

Hampshire Learning

Procedural Policy on Learner Confidentiality and Disclosure

Date of last review/update	Date of next review	Staff Involved
September 2009	July 2010	GF/SM

Procedural Policy on Learner Confidentiality and Disclosure

Providers have a duty to make sure that they do not treat learners with a disability 'less favourably' and to make 'reasonable adjustments' so that learners with a disability are not placed at a substantial disadvantage in comparison with a learner who is not disabled. Further guidance is outlined in the following documents:

All staff in an organisation have a part to play in ensuring discrimination does not take place. The legislation defining this requirement is anticipatory. This means that you should not wait until a disabled person applies for your course or tries to use a service before thinking about what reasonable adjustments could be made. Being anticipatory is about being generally prepared to meet the needs of learners with a disability as well as making adjustments to meet the needs of individuals as and when they arise.

Confidentiality

Once one person in an organisation knows about a learner's disability, the whole organisation is deemed to know. It is not up to a learner to ensure that all relevant staff are informed. This means that tutors should be clear on their responsibility to make adjustments and to share information about a learner's disability when this is necessary. **Information about a learner's disability can only be shared if the learner's written consent has been obtained. Your Centre Manager will be able to advise you on the use of the Consent Form.**

A learner with a disability has the right to confidentiality about the nature or degree of their disability. Learners should be able to discuss their disability and its implications for their course in private, in a way that suits them. Besides preserving confidentiality, tutors will, of course, need to ensure that any adjustments required by a learner are made with sensitivity and that they are made as discreetly as possible and in ways that attract as little attention as is possible.

In some instances this might mean that reasonable adjustments have to be provided in an alternative way in order to ensure confidentiality.

Identification of Learner Support Needs

Centres need to ensure that the learning environment is open and welcoming. This will help to encourage learners to discuss their learning needs. Centre Managers need to devise internal procedures which will ensure an effective response when learners' additional support needs are identified. This may require a member of staff being made responsible for learning support. Responses to learners must be both timely and appropriate.

(1) Identification from Enrolment Form (EN09):

- (a) a learner wishes to receive information about the support available – ‘Support for You’ leaflet issued and/or Disability Statement
 - (b) a learner would like to arrange a confidential meeting - set up a confidential meeting with an appropriate member of staff, therefore in a private room. Ensure the learner’s right to confidentiality. Agree with learner how information will be shared. Obtain learner’s consent by use of the attached Consent Form. THIS ACTION NEEDS TO BE TAKEN PRIOR TO THE START OF THE COURSE.
- (2) Identification from initial assessment or during the course:
- (a) learner or tutor identification of additional support needs – provide opportunity for learner’s needs to be discussed in confidence following steps outlined above; make appropriate adjustments to meet individual learner needs eg different methods of teaching delivery, adapting the teaching environment, providing teaching materials in alternative formats; apply for learner/learning support funding if required.
- (3) Identification from learner feedback/evaluation:
- (a) obtain learner feedback using Learner Evaluation processes - ensure feedback is acted upon

What if we did not know that a learner had a disability?

Lack of knowledge can be a defence, but only if a provider/Hampshire Learning can prove that it took ‘reasonable steps’ to find out about a person’s disability. This means that staff should be proactive in encouraging people to disclose a disability and should ensure that learners have regular opportunities to disclose a disability ie not just at the start of a course but at regular opportunities throughout the course. Furthermore, you should explain the benefits of disclosure and how this information will be kept confidential.

Top Tips

- Ask learners what works best for them – they are the experts. They know their needs and abilities and have the experience to contribute to the identification of appropriate adjustments you can make
- Reflect on your own practice as well as the practice of your Centre.
- Consider your own attitudes. Attitudes such as pity, patronisation, irritation or embarrassment can cause discrimination
- Don't make assumptions – remember that any learner can have a hidden impairment
- Remember that making adjustments for learners with a disability and/or learning difficulty often improves the experience of **ALL** learners
- Protect the learner's right to confidentiality at all times.

Part B

In order to provide the right support for you, it may be necessary to make staff and/or learners aware of any relevant changes. If you wish to specify which people may be made aware of your additional support requirements, please complete the table below.

I give my permission for the people indicated below to be made aware of my additional learning/support needs:

Hampshire Learning staff	Seeking/authorising additional support funding/resources	<input type="checkbox"/>
Centre Manager	Seeking additional support funding/resources	<input type="checkbox"/>
Course Tutor Other Tutors Learning Support staff	Delivery of reaching / modification of learning materials	<input type="checkbox"/>
Administrative staff	Providing administrative support eg photocopying of adapted materials	<input type="checkbox"/>
Learners	Group work / peer support	<input type="checkbox"/>
Caretaking staff	Access issues eg car parking	<input type="checkbox"/>
Other - please specify		

Learner Signature:

Centre Staff Signature:

Name:

Job Title:

This form will be stored securely in the Centre's files and will not be used for any purpose other than those identified above.