



WEA Learner Confidentiality Policy

Purpose

To ensure that learners' rights to confidentiality of personal information are protected.

Values

The WEA believes that all learners should have the right to expect that personal information held about them will be treated with confidentiality and with respect. Where learners are encouraged to disclose personal information, this should be with their informed consent. They are entitled to expect clear and transparent information and advice about the implications of disclosure and about their freedom to access and change what is held on record.

The WEA is mindful that what is perceived as confidential may vary from learner to learner and from circumstance to circumstance. A learner with complex personal or domestic circumstances may also have more complex confidentiality needs.

Scope

Personal information may be held in a variety of formats about learners at many stages of the learner journey, including:

- At enrolment, for purposes of funding and fee remission
- When disclosing information about an impairment, health issue or learning need
- When disclosing financial or residency information, e.g. at enrolment or for Discretionary Learner Support applications
- During Information, Advice or Guidance sessions or discussions
- When being referred for additional or specialist information or support
- In classroom settings, e.g. if disclosing information about beliefs or domestic circumstances during discussions
- During assessment and review
- During completion of Individual Learning Plans.
- When giving feedback.

Learners have rights under the Data Protection Act 1998. This protects personal information from being used inappropriately. Under the Acts, this information must be destroyed when it ceases to be relevant. (The SFA requires providers to retain information for six years plus the current academic year.) Everyone also has a right to see information held about them if they ask.

Confidential information may be disclosed in classroom situations, e.g. where learners are discussing personal issues in personal development, community education or family learning programmes. The Confidentiality Policy also applies in these situations.

Policy

The WEA policy requires that:

- All staff and volunteers maintain a high standard of confidentiality
- All staff and volunteers are made fully aware of the WEA policies on Data Protection and confidentiality
- All staff and volunteers abide by the principles of these policies, and report any breach in confidentiality or weaknesses in the systems guaranteeing confidentiality
- Where there may be legal requirements for disclosure (e.g. in cases of a suspected criminal offence, where there is a likelihood of harm to an individual, or where there may be child protection issues) individuals will be told about this at the earliest possible stage.
- Individuals are made aware of:
 1. Their entitlements to confidentiality
 2. Their right to see any personal information held about them
 3. Their right to refuse to give personal information and any likely impact on them, e.g. Discretionary Learner Support refusal
 4. How information collected about them is used and stored.
- Where the SFA requires the WEA to record, store or pass on information to other agencies, e.g. for data analysis or for follow up surveys, individuals will be informed about this at enrolment and induction, along with any rights to opt out.

Where learners request access to their personal information, the request should be dealt with sensitively, in a timely manner and with a clear explanation about the process and its outcome (e.g. likely timescales and next steps).

Learners receive information about both confidentiality and about the Learner Code of Conduct in the learner induction leaflet “Services for Learners”.

The WEA recognises the needs of learners covered by the Mental Capacity Act 2005, i.e. those who cannot make or express their own decisions. Learners should always be assumed to have mental capacity unless there is good evidence to the contrary, and any decisions made on their behalf (e.g. with partner organisations) must be shown to be in the best interests of the learner. See also the WEA’s Vulnerable Adults Policy.

Implementation

All staff and volunteers are responsible for implementing the Confidentiality Policy according to their roles. Breaches of confidentiality or weaknesses in systems should be reported to line managers and action taken through the Regional Management Team or fed back nationally to an appropriate director.

Management

Regionally, Regional Management Teams will be responsible for providing both learners and tutors with information about Data Protection and confidentiality.

Nationally, there is support in terms of:

- The national learner induction leaflet “Services for Learners”
- Tutor Handbook
- Policies on the WEA website

Monitoring

- Through feedback, i.e. complaints, Suggestions Line and surveys
- Through annual Policy Review.

Links to other policies and documents

This policy is part of a suite of Learner Support Policies defining learner support entitlements. There are particular links with:

- Information, Advice and Guidance Policy and associated Signposting and Referrals Procedure
- Learner Feedback Policy
- Complaints and Appeals Procedures
- Disclosure of Needs Policy
- Data Protection Policy
- Equality and Diversity Policy
- Vulnerable Adults Policy.

Most relevant policies are publicly available through the WEA's website at <http://www.wea.org.uk/about/policies>