



Guidance for Staff

DISABILITY DISCLOSURE CONFIDENTIALITY AGREEMENT FORM

This guidance accompanies the student Disclosure Policy. You should make sure you are familiar with the policy before completing the form.

Why is it important for students to disclose information about disability to the Academy?

The Academy is obliged, under the Equality Act 2010, to make reasonable adjustments to ensure that disabled students are not placed at a disadvantage because of their disability. Some adjustments can only be put in place if we know about a student's disability and are able to pass relevant information to the members of staff who will make the adjustment.

Why is the student's written consent regarding confidentiality necessary?

Information about health or disability is classed as Sensitive Personal Data under the Data Protection Act 1998, which means the Academy requires written confirmation from students about the level of confidentiality they wish to be assigned to the information.

When should staff complete the Disability Disclosure Confidentiality Agreement Form?

The form should be completed if:

- a student is disclosing their disability to the Academy for the first time; or
- a student has already disclosed a disability but wishes to change the level of confidentiality assigned to the disclosure.
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When should the form not be used?

The form should not be used if:

- a student has already disclosed a disability to the Academy; or
- a student is not disabled, for example, a student has a broken leg, is suffering from flu or has not received a formal diagnosis of an ongoing physical or mental health condition; (however, you may still wish to make a note of your discussions with the student and record any advice you offered).

Discussing a student's disability

- Using the same language or terminology that the student uses to describe their condition or disability will help to keep the discussion both positive and practical.
- If you are completing the form on the student's behalf, make sure you agree the terminology that will be used to describe the disability with the student.
- The discussions should focus on the ways the student's studies are affected and on their support requirements, rather than on medical or diagnostic issues.

What are the levels of confidentiality?

Consent to share (staff, or staff & students): only the people who reasonably need to know, for instance to teach or support the student effectively, can be given the information necessary to perform their role. The information will be kept confidential to those people.

Completely confidential: access is restricted to the person to whom the student disclosed their disability, but it has been explained to the student that the member of staff to whom they have disclosed may need to discuss their disclosure with their manager. This may limit the adjustments which can be made,



and some adjustments may not be possible. Alternative adjustments may be possible that ensure the disclosure remains private whilst still meeting the needs of the student as far as reasonably possible.

Points to discuss when deciding on the level of confidentiality

- Explain to the student the benefits of disclosing a disability and make sure they know what support is available.
- Explain how the information would be stored and managed if the student does consent to sharing it.
- Discuss with the student the likely consequences of withholding consent, including the fact that some adjustments may not be possible.
- Reassure the student that all information, even with permission to share, is still managed in accordance with the Data Protection Act 1998.
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Recording any possible adjustments

- A student may have disclosed because they are asking for an adjustment and/or some support and these should be recorded on the form.
- Where it is possible for staff to agree to make such an adjustment this should also be noted on the form. It is not expected that staff would agree to anything outside of their area of responsibility, which required additional resources or needed to be supported by documentary evidence.

Example: If a student discloses a disability to a tutor because of an upcoming assessment and requires a number of adjustments, it might not be possible for the staff member to make an adjustment without first discussing this with the Programme Leader or Academy Manager. This adjustment would need to be supported by documentary evidence, e.g. a GP's letter or Educational Psychologist report.

Example: If a student discloses a hearing impairment to a tutor because they could have difficulty hearing a lecture, it may be possible for the lecturer to arrange to go over the main points again or give the student a copy of detailed notes they use to deliver the lecture. In the long term, it would not be possible for the lecturer to commit to making this adjustment or to provide an alternative adjustment such as a note taker as this would involve additional resource, and as such need to be supported by documentary evidence and a long term solution to be put into place.

Students do not have to supply evidence when disclosing that they have a disability. Supporting documentation is required if it is necessary to justify or inform reasonable adjustments and/or support.

It is the role of the Academy Manager to request any supporting documentary evidence.

What to do with the completed Disability Disclosure Form?

- Where a student has given consent to share, forward the form to the Academy Manager, who will contact the student to assess the student's needs.
- Where a student requests complete confidentiality, the member of staff may discuss the disclosure with their manager and if appropriate discuss further with the student. If no further action is required the form will be forwarded in a sealed envelope to the Academy Manager to be stored securely in the student's disability file in the Academy Manager's office.
- Email the Academy Manager to inform them that the envelope has been sent and the Academy Manager will confirm receipt of the form.
- A copy should be given to the student for their records.
- A copy of the form should be retained by the member of staff until the confirmation email is received. No forms should be kept in the email software once the confirmation email is received.

