

UNIVERSITY OF CUMBRIA

CONFIDENTIALITY POLICY (STUDENT WORK)

Student and Academic Administration Service

NB. This policy is available on the University of Cumbria website and it should be noted that any printed copies are uncontrolled and cannot be guaranteed to constitute the current version of the policy.

POLICY SCHEDULE	
Policy title	Confidentiality Policy (Student Work)
Policy owner	Amanda Lane, Director of Student and Academic Administration Service (SAAS)
Policy lead contact	Director of Student and Academic Administration Service (SAAS) (designate)
Approving body	Academic Board
Date of approval	February 2016
Date of implementation	1 st August 2016
Version no.	2.0
Related Guidelines, Procedures, Codes of Practice etc.	Academic Regulations Malpractice Policy and Procedure Data Protection Staff Guide Student Social Media Guidance Student Code of Conduct Fitness to Practise Policy PREVENT Guidance / ethical approval Safeguarding Policy and Procedure
Review interval	3 years – 2018-19

Confidentiality Policy (Student Work)

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REVIEW SCHEDULE				
Review no.	Due date	Reviewed by	Approved by	Completion date
01	2014-15	M. Weaver and Task and Finish group	Academic Board	July 2016

1. Introduction and Aims

1.1 This policy is in place to ensure that all students understand and maintain appropriate confidentiality and anonymity of individuals, organisation and workplaces during their studies/time at university.

2. Scope

2.1 This policy:

- i. Applies to all registered and enrolled students at the University of Cumbria including students studying at partner institutions. This Policy does not apply to PGR students enrolled with Lancaster University.
- ii. Relates to work submitted (either formative or summative) and to materials used by students in, or outside, the University.
- iii. Is shared by all academic departments.
 - Institute of Education students please note that this policy must be read in conjunction with the statement regarding the confidentiality of material and information gathered and/or used by Education students whilst engaged in placement learning:

Primary programmes: <https://www.cumbria.ac.uk/about/partnerships/placements/education/information-primary/>

Documents:

<https://www.cumbria.ac.uk/about/partnerships/placements/education/information-primary/> see Policies and Guidance.

Secondary programmes:

<https://www.cumbria.ac.uk/about/partnerships/placements/education/information-secondary/>

Documents:

<https://www.cumbria.ac.uk/about/partnerships/placements/education/information-secondary/> see Policies and Guidance

3. Definitions

3.1 Confidentiality relates to the maintenance of anonymity of individuals and privileged information about the activities of organisations and workplaces gained through working and/or studying within them.

3.2 Student work in the context of this policy includes, but is not limited to, the production of assignments, written work, communications and when interacting online.

4. The Policy Principles

4.1 Unless permission has been given, it is essential that confidentiality is maintained in all students' work. This principle is in keeping with professional ethics and the Caldicott Report 1997, 2012.

4.2 Permission must be received in writing from an authorised representative of the relevant organisation that information may be used.

4.3 The University strictly and equitably imposes penalties for confidentiality breaches, to protect the above principle. Any allegations that a student has breached confidentiality will be considered when marking of assessment is undertaken.

4.4 If there is suspicion that there has been a deliberate attempt by a student to gain an unfair advantage in the assessment by breaching confidentiality or other means the issue will be progressed through the University's Malpractice Procedures.

4.5 Where such a breach occurs on a professional programme an outcome of the malpractice procedure may also require fitness to practice procedures to be instigated. Where breaches have occurred, where there is no suspicion of an attempt to gain an unfair advantage, students may be referred to either a Student Progress Review or Adjudication/Fitness to Practise to consider implications. Any resulting penalties/outcomes will be in line with the appropriate procedure. Outcomes of considerations under any of these procedures will be held on the student file.

4.6 Examples of breaches of confidentiality include:

- i. Any inclusion of names or material in student work (including both the body of the work and supplementary material such as appendices) that would allow any individual to be identified would be considered a breach of confidentiality.
- ii. Any identification of an organisation in relation to individuals or other activities that are not already publicly available.
- iii. The inclusion of material, original or photocopied, on identifiable stationery that can be linked to the privileged information e.g. letterhead of an organisation that identifies that organisation.
- iv. Providing information that could lead to the identification of an individual or organisation e.g. dates of birth, hospital numbers, addresses, children's names etc or the inclusion of any unusual circumstances that could allow the reader to identify individuals or organisations.

4.7 By entering into partnership with the University, placement providers recognise the need for students to professionally engage with material that might be categorised as specific to individuals or relating to the activities of identifiable organisations and workplaces

4.8 If it is necessary to name individuals in an assignment, their anonymity must be preserved by changing their names to fictitious ones. The assignment must be prefixed with a statement stating that this is the case. If it is necessary to link the name of an organisation with privileged (non-public) information (as in (b) above) the name of the organisation must also be changed to a fictitious one.

4.9 Examples that would not be breaches of confidentiality include:

- i. The signature of staff who sign the students' official documentation.
- ii. The acknowledgement of individuals who have supported students in their work provided that their names only are included and not their designation/job title or workplace;
- iii. Any naming of individuals or organisations where the information cited has now entered the public domain eg the name of renowned cases such as Victoria Climbié and the Bristol Heart Scandal would no longer be confidential;

- iv. Any naming of organisations that is not subsequently linked in the student's work to privileged information eg simply discussing the existence and function of an organisation or service; discussing publicly available published information relating to an organisation. To support the fact that information is now in the public domain, the burden of proof lies with the student. A citation in the text and corresponding reference on the reference list would be necessary to demonstrate that the information was indeed in the public domain;
- v. Abuse reporting in line with the student and staff guidelines relating to this and statutory requirements
<https://my.cumbria.ac.uk/Student-Life/Health-and-Wellbeing/Safeguarding/>;
- vi. Instances where permission has been expressly given (eg. by an NHS Trust, school, company), clearly stating the inclusion of their details in the work is approved. This permission must be in writing and included as a preface to the work;
- vii. Inclusion of materials eg. 'welcome packs' provided that individuals, patients and organisations (as appropriate) are anonymised;
- viii. Information that is publicly available eg. information leaflets provided that they are not subsequently linked in the student's work to privileged information

4.10 If a student is in any doubt about the inclusion of any documentation or written information in his/her work, s/he should seek the advice of his/her tutor.

4.11 If it is essential to distribute, exchange or discuss any matter that may be confidential then that must be done in an appropriate and secure environment.

4.12 Students must be aware that electronic social networks are within the public domain and so must not be used for the distribution or exchange of information that is confidential to any aspect of their programme of study.

4.13 The University Social Media Policy for students outlines student responsibilities and must be adhered to. Similar caution must also be exercised when meeting colleagues in any public place.
([Student Social Media Guidance](#))

5. Ethical approval and PREVENT duties:

5.1 Ethical approval should not be included in submitted work. Where it has been necessary to gain such approval the signature of the supervisor will be necessary to authenticate that the original has been seen. If so, that signature would not be considered a breach of confidentiality as in 1) above. In written work the signature may be included as an appendix.

5.2 The University has a legal responsibility in relation to the Counter Terrorism and Security Act 2015 and the Prevent Statutory Duty, incorporated into the University's wider safeguarding and wellbeing responsibilities and commitments to its students and staff. Concerns that students may be in breach of this legislation may be dealt with through existing Safeguarding mechanisms and/or the Student Progress

Review/Student Code of Conduct and Adjudication Procedure and may be referred to relevant external bodies such as the Police.

5.3 Guidelines governing research ethics reflect the University's compliance with PREVENT Statutory Duties.

6. Equality, Diversity and Inclusion (with particular reference to disability reasonable adjustments) and Equality Assessment Statements

6.1 The Equality Act 2010 covers the "protected characteristics" of age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief (including lack of belief), sex and sexual orientation. The University has developed a Single Equality Scheme and Equality Objectives to implement the Equality Act within the University practices and procedures.

6.2 Within the Equality Act it remains permissible to treat a disabled person more favourably than a non-disabled person. It remains lawful to make reasonable adjustments in relation to employment, education and services to ensure that there is true equality of opportunity for disabled people.

6.3 This policy and its implementation will be monitored, as appropriate, in line with relevant legislation for its impact on different equality groups. This process will provide a check on whether there are any differences and allow the University to assess whether these differences have an adverse impact on any particular group such that appropriate action is taken.

6.4 These are important issues and further information should be sought from the University's Equality, Diversity & Inclusion Manager, as required.

7. Records Management Statement

7.1 The records associated with this policy are controlled by Student and Academic Administration Service and will be created, stored and disposed of in line with the University's Records Management guidelines and procedures.

7.2 The University is committed to complying with the requirements of Data Protection legislation and regulations and any personal data created as part of this policy will be processed in accordance with the University's Data Protection Act procedures. This includes ensuring that data is held securely, is not disclosed unlawfully and is destroyed when no longer needed.

7.3 The University also aims to ensure that users of this policy are aware of Data Protection, Freedom of Information and Records Management issues associated with this policy.

8. Risk Management Statement

8.1 Failure to comply with this policy could lead to

- De-registration from the University
- Disruption to studies whilst potential/alleged confidentiality breaches are investigated
- Legal action
- Lower marks
- Module failure which may result in a lesser award

- Negative impacts on the student experience and risks to student completion of programme

8.2 This policy mitigates risk(s) in the University's Risk Register: Risk 9 - Failure to comply in one of more areas of legislative, regulatory and contractual compliance/ obligation leading to negative financial and/or reputational consequences and impacting on the achievement of institutional or operational objectives.

9. Roles and Responsibilities

9.1 It is the responsibility of:

- The University Board to oversee the Policy via Governance structures
- University Executive Group to endorse and support the Policy's implementation
- Managers to work within the Policy and ensure all staff are aware of the Policy especially new staff and part time/fractional and hourly paid staff (as appropriate)
- Programme managers to ensure that programme handbooks, module guides and student inductions refer to this policy
- Students to make themselves familiar with and comply with the requirements of this policy

10. Contact Details

For further information regarding this policy please contact:

Director of Student and Academic Administration Service (SAAS)
E-mail: Amanda.lane@Cumbria.ac.uk

The Policy can be found online:
<https://www.cumbria.ac.uk/academicregulations>

UNIVERSITY OF CUMBRIA POLICY DOCUMENT CONTROL SCHEDULE

All University of Cumbria Policies must include a completed Policy Document Control Schedule consisting of the Policy Schedule (see front cover), Review Schedule and Drafting Schedule (see below) which should be completed as appropriate.

DRAFTING SCHEDULE	
Draft no.	Date
<i>Eg. 0.1</i>	December 2015
<i>0.2</i>	January 2016
<i>0.3</i>	
Final Version	
<i>1.0</i>	

Updates to hyperlinks: SDMeer 29/03/19