

UNIVERSITY OF ABERDEEN

ETHICAL FRAMEWORK ON THE BOUNDARIES OF CONFIDENTIALITY

1 INTRODUCTION

The University recognises that from time to time students and staff may reveal personal and private information that they say they want to keep confidential to University employees such as Student Support Advisers, members of the Chaplaincy, internal investigators, line managers, Heads of School, Advisers of Studies, Personal Tutors, staff in Halls of Residence and others.

This Framework seeks to provide members of University staff with advice and guidance in relation to dealing with such information, if it be presented.

2 MAINTENANCE OF CONFIDENTIALITY

The University acknowledges the sensitivity of information which is disclosed on a confidential basis and, therefore, you are encouraged to take all reasonable steps to enable the person revealing it to retain control of it. This will include keeping it confidential wherever possible. Where there is an expectation that your confidence will be maintained because of your role at the University (e.g. a Student Support Adviser), it would be reasonable for the individual to assume that this expectation will usually be upheld.

However, it is acknowledged that from time to time, an individual may reveal information which indicates an unacceptable risk to either (i) the person revealing it (ii) another person (iii) the University as an institution.

The University has a responsibility to safeguard others and in such circumstances, you may need to pass the information to another appropriate person(s), even against the express wishes of the individual who originally revealed it to you.

It is important to remember that you should not make any guarantees of confidentiality to someone who approaches you to reveal information as this could be misleading. It may not be appropriate to maintain her/his confidentiality where the information relates to serious allegations e.g. racially or sexually motivated harassment or discrimination, physical or sexual abuse of others; abuse of authority or power; potential criminal activity such as assault or theft / fraud etc.

Disclosure against an individual's wishes would only be required in rare cases and you would only disclose the information after following the process set out in Section 3.

3 DISCLOSURE OF INFORMATION

If someone has revealed, or you believe is likely to reveal, information which they say they want to be kept confidential but you think may indicate an unacceptable risk as outlined in Section 2, you should take the following actions:

- 3.1 Highlight the existence of the Framework and explain your responsibilities contained within it.
- 3.2 Encourage and support the person revealing the information to disclose it her/himself to an appropriate person who is empowered to take action to safeguard individuals affected.

3.3 Highlight the additional avenues of support which the individual may wish to access should s/he not wish to reveal or continue to reveal the information to you. These sources of support include:

- Counselling Service
- Chaplaincy Centre
- GP/Medical Practitioner

3.4. If the individual still feels unable to reveal the information her/himself, you should seek advice from an appropriate individual within the University regarding the action(s) you should take. Wherever possible, this advice should be sought on an anonymised basis, to respect the confidence of the individual who initially approached you.

The individual you approach will depend upon the nature of the disclosure:

- Student matters - Director of Student Life
- Staff matters - Director of HR

3.5 If, having sought this advice, you remain sufficiently concerned about the nature of the disclosure and if the individual still refuses to reveal the information her/himself, it may be necessary for you to disclose it against her/his wishes.

3.6. You should advise the individual why you believe that you have no option but to pass on the information which has been provided to you. In addition, you should advise them who you will pass the information to.

3.7 You should disclose the information to the appropriate individual and destroy any confidential written material which has been provided to you.

4 OTHER RELEVANT POLICIES

The following University policies are also of relevance in relation to confidentiality matters:

Student Policies

- Student Appeals and Complaints Procedure
- Fitness to Practice Medicine or Dentistry Policy (School of Medicine & Dentistry)
- Fitness to Practice Teaching Policy (School of Education)

Staffing Policies

- Whistleblowing Policy
- Protection of Vulnerable Groups Policy
- Staff/Staff Conflicts of Interest Policy