



## **Confidentiality Policy**

### **Purpose**

Confidentiality is the protection of information given by or about any client seeking the assistance of PIP. Confidentiality is between the client and the organisation and not between the client and the individual worker. Where external supervision is used, the supervisor concerned is deemed to be an employee of the organisation and the policy of confidentiality applies in that information may not be taken outside of this setting without the explicit permission of the client concerned.

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### **Related Documents**

Child Protection Policy  
Safeguarding Adults at Risk  
Complaints Policy  
Conflict of Interest Policy  
Human Resources Policy  
Lone Working Policy  
Trustee Induction Pack  
Staff Handbook  
Parent Remuneration Policy

IT and Communications Policy  
Volunteers Policy  
Whistleblowing Policy

## **Relevant Legislation**

Data Protection Act 2010  
Freedom of Information Act  
Crime & Disorder Act 1998  
Anti-Terrorism, Crime & Security Act 2001  
Common Law Duty of Confidence Data Protection Act 1998  
Mental Capacity Act 2005 Code of Practice  
Rehabilitation of Offenders Act 1974  
Terrorism Act 2006

## **1. Aim**

1.1 PIP recognises the right of the service user to expect that any information they impart to staff and volunteers or members of the Governing Body will be treated as confidential and used for the purpose for which it was given. Furthermore the organisation believes that confidentiality is a fundamental principle of the working partnership. Information regarding an individual is deemed to be their property.

1.2 The aim of this policy is to ensure that all service users are able to trust and have confidence in PIP and are treated with respect and dignity.

1.3 Service Users, PIP employees and volunteers have the right to expect that any information they impart will only be used for the purpose for which it was given and not divulged to any other individuals or organisations without their consent.

1.4 The policy applies to all staff, volunteers and members of the Governing Body and is intended to protect the rights of both service users and the interests of the organisation.

1.5 This policy also covers the confidentiality of information on the internal workings and business affairs of the organisation.

1.6 This policy sets to provide guidance to employees and volunteers on the extent to which confidentiality is to be preserved, circumstances in which they may breach confidentiality, and measures to be taken for the safeguarding of information.

1.7 To assist PIP employees and volunteers to comply with legal and statutory requirements for the disclosure of information.

1.8 To reassure clients wishing to make a complaint to or about PIP that the confidentiality of any complaint will be given high priority in so far as this is consistent with the need to investigate the complaint.

## **2. General Confidentiality Statement**

2.1 All PIP employees and volunteers are required to respect the right of clients and of other employees and volunteers to privacy and confidentiality as far as possible within the constraints of legal requirements and the safety of other people.

2.2 Absolute confidentiality cannot be guaranteed and this will be made clear to clients at the earliest possible opportunity.

2.3 Where it is thought necessary to pass on information to another individual or organisation this will be assessed on the basis of their application and full consideration of whether there is a legal duty to disclose information. The client will be advised in writing that information has been requested, and by whom.

Where possible, the consent of the person about whom the request has been made will be sought, if at all possible. The client will be advised that they should seek legal advice if they strongly object to information being passed to a third party.

2.4 This policy covers not only information given deliberately by the person concerned or by other people about the person, but also information acquired accidentally or through observation.

2.5 All personnel have a responsibility to ensure that service users are made aware of the confidentiality policy, at the earliest opportunity and understand the only circumstances where confidentiality can be breached.

2.6 The permission of the service user should be sought at the outset of the case before any information about them is obtained (see: *Appendix 1, Parent Consent Form*). Consent from service users regarding disclosure will be regularly reviewed and records kept showing whether consent has been agreed or not.

### **3. Circumstances in which the confidentiality may be breached.**

#### **3.1 Legal and Statutory Requirements**

The general law does not give an absolute right to confidentiality except where there is a contractual provision to this effect.

Legal and statutory requirements affecting PIP include, but are not limited to:

- i) Reporting notifiable diseases to the Director of Public Health where appropriate.
- ii) Reporting accidents at work, in certain circumstances, to the Health and Safety Executive.
- iii) Replying to certain specific enquiries from Government Departments e.g. Dept. of Employment or Dept. of Social Security, or the Inland Revenue. Not all such enquiries are covered by statutory requirements so a check on the legal status of the request should be made before supplying information.
- iv) Passing on information on terrorist activities and information requested on

road accidents involving personal injury, to the police.

v) Reporting on trafficking in illegal substances that comes to the notice of Mind staff or volunteers.

vi) Giving evidence in court if a sub-poena is issued.

### **3.2 Duty of Care**

PIP owes a "duty of care" to the users of its services and to its staff.

It may therefore be necessary to breach confidentiality where a client is acting, or likely to act, in a way that could cause serious harm to him or herself, or put other service users or staff at risk.

PIP also owes a more general duty of care towards members of the public.

It may be necessary to pass on information to the police or statutory authorities where there is considered to be a serious risk to a particular person or persons, or to the public in general.

PIP employees and volunteers share with all citizens a duty of care towards children and vulnerable adults.

If PIP workers know or suspect that a child is at risk, the Social Services Child Protection Unit (MASH team) must be informed.

If PIP workers know or suspect that a vulnerable adult has been abused Social Services Care Management must be informed in accordance with Croydon's Safeguarding procedures. (Please see PIPs Safeguarding Policies).

### **3.3 Giving Information to the Police**

There is no absolute duty to provide the Police with information except in the case of suspected or actual terrorism. However, PIP's policy is that its employees and volunteers have a duty in the public interest not to withhold from the police any information concerning criminal activity of a serious nature.

This should preferably be done with the knowledge of the person concerned and whenever possible with their cooperation but there may be circumstances where the risk to others is too great for this to be advisable or possible.

## **4. Passing on the information to others**

4.1 Where there is a legal duty to pass information to others, such information will only be passed after discussion and approval by the line manager or the Chair.

4.2 Where there is no legal obligation but there may be a duty of care to pass on information the decision whether or not to do so will in the end remain one **of individual judgement**.

Points for consideration are:

- Is the risk a real one?
- How great is the danger to self or to another person?
- Will the breach of confidentiality avoid the harm?
- Is there no other way of avoiding the harm?

4.3 The advice of the line manager should be sought and, except where there is a legal requirement to breach confidentiality, the line manager must be informed beforehand and they will inform the Chair.

4.4 Where it is decided that information must be passed on to another individual or organisation, the basis on which disclosure is to be made must be clear and unambiguous.

Those disclosing the information must first have an understanding as to the intended use of the information requested and by whom.

4.5 Requests from statutory bodies must be submitted in writing, even when there is a legal obligation on Mind to comply with the request.

4.6 We will not pass on personal details (e.g. addresses, phone numbers) without prior consent. However, an offer can be made to pass on or forward messages.

4.7 The process of informing the person and seeking consent need not be followed, where the consent of the person concerned can be implied, for example where a reference is requested, where the Dept. of Employment asks for information about a former employee in order to pay benefit or when a service user has signed a disclaimer on a referral form.

## **5. Care of Information**

PIP volunteers and employees will take care:

5.1 Not to be overheard when discussing confidential information on the phone, or with the client or appropriate staff.

5.2 Not to leave information lying around and to keep confidential information in locked filing cabinets when not in use.

5.3 To keep records which include no more than the minimum information required.

5.4 To destroy information when it is no longer required.

## **6. Complaints**

6.1 People who wish to make a complaint either to PIP about another agency or individual, or about an aspect of PIP's services or PIP employee or volunteer may be concerned about the confidentiality of information they are giving.

6.2 The preservation of confidentiality will be given high priority, subject to the exceptions listed above in section 3 and/or if it is necessary to breach confidentiality in order to properly investigate the complaint.

6.3 The permission of the complainant will always be sought for this but in cases where the welfare of the complainant or other people is seriously at risk it may be necessary to breach confidentiality even if that permission is withheld.

## **7. Access to Information**

7.1 Clients have a right to see their personal files.

Access must be granted under supervision in order to protect the confidentiality of other people's files and/or third party information. It may be necessary for the client to request access in writing and for an appointment to be made. An appropriate staff member should be present in order to answer any questions that may arise. The file may not be removed from PIP premises but documents may be photocopied, on request. A charge may be made for this at the discretion of PIP staff. A record will be kept of requests and access given.

7.2 When a letter about an individual is written to PIP by a professional or carer, the writer should be informed that the client is permitted access to his/her file and their advice sought on what action they wish PIP to take. This could include returning the letter to the sender or, in exceptional cases, keeping the letter in a separate confidential place.

7.3 Only information which is relevant and necessary should be obtained and used for the purpose for which it was intended. It is not possible to guarantee to a service user that information relating to them will be handled solely by the initial member of staff but they should have confidence the information will only be shared with other staff on a 'need to know' basis and continue to be treated in a confidential manner.

## **8. Procedure**

8.1 All service users must be made aware of this policy at the earliest opportunity and of their right to complain if they believe that any aspect of their confidentiality has been breached.

8.2 Although it is acceptable in certain situations such as project reviews, steering groups etc. to discuss particular situations or issues, the identity of a particular service user should not be divulged. Information obtained for one purpose may not be used for another without the client's explicit consent except as qualified in the *Breach of confidentiality procedure*.

8.3 Issues discussed during supervision sessions should remain confidential although the personnel is expected and should be enabled to discuss the details of service user's cases within supervision.

8.4 All records relating to service users should be regarded as confidential and stored securely in the approved manner i.e. in locked filing cabinets in rooms which are locked when not in use and in accordance with the provisions of the Data Protection Act 1998. Information stored by volunteers and by personnel working at home should also be stored in a locked drawer or cabinet.

8.5 All records relating to service users will only be available to those with the right to see them.

8.6 In accordance with the storage of data protection policy all records, which are no longer required, should be disposed of in the appropriate and approved manner. Records will be kept for a minimum of 3 years in line with the policy of the organisation.

8.7 Consideration should be given at all times to the physical environment in which information is disclosed. In all cases it is preferable for this to take place in a designated private interview space.

8.8 All personnel should be aware of the need to ensure that telephone conversations remain as confidential as possible.

8.9 Any personal information held on the computer should not be kept longer than necessary in accordance with the Data Protection register. Computer systems should be secured against unauthorised access or amendment and against loss through accidental or deliberate damage, erasure or disclosure. Failure to take reasonable care could result in an action for compensation under section 23 of the Data Protection Act 1984. Only authorised members of staff should be allowed direct access to the case record systems.

8.10 In the event of the death of a service user there is still a requirement for information to be treated as confidential. Records or case notes should only be made available to the Executor of the Estate or someone who has Letters of Administration. A record must be kept of any such disclosure.

8.11 PIP Manager has an overall responsibility for both the day to day implementation and monitoring of this policy and, however all staff members are required to ensure a safe storage of confidential information. Practices and procedures should be reviewed on a regular basis.

8.12 The need for confidentiality extends to the internal policies and business of the organisation.

8.13 Staff and volunteers should receive a copy of the Confidentiality policy during their induction. The induction process should include training on all aspects of

confidentiality, data protection; Communications policies and such training should be reviewed and updated on an ongoing basis.

8.14 These policies covers all information whether obtained through face to face discussion, telephones, letters, emails, Facebook, Twitter or other etc.

8.15 In the event of a member of staff or volunteer ceasing to be involved with the service there is a requirement that all paperwork and records be returned to the organisation.

8.16 The removal of any case notes or files from PIP's premises for the purpose of home visits, reviews etc. should be recorded. The case notes or files should never be left unattended while out of the office environment.

8.17 USB sticks must not be used to transport confidential information without written permission from the line manager. If permission is granted, the USB stick must always be password protected.

8.18 Attachments to emails that contain confidential information must be password protected – through the use of Egress secure system. Staff must always take care to ensure that the email recipient is someone authorised to receive confidential information.

8.19 Any requests from external organisations or individuals for information or witness statements from members of staff should be discussed with the PIP Manager.

8.20 Case histories used in published articles, presentations etc. shall not in any way reveal the identity of service users; pertinent details must be changed to preserve anonymity.

8.21 Photographs of service users taken during events/activities shall not be publicised in any way without the expressed consent of the individual(s) involved.

8.22 There must be a written confidentiality agreement in place with PIP software provider.

## **9. Confidentiality in respect of personnel**

9.1 Information requests regarding personnel will be dealt with in line with PIP's Data Protection policy and procedures and will not be shared with third parties without that person's consent.

9.2 Personnel have a right to access their own personal details kept on record by PIP. Requests should be made in writing to the line manager and in accordance with PIP's Data Protection policy and procedures.

## **10. Recording Carers Views**

10.1 Meetings of carers may, by their very nature, lead to the sharing of intimate experiences and details of personal circumstances. It must be understood by all those present through the ground rules assigned to the group that the information is confidential to that group.

At all external meetings, and in talks and presentations, when using case histories or anecdotal evidence, names and any indentifying details must be anonymised.

## 11. Non Compliance

In cases where there is a breach of this policy the grievance and disciplinary procedures of PIP will be invoked as appropriate.

## 12. Review and Updating of Policy and Procedures

This Policy and Procedures will be reviewed and updated annually.

*This policy document is to be given out to any worker/ volunteer/ member of Governing Board at initial training or induction and user of our services at the earliest point of contact.*

**This Confidentiality Policy detailed above was agreed and minuted at a meeting of the Board of Trustees on:**

|  |                |  |
|--|----------------|--|
| <b>Approved by:</b><br><br><b>Julie Newton-Smith</b><br><b>Chair of Trustees</b> | <b>Signed:</b> | <b>Date:</b><br><br><b>Review: July 2018</b> |
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### APPENDIX 1 Parent Consent Form



In order to help you we need to store information about you. The law says that we must obtain your consent to do this. Everything you tell us will be confidential, unless we feel you are at risk or there is a risk to others.

Because we may need to speak to other people in order to help you, we require your consent to do so. Your agreement will be sought before any contact is made with other people or organisations about your case.

| Client Consent |
|----------------|
| Name:          |
| Address:       |

Please read the sentences below, tick where appropriate and, if you consent, sign and date the form.

- I give my consent to Parents in Partnership (PIP) recording personal information about me.
- I give my consent to PIP corresponding with third parties.
- I confirm that I have been informed of PIP Complaints Policy and Procedure.
- Please add my name and address to the mailing list of the Carers Information Service.

Signed: \_\_\_\_\_

Print Name: \_\_\_\_\_

Date: \_\_\_\_\_



**APPENDIX 2 Safeguarding Incident form**

Date.....

Time.....

Witness:

Name of individual cause for concern is about

D.O.B/ age (if known)

Address (if known)

Describe your concern and action taken:

Observations to support cause for concern:

Description and location of any visible marks, bruising etc:

Name of alleged abuser and relationship with child (if known):

Manager's comments:

Signature of person completing the form:

Manager's signature:

Date:

## APPENDIX 3 Privacy Statement



*Parents In Partnership*

*Together we can make a difference*

### **Privacy Statement**

When you request information from Parents and Partnership, sign up to any of our services or buy things from us, PIP obtains information about you. This statement explains how we look after that information and what we do with it.

We have a legal duty under the Data Protection Act to prevent your information falling into the wrong hands. We must also ensure that the data we hold is accurate, adequate, relevant and not excessive.

Normally the only information we hold comes directly from you. Whenever we collect information from you, we will make it clear which information is required in order to provide you with the information, service or goods you need. You do not have to provide us with any additional information unless you choose to. We store your information securely on our computer system, we restrict access to those who have a need to know, and we train our staff in handling the information securely.

Our services are delivered through our paid staff and volunteers. We will pass your contact details to the so that they can let you know what activities are available in your area. If you have signed up to receive additional services to attend activities we will also pass your details to the professional worker providing that service. The branch or sessional worker may hold additional information about your participation in local activities.

We would also like to contact you in future to tell you about other services we provide, and ways in which you might like to be supported by PIP. You have the right to ask us not to contact you in this way. We will always aim to provide a clear method for you to opt out. You can also contact us directly at any time to tell us not to send you any future communication material.

Very occasionally we carry out a joint mailing with carefully selected other organisations, in order to tell you about products and services we think you might be interested in. Again, you have the right to opt out of this.

You have the right to a copy of all the information we hold about you (apart from a very few things which we may be obliged to withhold because they concern other people as well as you). To obtain a copy, either ask for an application form to be sent to you, or write to the Data Protection Officer at PIP. We aim to reply as promptly as we can and, in any case, within the legal maximum of 40 days.

