

“Confidentiality and Disclosure” Workshop 06.11.03

Case Studies

Case Study 1

A University's disability policy states that it will make all adjustments possible to ensure that all field trips are made fully accessible to disabled students. A student with a heart condition goes on a field trip as a compulsory part of her geography course. The student has not told the University about her condition. During the day, it becomes apparent to the tutor in charge of the field trip that she cannot complete the assignment for reasons that appear to relate to ill health.

- 1. What should the tutor's immediate course of action be?**
- 2. Has the University treated the student less favourably or failed to make reasonable adjustments?**
- 3. From a legal point of view, does it matter whether the University has taken steps to find out about the student's disability prior to the field trip?**

- 4. Would there be any difference if the student had made the tutor aware of her disability prior to the field trip?**

Case Study 2

A student with a visual impairment can only read clearly if he has text enlarged. He has disclosed his disability to his tutor, but has requested strict confidentiality. Normally his tutor would give a visually impaired student large print handouts at the beginning of each class but the student does not want this as he does not want to be seen reading them during the class. The tutor tells the student that he would like to make a note of their conversation for his records but the student refuses.

The tutor is also aware of a field trip coming up which he thinks the visually impaired student might have some difficulty in participating fully in. The student also has end of year assessments coming up but insists that he does not want any adjustments made which will make his visual impairment apparent to his fellow students.

- 1. What should the tutor do/say following the student's disclosure?**
- 2. Does the University require to make reasonable adjustments in relation to the handouts?**
- 3. What should the tutor do in relation to the forthcoming field trip and assessment?**

Case Study 3

A physics student discloses to his lecturer that he has mental health difficulties. The student advises that he takes a lot of medication for his illness which causes him extreme fatigue. The student insists that the lecturer keeps his disclosure confidential. The student then becomes increasingly disruptive in class and is often threatening towards other students and members of staff. The student is also missing an increasing number of classes and fails a number of assessments. The head of school advises the lecturer that he is considering discontinuing the student's participation in the course.

- 1. What should the lecturer's response be to the head of the school?**
- 2. If the student is not allowed to continue with his course, would this amount to discrimination?**
- 3. If the student is not allowed to continue with the course, how would the University demonstrate to a court that it had not acted unlawfully?**

Case Study 4

A University matriculation form has a space for students to disclose any disabilities which they may have. On the matriculation form a student discloses that he has dyslexia. The admissions office of the University on receiving the matriculation form has then passed this information on to tutors and various other personnel throughout the University. On the first day of his course, the student is approached by a tutor who immediately advises the student of the provisions that will be made for him because he has dyslexia. The student is embarrassed by the tutor's approach. He advises the tutor that he did not want this information to be passed on to the rest of the University and that he did not give them permission to do so. The student is so embarrassed by what has happened he feels unable to continue with his course. The student goes to see a legal advisor and the University receives a letter to say that it has breached the Data Protection Act 1998 and the student's confidentiality.

- 1. What is the University's response to the solicitor's letter?**
- 2. Does the University require to consider amending its matriculation form and if so how?**
- 3. Would it have made any difference if the student had made the disclosure to a tutor instead of on the matriculation form?**

Case Study 5

As part of a University course in biochemistry, students are given the opportunity to participate in work placements in various local biotechnology companies. One student on the course has specific learning difficulties and his adviser of studies has concerns in putting the student on placement. The student has requested that his placement company is not made aware of his disability. The adviser of studies on the course is also fairly certain that another student on the course who is due to go on placement has mental health difficulties.

- 1. What should the advisor of studies do in relation to each of the students with regard to the placements? Is the advisor of studies entitled to break the students' confidentiality?**

These case studies have been based on material produced by Lesley Paterson, Solicitor, Thorntons Solicitors (WS)