

CONFIDENTIALITY POLICY, STATEMENT & EXCEPTIONS

Any personal information you tell us will remain confidential within the team and will not be shared without your consent, unless we believe that harm has or might occur to you or others. If the need arises for confidentiality to be broken, every attempt will be made to discuss this with you beforehand, unless to do so may worsen your situation.

Whilst confidentiality is held as a team and not by the individual, information sharing will be done in a respectful way and on a need-to-know basis.

Breach of confidentiality - exceptions include:

- Risk of serious harm to anyone
- Suspected modern day slavery
- Where a child is judged to be at risk of any type of abuse and especially at risk of significant harm
- Terrorist activity
- Anything surrounding money laundering

The service user will be informed of the need to breach confidentiality prior to this happening, or as soon as possible afterwards if prior notification is not possible.

Confidentiality

Yada offers a confidential service. Confidentiality is between the service user and team, not the service user and the individual member of staff. Details of enquiries are not discussed outside of the service, unless someone is at immediate risk of serious physical harm.

CONFIDENTIALITY POLICY

Overview

This policy is relevant to the organisation Yada, The Esther Project and any other future projects that Yada may run.

Confidentiality is one of the key principles underpinning our service. All who work or volunteer for Yada need to be aware of their responsibility for safeguarding confidentiality, and preserving information security.

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We believe that confidentiality is central to the trust between our staff, volunteers, our service users and local, regional or national service providers. All staff and volunteers are required to protect personal information of service users, and this is outlined within the common law duty of confidence and the Data Protection Act of 1998.

It is our policy that everyone who uses our service:

- Has the right to expect that information about them will be held in confidence
- Knows that the information they provide will only be used for the purposes for which it was given
- Understands that information about them will not be released to any person outside of Yada without their consent, unless conditions for breaching confidentiality are met.

1. Introduction

This policy sets out the requirements of staff and volunteers in relation to sharing information with both internal and external agencies. Confidentiality is central to trust between service users and service providers, and is one of the key principles underpinning Yada's services. Our general Principles are included in this section.

1.1 People who use Yada's services have the right to believe, and be assured, that information given in confidence will only be used for the purposes for which it was given and will not be released to any person outside Yada without their consent, unless conditions for breaching confidentiality are met. Yada offers a confidential service. Confidentiality is between the service user and the Yada team, not the service user and the individual member of staff.

1.2 Every effort will be made to explain this policy to all service users using Yada's services and where appropriate the policy will be provided in writing or read to them. All service users have the right to request a copy of this document.

1.3 This policy shall be explained to Yada's funders, trustees and (when relevant and appropriate) to local Safeguarding Boards, local agencies and parents or carers.

1.4 Yada's handling of confidential personal information will:

- Promote, support and protect the privacy, dignity and rights of all service users, volunteers and staff
- Be understood by service users who have capacity, staff, volunteers and partner services
- Comply with best practice outlined in the Beyond The Streets Good Practice Guide
- Conform with the law
- Promote the care and welfare of service users and the effective operation of Yada's services.

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2. Scope

This policy extends to the following staff and volunteers;

- Yada's Committee Members
- Yada's Coordinators
- Partnering Agencies
- Yada's volunteers, both in administration and front line work

2.1 Exception: In the event that a professional partner discloses personal information and a desire for support from Yada, The Esther Project or one of its future projects, confidentiality will **not** be held by the entire team. The professional partner will be referred to a colleague, and not supported by the Yada staff member(s) they partner with. In this exception, confidential information will be discussed with the Project Lead and the appropriate Outreach Worker only, rather than the wider team. This enables confidentiality, boundaries and a continuation of professionalism between the external professional partner and the Yada staff member(s) they work alongside.

3. Expectations of Staff and Volunteers

All staff and volunteers must effectively protect confidential information against improper disclosure.

All person-identifiable information is to be protected when being received, stored or disposed of. This may include, although is in no way exhaustive: emails, letters, notes, texts and recordings.

Access to service users' information is on a need-to-know basis and should only be shared when circumstances in '4. Breaching confidentiality' is fulfilled.

If a decision is made to disclose information, this must be documented and be inline with this policy and our safeguarding policy.

Any concerns about disclosing information must be raised with one of the Yada Team. All staff and volunteers should ensure that no confidential information is left on desks or in the office unlocked.

All printed records containing person-identifiable or confidential information are to be locked in Yada's filing cabinet in the office. No live service user data is used for demonstration purposes. All staff and volunteers who have access to confidential service user information are given training at appropriate intervals of confidentiality.

All staff and volunteers have a commitment to confidentiality. Breaches of confidentiality could be regarded as gross misconduct and may result in serious disciplinary action up to and including dismissal. Any member of staff or volunteer who inadvertently breaches confidentiality or who becomes aware of a confidentiality breach must report it as soon as possible to the Director/ Safeguarding Lead in line with Yada's data security policy and procedures.

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4. Breaching Confidentiality

The limits to confidentiality must be explained to the service user before gathering information from them. Yada will provide service users with a short statement summarising the limits of confidentiality and this may be read by or to service users. A translation may also be required.

4.1 Confidentiality can only be breached:

- a) In exceptional circumstances, if the service believes that it is necessary to breach confidentiality in order to protect a person (service user or other) in an extremely dangerous/ life threatening situation.
- b) If people working within the service would otherwise be assisting a criminal offence
- c) If there is a court order for disclosure
- d) In order to adhere to the Children's Act 2006, confidentiality can be breached if there are welfare concerns of a child.
- e) When there are reasonable grounds to believe an act of terrorism has or will be carried out, according to the Terrorism Act 2006.
- f) Staff and volunteers *may* wish to disclose when it is suspected a crime has been committed of a serious nature, this may include, but is not limited to drug trafficking, human slavery, murder and sexual offences (under the Sexual Offences Act 2003). The Crime and Disorder Act 1998 (section 115) states that '*there is power to do so (disclose) in any case where the disclosure is necessary or expedient for the purposes of any provision of this Act*'.
- g) Anything that relates to money laundering.

4.2 When confidentiality has to be breached:

- a) The service user must be informed at the earliest opportunity, unless to do so would place them or another person at risk of harm. If the service user is informed, an explanation of the breach must be given and planning for possible outcomes may be appropriate. Where a disclosure is to be made (with or without consent) the identity of the person to whom the disclosure is made will be verified (for example by calling back on a known or publicly available number).
- b) Staff and volunteers should not make any decision to breach confidentiality without first contacting the Yada Coordinators, who in turn will refer to the Safeguarding Trustee. If the disclosure includes a complaint against any of the above named parties, that party should not be included and the complaints procedure should be referred to alongside this policy.
- c) In a case of an emergency, do not wait to contact other staff, phone 999 and then make contact with a Yada Coordinator as soon as it is safe to.

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5. Recording Information

5.1 All manual and electronic information will be held securely and confidentially. For further detail, please see [Data Protection Policy](#) and [Safeguarding Policy](#). Volunteers should also refer to the [Volunteer Policy](#).

5.2 At the first contact with a service user, a record should be made on the database that the Confidentiality Policy and its limits were explained to those present (this may be through use of the card handout), and that, with the exception of service users who lack capacity, the service users accepted the policy and consented.

5.3 A record should be made on the [Service User Database](#) of all subsequent reminders to service users of the confidentiality policy; these should be dated. Where appropriate, a Confidentiality and Data Sharing Form should be signed by the service user and stored in locked drawers.

5.4 All information received/ actions observed which may indicate cause for concern, including potential breaches of confidentiality, should be recorded in writing by the member of staff. Detailed reports should be written which include a chronology of events which are dated, people involved/ present, details of the issue(s)/ concern(s); recording of exact wording used by service user/ other wherever possible, and actions taken by a member of staff. All reports should be signed by the author.

5.5 Managers and trustees should further record all action taken by them from the point at which they are alerted to a potential concern, issue and/ or potential breach of confidentiality by a member of staff, including steps taken; time of contacting a senior manager; action agreed to be taken and by whom; and progress on such action. All records should be dated and signed.

5.6 Information and record sharing within the agency should only be shared with other Yada staff and volunteers if it is considered essential for the well-being of the person(s) concerned.

5.7 Information may be shared in supervision ONLY if it relates to the staff member's or volunteer's own process. Identifying information should not be shared, e.g.; full names, phone numbers, health records etc. First names and nicknames can be used.

6. Sharing with Third Parties

6.1 No information is to be shared with third parties without first gaining permission from the service user.

6.2 Permission can be gained by a service user to share their information by signing Yada's Confidentiality Waiver Form. This must clearly state what information can be shared and which third parties are included. This is often an essential part of referring to other services and providing the best

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holistic care.

6.3 Service users have a right to refuse signing the Confidentiality Waiver but must be made aware that this may inhibit the breadth of the support they received from Yada.

6.4 Yada will never share any identifiable information with the police unless there is concern of harm to the individual or another person.

7. Relevant Policies

All Staff and Volunteers of Yada must read and sign all policies. Other policies relating to confidentiality are:

- [Safeguarding Policy](#)
- [Data Protection Policy](#)
- [Social Media Policy](#)
- [Health & Safety Policy](#)
- [Volunteer Policy](#)

I hereby agree to working within these policy guidelines and understand that any breach of this policy may result in disciplinary action, which may include dismissal.

I agree to Yada holding this information for at least 8 years.

Signature:

Print Name.....

Date:

Witnessed by Manager.....

Date:

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