
Staff guidance for working with third parties including parents, guardians and/or family members



Introduction

This guidance is provided to help and support University staff by establishing principles for engagement with third parties, particularly parents, guardians and/or family members of any UCA student. This guide should be read in conjunction with the University's Data Protection Policy and any other documents relating to issues of confidentiality within Schools and Departments. Staff should ensure they are aware of issues and circumstances which might relate to other policy areas such as Safeguarding and PREVENT and address these according to UCA policy.

In the context of this guidance, the term 'third parties' refers to support providers, needs assessors, health services and other external agencies who engage with students to provide learning and wellbeing support, as well as parents, guardians and family members.

UK and European privacy laws place a duty on the University to protect the privacy of all members of the University community, students and staff. This means the University is not able to disclose personal data (even to parents), other than in the most exceptional of circumstances because of the provisions of the Data Protection Act 1998 (DPA) and the General Data Protection Regulation 2020 (GDPR)

In exceptional circumstances, the University may contact parents, guardians or carers without the students' consent, for example, where this is necessary to protect the vital interests of the individual concerned or there is a serious risk of harm to others (i.e. in 'life or death' circumstances).

Key principles

UCA's policy is to work and communicate directly with our students on all matters relating to their education, support for learning and their University experience in general.

The University expects all students to have the capacity and ability to engage directly with their course curriculum and University services, independent of parental or family intervention. In cases where students are demonstrating an absence of capacity for independent thinking or where staff have concerns that the student may not be reaching UCA's competence standards¹, then staff should consider whether it might be appropriate to refer the student to the Support to Study process.

¹ www.ecu.ac.uk/publications/understanding-the-interaction-of-competence-standards-and-reasonable-adjustments

It is recognised that certain disabilities or conditions may impact on the communication and information processing abilities of some individuals and, in order to facilitate and ensure good direct communication, the University will:

- Ensure that information, advice and guidance is communicated in clear and plain English.
- Provide accessible advice services through an easy to use appointment system.
- Ensure advice services are clearly advertised with relevant contact information provided.
- Work directly with students to identify the best methods of communication and employ any reasonable adjustment/s this may require.
- Signpost students to appropriate University policies, information, advice and guidance.
- Signpost and refer students to other parts of the University's service provision, as may be required.

In normal circumstances University staff do not engage directly with third parties, including parents, guardians or family members on matters related to any student, regardless of age. However, when exceptional circumstances are evidenced or when a student's consent has been given, University staff are able to communicate and/or share some information with parents, guardians and/or family members. However, even where consent has been given, the following protocols should apply:

- In most cases, ongoing or 'blanket' agreements cannot be accepted, and the written consent of the student is required for every instance or occasion that third-party information sharing is being requested or considered. There will be some exceptions to this, most notably within Education Health & Care Plan (EHCP) processes, where students can give consent for third parties to be fully involved with all activity related to their EHCP, both within and without UCA's own consent process.
- Only the person nominated by the student may be involved.
- Information concerning third party engagement with the student to provide support for their learning must not be shared with the student's parent, guardian or family member. Again, there may be exceptions to this, particularly where additional consent exists outside of UCA's own internal consent processes or where UCA is working in a devolved partnership arrangement, as is the case with EHCP students.
- Meetings involving parents should normally be held in person, with the student present at all times. Meetings should be held by prior appointment only.
Meetings by telephone are only held in exceptional circumstances and with the prior written agreement of the student. Restrictions placed upon physical meetings as a result of COVID safe practice working may require meetings to take place virtually until further notice.
- The student will be facilitated and enabled to take the lead in all discussions about their learning support. Parents, guardian and/or family members will be discouraged from acting as the spokesperson or representative for the student.

- Either party will have the right to close the meeting should conduct become aggressive, threatening, discriminatory or abusive.

The University reserves the right to suspend or terminate engagement with third parties, including parents, guardians and/or family members, at any time, where there are reasonable grounds to do so, for example if student conduct is in breach of University regulations, statutory or legal requirements. This will be decided by University management on a case by case basis. Any decision to terminate the agreement to engage with third parties would require escalation to University management, such as a Head of School, Director of Service or member of the Leadership Team. If the decision to terminate or suspend the agreement is confirmed, the student and third party would be informed in writing and the reasons why such a decision had been taken will be provided.

The reasons for taking this course of action could include, but are not limited to the following:

- Where the student indicates that they wish to work with the University directly and independently.
- Where the involvement of parents is placing unreasonable and disproportionate demands on staff.
- Where the University considers that the resolution of an issue is being unduly delayed by the involvement of parents, guardians and/or family members.
- Where there are concerns around the conduct of the student.

When an agreement to work with a third party is made, normal working practice still requires University staff to continue to communicate directly with the student and to share relevant information with the student concerned. The student may then elect to share their own personal information more widely to whomsoever they choose. University staff however are required to follow University policies on confidentiality, safeguarding and data protection at all times, even with third party, parent, guardian and/or family agreements in place.

Information which may be shared with the consent of the student concerned must be used appropriately with third parties and only for the purpose for which consent was provided.

Examples of information sharing principles

Some information cannot normally be shared with a third party even with the explicit consent of the student. For example, information which relates to:

- or contains personal data related to another individual such as matters where other students are involved or which relate to individual members of staff
- students' engagement with third parties (support providers, needs assessors, health services)
- student conduct and student involvement in disciplinary procedures
- student academic records such as assessment results and feedback or progress reports

- students' engagement with their learning
- students' engagement with University professional support departments
- matters related to the use and application of University policies and procedures in individual cases
- information on the involvement of the student with statutory agencies such as Police, Ministry of Defence, Safeguarding, PREVENT, etc.

University processes sometimes entail a specific request for consent to share with a third party. For example:

- at enrolment, students are invited to nominate someone who can be contacted by the University to discuss information about any fees, charges or debts they owe to UCA

Examples of prompts and phrases related to engaging with third parties include:

- It is University policy and our duty under data protection not to share information about students with any third party.
- I am not able to disclose that information due to our Data Protection Policy. However, if you were to ask the student to contact us directly, then we can advise them directly.
- I can understand that you are upset but I am sure you can appreciate that we have a duty to protect the privacy of our students.
- It sounds like a difficult situation and I can imagine that this is worrying for you. I cannot comment on this individual case or provide specific details concerning this student, but if I were advising another student more generally on a similar matter then this is what we might be able to do to help.

For further information on circumstances when information sharing within the University is permissible, please refer to the Academic Services Confidentiality statement, which can be located at: webdocs.ucreative.ac.uk/Library-Student-Services_Confidentiality-Statement_201603-1463407440231.pdf

and to HM Government guidance on information sharing available at: webarchive.nationalarchives.gov.uk/20130401151715/http://www.education.gov.uk/publications/eOrderingDownload/Info-sharing_poster.pdf

For further information, advice and/or guidance on this Policy and its use, please contact the Director of Academic Services, a member of Academic Services Senior Management Team, the Disability & SpLD Service Manager, or the Student Wellbeing Manager.