



Advice Service Confidentiality Policy

The Advice Service provides a confidential service and we believe our members deserve the right to confidentiality; to protect their interests and safeguard our service. It is important for our clients to feel confident and safe in sharing information with us.

The Students' Union Advice Service operates independently from UCL and any other external organisation.

Without the express authorisation of a client, we will not disclose anything about our dealings with a client to anyone outside of the Advice Service (including the University), other than in exceptional circumstances which are set out in this policy.

This means that:

- We will not tell anyone that a client has made an enquiry, or anything about that enquiry;
- We hold our advice interviews in a private office;
- We will not ask the client to give any personal or sensitive information about their enquiry in front of other clients;
- We will not refer an enquiry to anyone else without speaking to the client first.

We will only advise the individual student concerned, unless there are exceptional circumstances where they do not have the ability or capacity to correspond with us directly. This means we will not give advice to parents, guardians, partners or friends of a student unless we have the express authority to do so. This is to ensure that we maintain the quality and accuracy of the advice we give, and that the individual remains in control of their situation.

The Operation of this Policy

Advice Service staff are bound by their contract of employment to maintain confidentiality in their roles. All staff have been trained and understand how this confidentiality policy works in practice in their day to day work.

Advice Service staff will share information with each other, and can access client information from our shared inbox and secure web-based case management system (AdvicePRO). This means that information may be discussed by Advice Service staff solely for the purpose of ensuring that the correct advice is delivered and a professional service is maintained.

With relation to this policy, 'Advice Service staff' refers to the Advice and Advocacy Manager, the Advisors and the Advice Service Administrator. The Advice and Advocacy Manager is line managed by the Head of Student Engagement and Communications. Anonymised information regarding the work of the Advice Service may be shared with the Head of Student Engagement and Communications through

the supervision and appraisal of the Advice and Advocacy Manager, but they have no direct access to confidential client information, our shared inbox or AdvicePRO.

Case Recording

Client details and records of the case, including documents and correspondence are stored on the secure web-based case management system AdvicePRO. AdvicePRO is a system that has been developed in partnership with AdviceUK and ACM Solutions Ltd. ACM Solutions Ltd may have access to the information stored in order to maintain the system.

In accordance with the Data Protection Act client consent is sought before recording any information on the system. Clients are asked for their consent to store personal data (that which can be used to identify you; for example name, date of birth, address, contact details, student number and academic course) and for consent to store special categories of personal data (for example, but not limited to, racial or ethnic origin, gender, religious beliefs, health and sexual orientation/preference). This information is used to produce aggregated data of our service users to inform improvements to our provision and ensure that we are accessible to all UCL students. This data is purely for statistical analysis.

All physical case files and documents are stored in secure filing cabinets, and the Advice service is kept locked outside of office hours.

All details of expressed consent to store information or to share information with external organisations (including the University) should be recorded in AdvicePRO.

Quality Audits and Regulation

Client files may be made available to professional bodies for the purpose of auditing and regulating the Advice Service. All cases will be anonymised and no personal data will be shared as part of this process. The professional bodies include AdviceUK and Advice Quality Standard (AQS). We will always ask clients for their consent for their file to be shared before it is released to auditors.

Conflicts of Interest

Conflicts of interest need to be managed appropriately and effectively in order to limit any potential impact on the service offered.

The following would usually be identified as a potential conflict of interest:

- When an advisor feels they are unable to give impartial advice;
- When an advisor feels they may be perceived to be unable to give impartial advice (for example in situations where there is more than 1 student involved in the matter, such as bullying/harassment, sexual misconduct, alleged collusion);
- If the matter involves a Students' Union UCL colleague;
- If the desired course of action could be damaging to Students' Union UCL or its staff.

The Advice Service staff are responsible for identifying any potential conflict of interest and following procedure to manage the situation. If there is any doubt about whether there is a conflict of interest, Advice Service staff will consult with the Advice and Advocacy Manager to determine the next steps.

If a potential conflict of interest is identified, the individual will be notified in due course that this has happened and the course of action that will be taken will be clearly explained.

Where the conflict has arisen from a case involving multiple students who are seeking support from the Advice Service, it will be arranged for each student to be allocated to different advisors in the team. Advisors will not discuss the details of their student's case with the other advisors in the Advice Service. Steps will also be taken to restrict access to case notes on AdvicePRO. If the Advice Service does not have enough advisors to assist every student involved in a case, support will be offered to those who approach first. Where support cannot be offered, the student will be given information to identify alternative sources of advice and support.

Where a matter involves Students' Union UCL staff or action that is potentially damaging to the Union, the student will be directed to alternative sources of support and the Students' Union UCL Complaints Procedure (if appropriate).

Notifying an individual of a conflict of interest may inadvertently draw attention to another student's use of the Advice Service. Advice Service staff will endeavour to limit this wherever possible by only stating that a conflict has been identified and not disclosing any further information about any other parties who have contacted the service.

Exceptions to this Policy

Maintaining confidentiality for our members is of the utmost importance to the Advice Service. At all other times, information will only be disclosed to a third party with the express permission of a client. However, it may be necessary to break confidentiality in exceptional circumstances.

These include:

- Where there is good reason to believe a person may cause serious harm to themselves, another person or group of people; and that person is unwilling or unable to take appropriate action themselves;
- Where there is a safeguarding issue relating to a child (including students who are under 18) or an adult at risk (due to age, disability or illness);
- If a potential conflict of interest arises.

The decision to break confidentiality is taken very seriously, and will always be discussed with a senior member of staff (usually the Advice & Advocacy Manager and/or Head of Student Engagement and Communication) before any action is taken. Individuals will be informed that their information will be disclosed unless there is a legal obligation or requirement preventing this or there is good reason to believe that to do so would be detrimental or cause harm to the individual's mental state.

In extreme situations (for example, where urgent medical attention, including psychological support, is required) the relevant emergency service will be contacted, UCL Security will be notified (if the incident occurs in a UCL space) and UCL's Director of Student Support may be informed. A letter will be sent to the client concerned after the event to explain the reasons for the breach of confidentiality, whether the Advice Service is still available to them and/or details of alternative service providers.

Disclosure Required by Law

Legal rules may affect client confidentiality in the following circumstances:

- There is no duty to for an Advisor to disclose a criminal offence has been committed under English legislation. However there are exceptions under various Terrorism related legislation. It is an offence to fail to give information which may help to prevent acts of terrorism or apprehend a terrorist, and as such Advice Service staff must disclose such information to the relevant authorities if it is disclosed by a client.
- Social Security legislation requires advisors not to knowingly assist in a fraudulent claim in any way and any suspected fraudulent claim must be reported to the relevant authorities.
- Under the Proceeds of Crime Act 2002 and the Money Laundering Regulations 2003 advisors are obliged to report any disclosure of information about a transaction that they know, suspect or ought reasonably to 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 advisor 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 situations, this must first be discussed with the Advice & Advocacy Manager, who will be responsible for reporting the matter to the Police or relevant authorities. 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 to the Advice Service. 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 Advice Service 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 listed above. The client will be advised to seek advice from a solicitor before disclosing further details to the Advice Service.