

**Mansfield College**  
**Policy on Confidentiality in Student Health and Welfare**  
**Adopted by Governing Body on 23 November 2022**

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## Introduction

This document is intended for all those involved in student health and welfare, for whom confidentiality might be an issue. It is relevant to all staff who hold confidential information, or to whom students may disclose, such as tutors, registrars, accommodation officers, as well as porters and scouts. It is based on the university guidance, which is designed to promote consistency in the way individual cases are handled, with paramount emphasis on student health and welfare. Staff engaged with student welfare cases are advised by that 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.

Colleagues are advised to familiarise themselves with this Policy 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. At a college level, the Head of Welfare, currently Gail Leckie, can guide other staff how to apply this advice on a no-names basis. At a university level, the Director of Student Welfare and Support Services can advise colleagues, including Mansfield’s Head of Welfare, also on a no-names basis.

The college will provide confidentiality training as a compulsory part of induction and as an optional refresher course once a year to staff. The head of HR should ensure that information on confidentiality is provided to new staff. The Head of Welfare should organize yearly confidentiality training. Welfare Junior Deans standardly receive such training as part of their training with the university counselling service.

This Policy applies to all students studying at the University of Oxford including those on a year abroad or on overseas research trips. Students overseas may not be able to access the full range of welfare services referenced in this policy, but the general principles still apply. Separate and additional considerations apply to students under the age of 18. Further advice should be sought from the Safeguarding Lead (currently the College Registrar, Helen Brooks) where appropriate. The Registrar and other senior staff can seek advice from university Safeguarding Leads and more information is available on the [Safeguarding webpages](#).

## 1. Definitions

- 1.1. “Health” in this document means both physical and/or mental health.
- 1.2. “Risk” means a risk that a person involved in student health and welfare considers is reasonably possible may 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.
- 1.3. “Serious Harm” means that a student is at Risk of
  - (a) death or serious mental or physical injury, including from illegal drug use; 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. General Legal Context

- 2.1. 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 Policy sets out the basis for dealing with exceptions to that general rule.
- 2.2. This Policy 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).
- 2.3. Cases where a student is reasonably considered to be at Risk of Serious Harm and/or at Risk of causing Serious Harm and yet 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 especially difficult but not unusual. This Policy is drafted predominantly with those cases in mind.
- 2.4. 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. Collegiate University Context

- 3.1. This policy should be available publicly on the website, to students, staff and the wider public. In appropriate circumstances it may also be helpful for colleges to refer members of the public, such as parents or guardians, to this policy to inform them of the principles that will be followed with regard to confidentiality.
- 3.2. A significant amount of sharing of personal data relating to students is already permitted and envisaged between the University departments and the Colleges under both:
  - 3.2.1. the Terms and Conditions of the student's contract with the University (at <https://www.ox.ac.uk/students/new/contract>) and
  - 3.2.2. [the student Privacy Notice](#) (incorporated as part of that contract) at <https://compliance.admin.ox.ac.uk/student-privacy-policy>.

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 the University Guidance on Confidentiality are followed.

- 3.3. Problem cases 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. The University Guidance on which this policy is based, and the Student Privacy Notice, were updated to address that issue.

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

- 4.1. Exceptions to the general rule at paragraph 2.1 arise particularly in cases where there is a Risk of Serious Harm or where the student lacks capacity<sup>1</sup> to give consent and needs intervention from medical professionals.
- 4.2. 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 4.1 applies.
- 4.3. 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 confidential and the extent of the confidentiality which can be afforded to any disclosures by the student or disclosure by any third party.
- 4.4. When discussing confidentiality with students the following should be made clear:
- 4.4.1. Confidentiality will be respected wherever possible.
- 4.4.2. 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 or department welfare team, making clear to the student who comprises that team, and how information will be shared.
- 4.4.3. There are further limited circumstances in which information might have to be shared with a third party e.g. where there is a risk of Serious Harm or where an individual lacks capacity to consent and needs intervention from medical professionals.
- 4.5. 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.
- 4.6. Where such consent is not forthcoming, the person entrusted with the information should make it clear that in exceptional circumstances, particularly 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 Director of Student Welfare and Support Services.
- 4.7. 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:
- 4.7.1. 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

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<sup>1</sup> 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”.

practical assistance to the student or to others at Risk that is reasonably likely to mitigate the Risk of Serious Harm or its effects;

- 4.7.2. Adequate to enable reasonable steps to mitigate Risk to be taken;
  - 4.7.3. 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;
  - 4.7.4. 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;
  - 4.7.5. 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 necessary. If a decision to disclose is challenged (to the ICO, OIA or a Court) this may be important to show how the Collegiate University weighed conflicting duties regarding confidentiality/Data Protection and protecting vital interests.
- 4.8. If a student discloses that they, or another person, have suffered harm in circumstances where a person under 18 is, or may be, affected the Safeguarding duty may require the Collegiate University to breach 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. Staff are advised to seek guidance urgently from the Safeguarding Lead, initially on a no names basis.

## 5. Seeking Advice

- 5.1. 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. It may be sensible to seek advice from an appropriate person e.g. The Head of Welfare, the Chaplain the college doctor or the University's Student Counselling Service or the Director of Student Welfare Services. This consultation should be done without divulging the name of the student concerned save where there is a Risk of Serious Harm.
- 5.2. 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 Guidance.

## 6. Promises of Confidentiality

- 6.1 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 4.4 of this policy for an outline of the appropriate approach to be taken when discussing how health and welfare related information will be dealt with.

## 7. Discussion with College Doctors and Student Welfare and Support Services

- 7.1. It is often helpful for tutors or other staff who are supporting students to talk to Mansfield Head of Welfare, college doctors, or members of the University's Student Counselling Service, Disability Advisory Service, or Sexual Harassment and Violence Support Service about

undergraduate or graduate students' difficulties; the individual's consent to do so should be sought.

- 7.2. If consent is not forthcoming, it may still be helpful to seek general advice from the Head of Welfare, doctor, or counsellor without identifying the student concerned. However, in cases where there is a Risk of Serious Harm identification may become necessary (provided the guidance at paragraph 4.7 is followed);
- 7.3. In exceptional circumstances college doctors, counsellors or Mansfield's Head of Welfare, Mansfield's Chaplain, may wish to speak to 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.
- 7.4. The Student Counselling Service's Liaison Scheme, whereby colleges may elect to have a named counsellor with whom they can liaise, is specifically designed so that college members can seek the advice of someone who is familiar with the college context. Mansfield's link counsellor is currently Ruth Collins.
- 7.5. Some students may not be registered with the college GP or have easy access to the counselling service. The Registrar therefore asks students at registration and as appropriate, to record with them the name of the student's GP surgery where this is not the college GP.
- 7.6. Where students arrive at University with serious medical conditions (particularly, but not limited to, conditions which affect their mental health e.g. those with histories of self-harm or suicide attempts) 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 (e.g. through the Disability Advice Service) is arranged. During these discussions it may be helpful to clarify the scope of the consent given by the student, i.e. what the student consents to be shared with whom in the collegiate University. Every case will turn on its own facts 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.

## 8. Contact with Families

- 8.1. In almost all cases 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:
  - 8.1.1. the student is physically incapacitated (e.g. unconscious due to serious accident); or
  - 8.1.2. the student has been medically assessed as lacking capacity to make the decision; or
  - 8.1.3. where the student is at Risk of Serious Harm, other attempts to mitigate that Risk (e.g. through medical professionals) have failed or are impractical, and the person making the report reasonably considers disclosure to family members is necessary and safe 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. They may also arise where a student is creating a Risk of Serious Harm to others. In such cases University guidance is that the College cannot delegate responsibility to a student's

family. All students are asked to record their next of kin at registration. They are advised that they may give non-family members as next of kin depending on their circumstances, including domestic abuse or estrangement.

- 8.2. Any decision to contact the family should be made by the Principal, by consulting university guidance or specialist legal advice as necessary, and the student should normally be informed.
- 8.3. 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. Students are urged to keep information about next of kin up to date by advising the Registrar of any changes. The member of staff to whom the student makes a relevant welfare disclosure may remind students of this option as appropriate.
- 8.4. Where family members or partners of students contact the University or a College the confidentiality of students' special category data should be maintained save where paragraph 4.1 applies. Staff, including porters, welfare or academic staff, may need to inform parents or partners of a student's rights to confidentiality. Where family members raise concerns for a student's welfare it may be appropriate to inform them of channels of support available to all students (e.g. Head of Welfare, Chaplain, Junior Deans, college doctor and counselling service). 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. However, in cases where a family member or partner discloses that a student may be at Risk of Serious Harm the Collegiate University must act on this information, and may need to communicate that it will not be possible to guarantee anonymity to the disclosing party.
- 8.5. Some students give written consent for information to be shared with others (e.g. where parents or partners of students with disabilities are actively involved in their support).

## 9. Students on Professional Courses

- 9.1. 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, medicine, social work and teaching. Although Mansfield does not admit students for medicine or social work, such students can in principle become members in another capacity, such as a junior dean. Any concerns about the health or behavior of a student on one of these courses may be discussed with the department concerned, in the first instance without divulging the name of the student. Advice may also be sought from the college doctor or the Head of the Student Counselling Service.
- 9.2. Please refer to University guidance 9.2 for concerns relating to medical students.
- 9.3. 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. 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.

- 9.4. The college, and individual members of staff may owe duties of disclosure in cases where students on courses governed by professional codes of conduct under paragraph 9.1 are under investigation Where sensitive personal data of the student is directly relevant to the Fitness to Practise (or other professional) investigation the obligation of disclosure will override the student's right to confidentiality. Please refer to the university guidance 9.4.

## 10. Student Welfare and Support Services

[The University Guidance for university services other than colleges appears in section 10 of that guidance. Please consult the University Policy and the relevant services' own policies. We leave section 10 of this policy blank to preserve structural isomorphism with the University guidance in other parts of the documents.]

## 11. Chaplains and Other Faith Leaders Employed in a Welfare Capacity

- 11.1. College and denominational chaplains, as ministers of religion, operate within strict ethical codes as regards information disclosed to them in confidence. Mansfield Chaplain has a welfare role. When functioning as a member of the College welfare team, the Chaplain will abide by this policy, and have regard to the University Guidance on Confidentiality in Student Health and Welfare.-Where appropriate the Chaplain may need to tell students the understanding of confidentiality within which they work.

## 12. Major Student Health and Welfare Issues

### 12.1. Major behavioural and emotional problems

- 12.1.1. In the event that a student's behaviour is such that they are considered to pose a risk to staff or students within the collegiate University, the Head of Welfare should consider whether the vital interests of others are affected. Where there is time to consider action, it is important to seek the confidential advice and help of the college doctor (when matters of safety are of concern). In rare cases 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 (e.g. students or staff who are at risk of harm from a student's dangerous behaviour, University security staff, College 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 4.7 above.
- 12.1.2. In the event that a student's behaviour is such that they are at Risk of Serious Harm to themselves (e.g. through self-harm or suicidal threats/tendencies or attempts) they should be encouraged to engage with their GP in the first instance, but where 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 who are in a position to provide medical, pastoral or psychological assistance to mitigate that Risk. In some cases it may be necessary to contact the emergency services. Where time permits it is important to seek the confidential advice and help of the college doctor.
- 12.1.3. If a student is causing concern or disruption but is not considered to pose a risk to other members of the college or department or themselves, and they are unwilling to consult medical professionals, the Dean, Senior Tutor, Head of Welfare or Chaplain may well be able to achieve a satisfactory solution, and case conferences can be a useful tool. A senior



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

## **12.2. Risk of self-harm**

- 12.2.1. If it appears that a student is at risk of self-harm concerns should be reported to Mansfield's Head of Welfare. It is often sensible to discuss these concerns directly with the student. The college doctor or University Counselling Service can be consulted. Even when the doctor or counsellor is unable to comment about a particular case for reasons of confidentiality, it can be useful to discuss general issues. Since self-harming activity can vary in its level of immediate danger, discussion with a professional is important to assess what action is needed. In urgent circumstances where a student is at Risk of Serious Harm a doctor should be consulted and, if necessary, emergency services contacted.
- 12.2.2. 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 Dean, Chaplain, Head of Welfare, etc.) and with the University Counselling Service if appropriate. However, there have been instances of (a) students 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.
- 12.2.3. In an emergency, such as when a staff member is concerned that a student has intentions to carry out a plan to harm themselves, seriously and irreversibly, in the near future or has begun to carry out such a plan, please contact the Lodge in person or by telephone. The lodge will arrange a response from the Welfare Team. If an immediate response is needed on college property, Junior Deans will usually attend. If 999 emergency services are needed, you should call 999 for help and advice first before alerting the lodge.

## **13. Discharge from Hospital**

13.1. 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. 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 patient will be discharged, but this is subject to the patient giving permission to share information. In cases of serious mental illness and/or following incidents of self-harm or suicide attempts, in practice, students often withhold permission to share information, thus increasing their Risk of Serious Harm in future. Where there is a Risk of Serious Harm disclosure of health data about the student should be considered. For this reason, junior deans and other welfare staff should follow up on students known to have attended hospital with significant medical problems to provide an opportunity for the student to provide information that may keep them safe in future, such as sharing a mental health 'safety plan'. It is also an opportunity to show the student empathy and concern and to assess if there is an additional help that college can provide. This should be done as soon as possible after discharge, even if this is not in office hours. Usually this is done by welfare junior deans.

13.2. If the GP is a college doctor, they should be fully aware of the consequences for colleges, and they (or a nurse) are likely to ask the patient 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. The Head of Welfare will discuss issues and procedures with the college doctor.

## 14. Discipline and ill Health

14.1. The University and colleges have formal procedures for dealing with serious problems arising from ill health which come to light in the course of a disciplinary investigation or otherwise. University departments and/or colleges must ensure that any decision to share special category personal data is in accordance with Data Protection legislation and considers the University Guidance. Please contact the Senior Tutor for more information. The Senior Tutor will refer to the University [Fitness to Study procedure](#) (and any College procedures)

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

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

15.1.1. Is it possible to obtain the consent of the relevant individual to the disclosure?

15.1.2. 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. Please note, however, that this provision does not compel disclosure and decisions about whether or not 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. Any such requests made to the University should be referred to the Information Compliance Team ([data.protection@admin.ox.ac.uk](mailto:data.protection@admin.ox.ac.uk)) for processing.

15.1.3. Whether the College will require the police to obtain a court order for disclosure.

15.2. If university staff are unsure what to do in these circumstances, they should contact the University's Legal Services Office or Information Compliance Team for advice. College staff may wish to contact the college's legal advisers. Colleges may later also 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.

## 16. Serious Crime

16.1 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](#).

16.2 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. This support may include making arrangements to limit contact between the parties concerned. In such cases advice can be sought from the Director of Student Welfare and Support Service. Staff may be obliged to provide evidence in court proceedings arising from an allegation of sexual assault or sexual violence.

16.3 There may be circumstances in which confidentiality cannot be maintained, e.g. where there is a concern of serious harm to the individual (e.g. failure to seek suitable medical support) or others. In such cases the university's duty of care must be considered. Decisions on sharing information without consent must be made at a senior level (e.g. Principal), seeking specialist legal advice as appropriate.

## 17. Dealing with the Media

17.1 It is important that Mansfield staff should be careful 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. The Principal will coordinate response to such enquiries. The [University News and Information Office](#) is always able to give advice. In cases of student death, the Student Tragedy Guidance should be followed.