

Policy Statement in relation to Vulnerable Students

Appendix 1

Procedural Guidelines for Staff Response

1. Introduction.

The Policy Statement in relation to Vulnerable¹ Students outlines the mission statement for the University of St. Andrews and recognises the support need of vulnerable students within its community. Within this spirit of inclusion and tolerance, there needs, however, to be an explicit outline of boundaries, in order that all students have their rights safeguarded and consistent standards for service upheld while, at the same time, ensuring the University meets its legal obligations without placing its members of staff in compromising positions. This set of guidelines attempts to offer some clarity of procedure for the staff involved with vulnerable students.

2. Confidentiality

Duty of Care and Confidentiality ultimately lies within the University as an institution – a unified body. By matriculating the student effectively enters into a contract with the whole university.

Confidentiality will be maintained, but disclosed throughout the institution on a “need to know” basis as outlined below.

<http://foi.st-andrews.ac.uk/PublicationScheme/servlet/core.generator.globserv?id=1097>

3. Disclosure

(i) Confidentiality

The University is not in a position to guarantee absolute confidentiality in relation to student information, although it should try to respect confidentiality where possible. In certain circumstances, the University may require to disclose confidential information if it is in the interests of the student to do so. For example, this would cover the situation where a failure to disclose such information may cause danger to the student or to another person, in which case the student should be informed that the disclosure has been made.

Where a student passes on information regarding vulnerability or special needs to a member of staff of the University (for example their tutor) that member of staff should discuss the required level of "confidentiality" and encourage the student to allow him/her to pass the information on to the relevant staff members in the University, in order to enable the University to provide support.

¹ While it is recognised that, at present, although there is no specific legislation defining a “vulnerable person”, this will change with the forthcoming proposed Vulnerable Adults Bill. As a result, these Guidelines may be amended or require to be adapted to account for such legislative changes.

If the student does not agree to this, the member of staff should advise the student that the information will be used/further disclosed if the University considers this essential at any point for the student's or any third party's welfare. The staff member should also emphasise that disclosure of the student's information would however only happen on a "need to know" basis.

From the moment a member of staff of the University becomes aware of information relating to vulnerability or special needs, the University is deemed to be aware of this. Therefore that member of staff is acting on behalf of the University when they advise.

If a student approaches a member of staff with the words "I want to tell you something but I don't want you to tell anyone else", that member of staff should stop them there and emphasise to the student that they cannot make that undertaking as they could be required to disclose such information to another member of staff or in certain situations, third parties, in order to support the student. It should be emphasised however that such disclosure would only take place on a "need to know" basis.

(ii) Data Protection

With regard to the University's duty under the Data Protection Act 1998, the University as a data controller, can only process sensitive personal data without consent in certain situations. One such situation is where the processing is necessary to protect the "vital interests" of the individual and the consent of the individual cannot be obtained.

Therefore the University will be in a position to disclose information about a student without breaching the terms of the Data Protection Act 1998 where it is necessary to protect the student from danger and where it would not be possible to obtain the student's consent.

4. First Response

If a student presents with a critical situation and is requiring medical treatment, First Aid treatment must be the first step. Each Department will have a designated "First Aider". If an emergency situation arises, any member of staff can call the emergency services. Likewise, if any criminal act is suggested, the Police can be informed, in accordance with the University policies outlined in the Policy Statement.

Internally, an incident report form to the Security Manager of the University should be completed when incidents involving criminal acts are committed. Members of staff who are in any doubt as to how to respond could contact a more senior member of staff, or Student Support Services (SSS), for guidance. Confidentiality allows for this consultation within the institution where the health and safety of persons may be compromised or when criminal acts may be involved.

5. Student Rights

If the student refuses First Aid assistance then this must still be reported to the School or Unit First Aider. A decision will then be taken as to whether the student requires the emergency services. If the student refuses treatment from these services, the student is likely to require to sign a non co-operation form with the external service provider.

If a student enters into a teaching environment with apparent injuries requiring first aid treatment, the academic member of staff should ask the student to leave the room immediately and facilitate seeking first aid assistance for him/her.

6. Meeting Special Needs

In declaring a special need² the student has to gain the necessary certification to guide institutional response. Referral to Student Support Services (SSS) is recommended as the student will be facilitated in this process. This certification must contain 2 aspects of information:

- *The student's disability, medical condition, or personal circumstances, justifying the need for special allowances.*
- *An outline of the required response from the institution to meet their needs.*

It will then be for the University to assess whether or not it can meet those needs after taking advice in relation to the duty of care owed to the student and its obligations under legislation such as the Disability Discrimination Act, 1995.

On occasions the student will be asked to sign a written record acknowledging that SSS can disclose the student's data to third parties to enable it to liaise with, for example, the Health Service, in order that an appropriate ongoing response is offered to the student.

Examples of allowances might include: time allowance in exams, exemption from classes, extra time and/or pastoral support from members of staff.

Evidence of need for academic allowances also includes self certificates to be completed by the student within the agreed time limit (i.e. 5 working days) and thereafter signed by an appropriately qualified professional, e.g. doctor or psychologist. This can be arranged by the student approaching Academic Support Office.

Academic members of staff and Wardens are under no obligation to provide additional allowances outside of the teaching and pastoral provision offered to all students unless they have confirmation that evidence for needs has been collected by Academic Support Office, the Student Accommodation Service or Student Support Services. In fact, allowances outside of these procedures are discouraged in the interest of upholding consistency across the institution.

² A "special need" is deemed to incorporate temporary illness or emergency situations, chronic and long term disabilities, as well as long term conditions which may be exacerbated from time to time.

7. Emergency situations in residences

The Chaplaincy, SSS and Wardens are willing to provide emergency assistance out of hours. This is both to enable the best help to the student, and to safeguard appropriate ways of caring. However this help has to be delivered appropriately and a “reasonable” boundary of responsibility will reflect the lack of medical knowledge which these members of staff have and their limited time commitment, given their additional employment during the day.

The emergency services will be called: Police or National Health Service through NHS24 or through the Scottish Ambulance Service. The student should expect help for their situation to come primarily from these services. The student’s situation must be explained by the student to these services wherever possible and, failing that, where it is not possible, by friends or a member of staff.

Those attending, for example, Wardens, will, as necessary, provide immediate first aid where possible but are present as a back-up support, until the official medical assistance takes over. The student should co-operate with the medical advice and care that is offered from the medical professionals.

8. Documentation

Staff should keep a minute of record of all incidents of the nature described in these procedural guidelines.