

# STAPLE HILL COMMUNITY HUB

## Confidentiality Policy

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### 1. Confidentiality Statement

The Confidentiality Policy forms part of STAPLE HILL COMMUNITY HUB's commitment to providing a confidential service. Confidential information is defined as 'information which relates to a staff members/volunteers or service user who can be identified from that information'.

STAPLE HILL COMMUNITY HUB fosters mutual trust between members of its Board of Trustees, staff members/volunteers, individuals and groups who use its services and funders.

### 2. Related Documents

- **Related Documents**
- Complaints Procedure
- Data Protection Policy
- Disciplinary Procedure
- Grievance Procedure
- Safeguarding Policy
- Whistleblowing Policy

### 3. The Policy

#### 3.1 General

All staff members/volunteers and service users should be aware of STAPLE HILL COMMUNITY HUB's commitment to confidentiality, and have confidence in the professionalism of the service being provided.

The policy will be available to staff members/volunteers and service users. Where appropriate, service users will be informed of the policy and will be helped to gain an understanding of the implications of it before using a service.

Staff members/volunteers have a duty to respect confidential and personal information concerning staff members/volunteers and service users.

Adopted on: 21.2.13

Reviewed: February 2022

Next Review Date: February 2025 or change in legislation

STAPLE HILL COMMUNITY HUB will not disclose confidential information about staff members/volunteers or service users to any other individual or organisation without their prior consent except in 3.3 Special Exceptions. Such information will remain confidential within STAPLE HILL COMMUNITY HUB's service concerned.

Staff members/volunteers may need to discuss confidential or personal information relating to a service user with their line Manager as part of their own supervision and support. This discussion and the supervision notes of it will remain confidential, unless a safeguarding issue is identified. (3.3 a)

Staff members/volunteers will not put pressure on service users to disclose information. STAPLE HILL COMMUNITY HUB will support staff members/volunteers in the implementation of the policy through induction, training and supervision.

STAPLE HILL COMMUNITY HUB will review regularly and when necessary, revise this policy and its implementation.

### **3.2 Informed consent**

STAPLE HILL COMMUNITY HUB will discuss with the staff members/volunteers or service user concerned why there is a need to share information, with whom, and what the likely consequences will be if consent is or is not given.

STAPLE HILL COMMUNITY HUB will respect the wishes of service users to restrict the sharing of information about them.

Confidential information will be disclosed to a third party only with prior consent from the staff members/volunteers or service user.

Reports to funders will not disclose confidential information about any service user without the prior consent of the service user.

### **3.3 Special Exceptions**

Information will generally not be passed on to other agencies except where specifically requested by the service user. However, there are special circumstances where this may occur without the prior consent of the individual concerned. These are deemed to be situations of high risk for individuals as follows:

#### **a) Children and vulnerable adults**

The Working Together Act 2018, states that the 'welfare of the child is paramount'. Staff members/volunteers have an obligation to report any concerns they may have based on information disclosed to them or suspicions they may hold, where a child may be deemed to be at risk or have been at risk. This includes disclosure by an adult of their own 'historical' abuse, where the abuser is clearly identified and may currently put children at risk.

See STAPLE HILL COMMUNITY HUB's Safeguarding Policy.

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**b) Risk of harm to self or others**

STAPLE HILL COMMUNITY HUB has an obligation to report to a relevant agency where they are aware that an individual may be at serious risk of harming themselves or another person.

**c) Prevention of Terrorism Act**

STAPLE HILL COMMUNITY HUB has a legal responsibility to inform the police where information about terrorist activities is disclosed.

**d) Criminal activity**

No staff member/volunteer will knowingly assist or collude with any criminal activity, whether directly involved or indirectly through collusion.

As well as facing potential criminal charges, such abuse in this way would also constitute gross misconduct, which following suspension with pay, formal investigation and potential formal disciplinary action, may then result in the summary termination of the employment without notice or pay in lieu, in line with the disciplinary policy.

The need for a disclosure of information of any nature should be communicated to the staff member/volunteer or service user concerned whenever possible. STAPLE HILL COMMUNITY HUB will offer support and encouragement to the staff member/volunteer or service user to divulge information to the relevant agencies themselves. However, if the service user is unwilling to do so, then the worker will inform them that such information will be passed on and to whom, as appropriate.

▪ **Breach of confidentiality**

If a staff member/volunteer or service user believes that the policy has been breached, STAPLE HILL COMMUNITY HUB encourages them to use the appropriate STAPLE HILL COMMUNITY HUB procedure, as set out below.

If confidentiality is breached inadvertently, the staff member/volunteer will follow procedures including record keeping, discussions with the Hub Manager and containment.

Staff members/volunteers should use the Grievance Procedure. Service users should use the Complaints Procedure. The Chair will address any breach of the policy by members of the Board of Trustees.

Breaches of confidentiality by staff members/volunteers may also be addressed through line management and supervision, and in serious or deliberate cases, the Disciplinary Procedure may be used.

If a staff member/volunteer brings to our attention that confidentiality has been breached by an employee, then if we believe that the breach is sufficiently serious to constitute gross misconduct, the employee must then be suspended on pay, allowing a formal investigation to take place prior to any formal disciplinary hearing.

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- **Taking Responsibility**

As part of their induction on joining STAPLE HILL COMMUNITY HUB, staff members/volunteers will be required to read and understand the Confidentiality Policy. They will be expected to incorporate it into their practice and abide by terms specified. This will be clearly defined at interview, and reinforced through training and supervision.

#### **4. Implementation Procedure**

- **Appropriate or Designated Staff Member/Volunteers**

In all cases, the Chair and the Hub Manager will be considered to be appropriate or designated staff member/volunteers.

- **Consent**

Consent to share confidential information should always be obtained in writing from the individual, unless Section 3.3 Special Circumstances apply.

- **Correspondence**

Correspondence marked 'Confidential' will have its envelope date stamped but remain unopened and placed with the appropriate staff member/volunteer or Trustee.

- **Paper Records**

All paper information held on staff members/volunteers or service users of a personal or confidential nature will be kept in a secure place. Access will be restricted to designated staff members and Trustees. It should be noted, however, that under the data protection legislation, people do have the right to view information held about them (see Data Protection Policy).

- **Computer**

Confidential information stored on computer must be password protected. Computer backups will be taken and kept in a secure place. Access will be restricted to designated staff members and Trustees.

- **Disposal of Information**

Paper records or computerised information on staff members/volunteers and service users will be retained according to the relevant legislation or organisational need or funder's requirement as appropriate and then destroyed. Paper records will be shredded. All information stored on hard disc will be wiped when a computer is disposed of.

- **Discussion of Individuals/Groups**

Staff members/volunteers will not discuss confidential information regarding other staff members/volunteers or service users in an environment where there is any possibility of being overheard, even when individuals are not named or identified. All necessary discussions must take place within a discreet environment.

STAPLE HILL COMMUNITY HUB will not record personal opinions about service users, only factual information.

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▪ **Referrals / Enquiries about Other Organisations**

Staff members/volunteers making enquiries to other agencies on behalf of service users will take all steps to ensure the anonymity of the service user concerned. No information that may identify the service user will be disclosed without the permission of the service user.

Enquiries or referrals where confidential information needs to be shared may be made only with the prior consent of the service user, unless a safeguarding issue is identified.

▪ **Telephone System**

Messages to service users containing confidential information will not be left on answer phones or E-mail unless agreed with the service user.

When service users contact STAPLE HILL COMMUNITY HUB the staff member/volunteer on duty will ensure that personal details are stored confidentially.

▪ **Special Exceptions**

a) Disclosure of information by staff members/volunteers about other staff members/volunteers or service users to a third party without the prior consent of the individual/group concerned will occur only where there is deemed to be a high risk for individual or where STAPLE HILL COMMUNITY HUB has a legal obligation to do so.

b) In these circumstances, the staff member/volunteer concerned must contact the Hub Manager or Chair to discuss the situation as soon as possible and if possible before any action is taken. The decision regarding future action will be reached through that discussion. In all circumstances, only information directly relevant to the situation will be disclosed. The Hub Manager or Chair concerned will keep a written record of the situation.

c) In all circumstances, the staff member/volunteer will offer support to the service user to divulge information to the relevant agencies. If the service user is unwilling to do so, then the staff member/volunteer will inform them that information will be passed on and to whom.

▪ **Breach of Confidentiality**

If a staff member/volunteer is aware that confidentiality has been breached, they must discuss this immediately with the Hub Manager or Chair of the Board of Trustees (as appropriate) who will address the incident through training, supervision or if necessary, the disciplinary procedure, and keep a written record.

▪ **Data Protection**

STAPLE HILL COMMUNITY HUB is registered under the Data Protection Act to hold certain information on computer about staff/volunteers and service users. Staff members/volunteers and service users have a legal right to access all information that is held relating to them, both written and on computer – (see STAPLE HILL COMMUNITY HUB's Data Protection Policy).

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Reviewed: February 2022

Next Review Date: February 2025 or change in legislation

## **5. Staff/volunteers and Volunteers' Induction and Training**

During the staff member/volunteer induction period staff members/volunteers will be made aware of organisational policies and the responsibilities of staff members/volunteers to maintain these practices and relevant specialist training agreed.

## **6. Review of This Policy**

STAPLE HILL COMMUNITY HUB's commitment to confidentiality is an active one. This document should be reviewed on a regular basis as part of this active commitment.

STAPLE HILL COMMUNITY HUB's confidentiality policy will be reviewed in consultation with staff/volunteers as and when required and in line with changes in legislation and agreed by the board of trustees.

Date Agreed by Board of Trustees: 21.2.13

1st review: June 2016

2nd review: February 2019

3<sup>rd</sup> review: February 2022

Adopted on: 21.2.13

Reviewed: February 2022

Next Review Date: February 2025 or change in legislation