to those members of staff (College, Departmental, Faculty, or University) who are in a position to provide medical, pastoral or psychological assistance to mitigate that Risk.

10.2.3. Any concerns should be reported to the College's Head of Welfare. In urgent circumstances where a student is at Risk of Serious Harm a doctor should be consulted and, if necessary, emergency services contacted.

10.2.4. If a student attends the John Radcliffe Hospital following self-harm, or for any other mental health issue, they should be offered an assessment by the Emergency Department Psychiatric Service, or the Psychological Medicine Service if admitted to a medical or surgical ward. This assessment will be shared with the student's GP. Students will be asked whether they consent to information being shared with any other specific individuals in the College (such as, the Head of Welfare, Dean, College Counsellor, or with the University Counselling Service, if appropriate).

10.2.5 However, students may choose to leaving A&E immediately after receiving treatment for their physical wounds but before being assessed by a psychiatrist and (b) refusing consent to sharing of medical information with the other parties above.

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### 11. Discharge from Hospital

11.1. Hospitals in the UK are supposed to contact GPs about students with significant medical problems discharged from the emergency department or inpatient wards. In practice there are occasions where such information is not communicated or is delayed.

11.1.1. 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 student will be discharged, but this is subject to the student giving permission to share information.

11.1.2. In cases of serious mental illness and/or following incidents of self-harm or suicide attempts some students withhold permission to share information, thus increasing their Risk of Serious Harm in future.

11.1.3. Where there is a Risk of Serious Harm, disclosure of health data about the student – by those engaged in student health and welfare in the College to those concerned with the welfare of the student in the location to which the student is discharged -should be considered.

11.2. If the GP is the College doctor, they should be fully aware of the consequences for colleges, and they (or a nurse) are likely to ask the student to provide permission to inform relevant officers within College. Students who are not registered with a college doctor are at particular risk of sub-optimal communication between their GP and the College welfare team, and/or at risk of incorrect assumptions of what support may be available. It is helpful if those responsible for student welfare have discussed issues and procedures with their College doctor.

### 12. Discipline and ill Health

12.1. The College has formal procedures for dealing with serious problems arising from ill health which come to light in the course of a disciplinary investigation or otherwise.

12.2 Any decision to share special category personal data must be in accordance with Data Protection legislation and consider this Guidance. Please refer to the College's Fitness to Study Procedure, and Non-Academic Disciplinary Procedure for further guidance.

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### 13. Disclosure to the Police and Other Law Enforcement Agencies

13.1. The police and other law enforcement agencies, such as immigration authorities, may occasionally contact the College to request that information be disclosed to them as part of an investigation. In such circumstances, the following considerations should be taken into account:

13.1.1. whether it is possible to obtain the consent of the relevant individual to the disclosure;

13.1.2. whether disclosure is requested under the Data Protection Act for the prevention or detection of crime, or apprehension, or prosecution of offenders, and whether seeking an individual's consent will prejudice the inquiry. This provision does not compel disclosure, and decisions about whether 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;

13.1.3. whether the College will require the police to obtain a court order for disclosure.

13.2. College may later wish to inform the Conference of Colleges Legal Panel after issues about contact with the police and other law enforcement agencies have arisen so that best practice, and any lessons learned, can be shared.

### 14. Serious Crime

14.1 Victims of serious crime can seek advice from the University Safety Office, in person or remotely if out of residence, or approach the police directly. Survivors of rape or sexual violence can speak to trained first responders, including the University's Sexual Harassment and Violence Support Service, which can provide further details about confidential referral routes. Additional information, including about third-party providers of advice can be found on the webpages of the University's Sexual Harassment and Violence Support Service.



14.2 All information concerning sexual assault and sexual violence should be treated in confidence, and information should only be shared with the consent of the individual and on a need-to-know basis. Sharing of information with consent will be limited to staff in order for support to be put in place, and the purpose of sharing should be explained to the individual.

14.2.1. 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 or 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 Service.

14.3 There may be circumstances in which confidentiality cannot be maintained, for example, where there is a risk of serious harm to the individual (such as, failure to seek suitable medical support), or others. In such cases the College's duty of care must be considered. Decisions on sharing information without consent must be made by Senior College Officers (The Principal, The Dean, Head of Welfare), seeking specialist legal advice as appropriate.

### 15. Dealing with the Media

15.1 It is important that all members of College staff should be cautious about speaking to the media and this is particularly so when there is a risk that confidential or special category data might be inadvertently disclosed.

15.2 Any enquiries from the media should be directed to [enquiries@regents.ox.ac.uk](mailto:enquiries@regents.ox.ac.uk).

15.3 In cases of student death the [Student Tragedy Guidance](#) should be followed.

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### APPENDIX A

#### Students on Professional Courses

1. 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, teaching (PGCE) and Ministerial Formation.
2. Any concerns about the health or behaviour of a student on such courses may be discussed in the first instance with the College's Head of Welfare, and/or the department concerned (PGCE), and/or the Course Director for Ministerial Formation, without divulging the name of the student. Advice may also be sought from the College doctor or the Head of the Student Counselling Service.
3. 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. PGCE Students are expected to declare, while on course, any mental health concerns: these are recorded and responded to by the department, but not formally declared in the occupational health assessment.
4. The College, and individual members of College staff, may owe duties of disclosure in situations where students on courses governed by professional codes of conduct under paragraph 1, are under investigation. In such situations the obligation for disclosure shall override the student's right to confidentiality.
  - 4.1 There is a duty of disclosure between the College and the Baptist Union of Great Britain.
  - 4.2 If sensitive personal data of a student undergoing Ministerial Formation is directly relevant to the discernment process leading to commendation for settlement with the Baptist Union of Great Britain and ministry, then such information shall be disclosed.
  - 4.3 The decision to disclose such information will be taken by those with oversight of the College's Ministerial Formation Programme (such as the Course Director for Ministerial Formation), and the Principal.