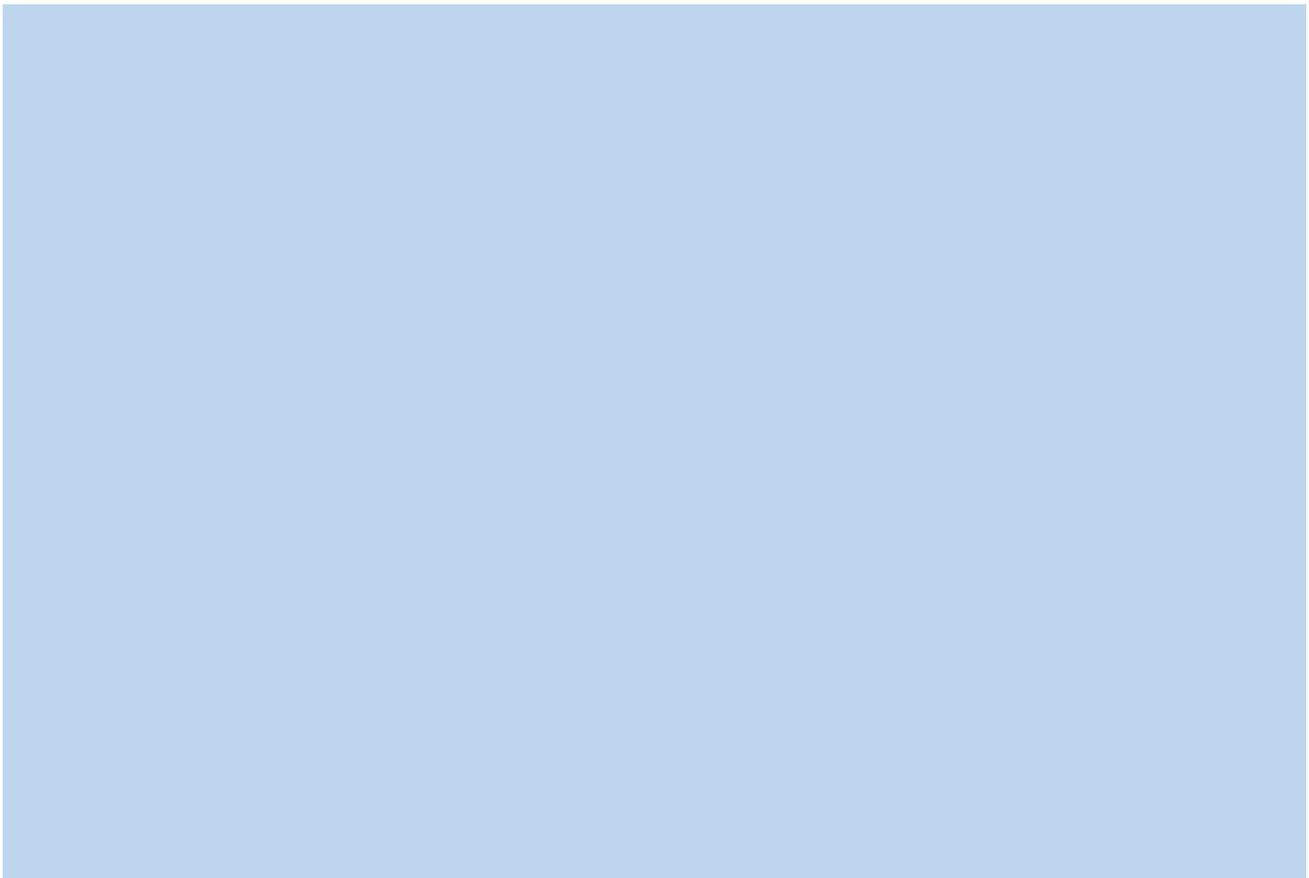




Disclosure and Confidentiality Policy

Students with disabilities and/or learning difficulties



Document change control

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Revision history

Version	Type (e.g. replacement, revision etc...)	Date	History (reason for changes)
2.0	Revision	Sept 2017	Major Revision due to new legislation
2.1	Revision	Jan 2020	Updates to common terminology internally and externally to the college

Monitoring and review

- This policy will be reviewed by the College Senior Leadership Team at least every 2 years.

1 Executive Summary

This policy explains the processes which need to be followed in matters concerning disclosure by students or potential students with disabilities and/or learning difficulties.

2 Definitions

Please note the following description for jargon/abbreviations used in this policy:

Jargon / Key Word / Abbreviation	Definition
“Students with disabilities and/or learning difficulties”	The term used to describe students who need adjustments making for them at College due to a disability or learning difficulty.
“The Learning Support Team”	The term used for the Department of SEND and Additional Learning Support. It includes all staff that work within that team.
“Learning Support Agreement”	The document drawn up between staff in the Learning Support Team and individual students with disabilities and/or learning difficulties. It advises teaching staff on the adjustments needed for students in the classroom.
“High Needs”	A student with high needs is defined as a young person aged 16 to 18 who requires additional support costing over £6,000 and any young person aged 19 to 24 subject to an Education, Health and Care Plan, who requires additional support costing over £6,000. In all cases this has been agreed with the young person’s home local authority.
“SEN” or “SEND”	The abbreviation for Special Educational Needs or Special Educational Needs and Disabilities.
“EHC Plan”	The abbreviation for an Education, Health and Care Plan.
“GDPR”	The abbreviation used for the EU General Data Protection Regulations.

3 Introduction

Bradford College is committed to equality of opportunity for all its students. Through this policy the college seeks to ensure that students/applicants with disabilities are able to realise their full potential without any discrimination.

This guidance relates to any applicant or student who has needs or requirements arising from a disability or learning difficulty. This may be through sensory or physical impairments, specific learning difficulties such as dyslexia, or medical conditions (or any other disability defined as such by reference to the Equality Act). The college also has responsibilities under the Data Protection Act 2019 (DPA) and EU General Data Protection Regulations (GDPR) to ensure that confidential personal information supplied, such as a student’s disability or family circumstances, is used properly and explicit consent is obtained to share such information with others, both within and external to the college.

There is a general responsibility on the college to create a welcoming atmosphere, a climate of trust and have clear signs/symbols that show diversity is valued and promoted. The college positively encourages the disclosure of disabilities to ensure that individual needs can be met and reasonable adjustments made.

The college fully understands that sometimes there is a reluctance to disclose disability or other issues. We hope that by relating disclosure to improved services and provision, and clearly defining the purpose to which such information will be put, more students may be willing to share their needs with us.

Encouragement to disclose should be contained within the following: prospectus, application forms, web-site, student handbooks/information, publicity material, particularly around key events e.g. Enrolment and Open Events.

3 Anticipatory Duty

Irrespective of whether or not a disabled student discloses their disability and/or gives explicit consent to inform others, there is a duty on the college to make anticipatory adjustments on the basis that the needs and requirements of many disabled people/students/service users are known about and can reasonably be anticipated in advance.

4 Disclosure Management

Under the Equality Act there is a legal imperative to try and secure disclosure of disability and, once disclosed, there is an obligation on the college to act on this information to meet the individual needs of the disabled applicants/students/service users concerned.

The College respects the right of any individual not to disclose their disability. However, non-disclosure of disability, or the request that information about disability remains confidential, may result, in some cases, in failing to meet individual needs and/or impact on their learning.

Disclosure is not the same as obtaining consent to use information supplied. Disclosure may be accompanied by the insistence that the information should remain confidential and not be shared with others. Under the Equality Act disabled people who disclose their disability also have the right to insist on it remaining **confidential**.

It should be possible in some circumstances to meet student need even if the information remains confidential.

5 Disclosure of Disability (Pre-Enrolment)

All application processes to the College should include an opportunity to disclose a disability **and** to give explicit consent for this information to be used for purposes related to the admissions process.

Disclosure of disability during the admissions process will only be used for the purposes of:

- identifying and meeting disability related needs and requirements during the admissions/application process ;

- identifying and meeting disability related needs and requirements during the period immediately after acceptance of an offer and enrolment at the College;
- statistical monitoring and national returns;
- communicating with disabled applicants in respect of their needs and requirement;
- as may be required by law.

Explicit consent to use the information about disability for the above purposes will have been obtained by the College via the application or enrolment form, or directly by the Learning Support Team at open events/information visits/EHC Plan Placement Consultation Meetings.

Open Events/Information Visits/EHC Plan Placement Consultation Meetings will provide disabled applicants who have indicated significant access or support needs to discuss their needs direct with the Learning Support Team. The Learning Support Team will confirm the nature of their Special Educational Needs or Disability and any requirements they may have.

The reasons for the sharing of information will normally be directly related to one or more of the following:

- to make **reasonable adjustments to meet individual needs**;
- to facilitate college **communication** in respect of disability issues;
- statistical monitoring and national returns;
- to ensure **health and safety**;
- as may be required by **law**.

On notification of an offer (and/or following acceptance of an offer) to study at the College, all applicants who have disclosed a disability will also be sent information about support services available to disabled students. This information will also inform them that their disability will be recorded in the student record system.

In acknowledgement of the legal imperative under the Equality Act a statement to the effect that the College positively encourages the disclosure of disability will be contained within general information sent to all applicants to whom an offer is made.

All students will be invited to disclose a disability and grant explicit consent for the information to be used as outlined above when accepting a place at Bradford College.

6 Enrolment

All students who have disclosed a disability will be asked to confirm their disabilities and/or learning difficulties. These are recorded against the correct code(s) in the appropriate system.

A student who declares they have a disability (but has NOT previously disclosed it) will be invited to give explicit consent for this information to be used as in Section 5. They will also be strongly advised

to make an appointment with Learning Support as soon as possible to discuss their disability related needs.

If a student is unsure whether to grant consent or not, they can be advised that consent can be withdrawn in the future if they change their mind.

When a disability has been disclosed and explicit consent granted, the information will be entered on the student record system, if it is not already there. If explicit consent is not granted any information about disability will be deleted from the student record system.

7 Disclosure of Disability (Post-Enrolment)

It is possible that students may disclose that they have a disability to college staff at a later time than during the admissions process or at enrolment. Indeed, the College positively encourages and supports disclosure of disability throughout a student's period at the college and as circumstances change. Remember disclosure may be at any time to any member of staff.

To ensure explicit consent has been granted, the student should be invited to complete, and sign, the Learning Support Referral Form. This form, when completed, should be sent to Learning Support if permission has been granted. This should be the only route to referring students to the Learning Support Team. College staff should not pass on personal details of students and their disability via email or other means directly with the Learning Support Team without explicit consent.

Unless explicit consent is granted, no information should be disclosed to others (except in very exceptional circumstances – see Section 10). This situation should be explained to the student and that there are potential consequences to not granting consent: i.e. that reasonable adjustments to meet their individual needs may not be possible.

8 Where Explicit Consent Is Not Given

A disabled student, having disclosed their disability to someone within the college, also has the right to request that the existence and/or nature of their disability is treated as confidential and that others are not informed. This confidentiality request (refusal of consent to disclose) should be recorded in **Form 1** (see appendices). This is then sent (marked "Confidential") to the College MIS and Student Records Team, to be safely and confidentially filed. No other record should be kept of the disclosure and no one, other than the MIS/Student Records Team Leader/HoD, should see this form.

They should be informed that the information will be kept confidential to the extent that no one will be told unless there is a very good reason (normally as outlined in Section 11)

If this situation arises the student should be advised to discuss the situation further with a specialist within Learning Support, so they can be properly and professionally advised on the consequences (if any) of such a request and be provided with an opportunity to review it.

When a student has disclosed a disability to a member of staff within the College but it was "in confidence" (consent was not granted for this information to be shared) the College, as an institution, could "not reasonably have known" that the person had a disability.

As far as is possible (without breaching confidence), reasonable adjustments to meet the needs of the student should be made by the person to whom the disability has been disclosed. This may require

discussions with others e.g. a member of the Learning Support Team but without disclosing any details whatsoever about the individual or providing information that might lead to their identity becoming known.

9 External Disclosure

It should be noted that consent to disclose a student's disability is only in respect of sharing information on a "need to know" basis with staff **within the college**. Such consent does not extend to disclosure to others outside the college even if linked to course requirements, e.g. work/study placement providers, unless explicit consent has been obtained from the student.

Very careful consideration should be given to the following questions when considering/discussing the issue of external disclosure with the student:

- What purpose is served by disclosing the disability to the external agency?
- Is the disclosure essential for either health and safety reasons or a duty of care to others e.g. patients/customers/clients of the external agency?
- Can we be confident that disclosure will result in positive advantage to the student in respect of reasonable adjustments?
- Have there been any prior discussions with the external agency on disability issues?
- Are we reasonably confident that disclosure will not result in discrimination?

10 Breaching Confidentiality

Nothing in the Equality Act or DPA overrides the duty that the college has under other legislation, e.g. Safeguarding Regulations or The Health & Safety at Work Act. Therefore, if there is an overriding health and safety risk or a Child Protection (Safeguarding) issue, then it may be appropriate for the college to break a confidentiality request.

All matters relating to Child Protection (Safeguarding) must be referred immediately to the Head of / Assistant Principal for Student Services (see Safeguarding Policies and Procedures).

However, when it is not a Safeguarding issue, confidence should be broken only after all possible attempts have been made to deal with the situation without the necessity for breach of confidence and following discussions with the student.

All such breaches shall also be approved prior to the breach, or reviewed (in emergencies and after the event), by a member of the Senior Leadership Team.

11 Access to Stored Information on Disability

The college's student record system is where all general information on students is stored.

The Learning Support Team hold a separate database of information on disabled students. This is used only by the department. It includes information from the student's Learning Support Agreement. This

may include details of alternative examination arrangements granted and details of learning support staff arranged if relevant. This information is only shared outside the department in line with the consent agreement on the Learning Support Agreement.

General student information about disability will only be generated from the student record system for a clearly defined purpose.

Any College paper-based information about a student's disability should be kept secure and in a confidential environment, so that only those who "need to know" can see the documents concerned. All consent forms should be filed with their student record.

Nothing in the rest of the policy prevents a student from making a self-referral either to the Head of SEND and Additional Learning Support or any other member of college staff.

Related Policies

Data Protection (GDPR) Policy

Learning Support Policy

APPENDICES:

FORM 1 – Non-Disclosure of Disability Request

DISCLOSURE

Name:	
Student Number:	
Date of Birth:	
Course:	
<p>I confirm that I request to have the information I have supplied kept confidential.</p> <p>I understand that my request for confidentiality is not an absolute one and that my request may be overridden in respect of Child Vulnerable Adult Protection or Health & Safety matters.</p>	
Signed:	
Dated:	