



Registered Charity No: 1035326.

Confidentiality Policy

1 Introduction

- 1.1 Confidentiality refers to the duty not to reveal to any third party, without the consent of the individual concerned, any information pertaining to that individual which becomes known in spite of the information having been given in trust.
- 1.2 Maintaining the confidentiality of people who come into contact with service is essential. In a rural area where many people know each other it becomes even more vital. However, a distinction has to be drawn between confidentiality between two people and confidentiality within the organisation.
- 1.3 The aim of this policy is to:
 - Protect members, employees and volunteers from the possibility of information about them being passed on to individuals or organisations who have no right to that information.
 - Reassure members that care will be taken with information they give to employees and volunteers and to enable them to trust those who are providing a service to them.
 - 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.
 - Assist employees and volunteers to comply with legal and statutory requirements for the disclosure of information.
 - Reassure service users wishing to make a complaint to or about Ponthafren Association 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.
 - To fulfill obligations under the Data Protection Act (DPA) 1998.

1.4 The policy also gives guidance for the sharing of data with external organisations.

2 Principle

- 2.1 All staff and volunteers have a duty to keep personal information about service users safe and confidential. Service users need to feel that they can trust staff if they are discussing personal or sensitive matters with them and every service user has a basic right to privacy.
- 2.2 Staff and members have the absolute right to access records that Ponthafren Association has written about them.
- 2.3 Staff and volunteers must not discuss members outside of work, must not gossip about service users whilst at work, and must be mindful of whether they can be overheard by others when discussing sensitive or confidential information about service users.
- 2.4 Confidentiality does not mean secrecy. Current mental health care has a multi-disciplinary approach, which requires good communication and good information exchange for it to be safe and effective. The position on confidentiality is as follows:
- By engaging with our services the service user is giving consent for Ponthafren Association to access any relevant records that may be required for an accurate and ongoing assessment of need.
 - Ponthafren Association will share relevant information with other support providers and/or statutory services as required.

3 Procedure

- 3.1 The Chairperson is the responsible authority under the Act for ensuring that Ponthafren Association complies with the Act.
- 3.2 It is the responsibility of Ponthafren Association to familiarise all new employees / volunteers with this policy as part of their induction programme, and to ensure that they know what is required of them.
- 3.3 All employees and volunteers (including trustees) are required to comply with this policy on confidentiality relating to third parties.
- 3.4 Ponthafren Association will abide by the principles of data protection laid down in the DPA 1998. Written or computerised records will be stored securely in a locked cabinet or locked room, or under restricted or password protected access, so that only relevant staff can see them.

3.5 Examples of steps that could be taken to maintain confidentiality of service users and other members of staff are:

- Securing confidential information on computers with a password
- Turn the front pages of sensitive information/documents over on your desk when within the view of a third party.
- Maintaining a “clear desk policy” at the end of business each day.

4 Service Users

- 4.1 All service users should be informed that information about them is being recorded, the subject of the records taken, why the information is being kept, who is going to use it and who has access to the information.
- 4.2 Information concerning service users should be kept to a minimum and must be factual, not speculative. If opinion is recorded, this should be noted as such.
- 4.3 Referral form will only request essential information in order to ensure that an individuals needs are met by the service.
- 4.4 Once a service user is no longer using a service and unless he/she is likely to return to the service within a short period of time, then records/information other than those kept for monitoring purposes (sex, race, gender etc.) will be destroyed.
- 4.5 All service users have access to their files / information recorded about them. If a user objects to information being kept on file, they should follow guidance in Ponthafren Association complaints procedure.
- 4.6 If it is necessary to discuss confidential information with staff it must be anonymous.

5 Staff / Volunteers

- 5.1 The Administrative Officer will hold all records securely. Unrestricted access to these files will be confined to authorised staff who are required to maintain confidentiality.

- 5.2 Each employee has the right to request to inspect the content of his or her own personal file and data held on him or her on a computer. The request must be addressed in writing to the Administrative Officer. If the request is granted, the information will be available to the employee within five working days and at an agreed time and preferably with a member of staff present.
- 5.3 The Data Protection Act 1998 (DPA) gives the data subject the right to have access to their personal records held both manually and computerised, therefore in the interest of openness and fairness and in addition to being legally compliant, once annually all employees will be provided with a print-out of personnel information held on them. All employees are required to read this information carefully and notify the Administrative Officer as soon as possible of any inaccurate, incomplete or untrue data and provide the relevant up to date information that will be amended accordingly.
- 5.4 Ponthafren Association will ensure that payroll and personnel data are accurate and up-to-date and kept to a minimum needed for statistical and administrative purposes.
- 5.5 Volunteer support workers are an integral part of Ponthafren Association and the support it provides to its members. Any information divulged by a client is to be treated as confidential except where not revealing the information would be breaking the law or where the Volunteer support worker considers there is danger or harm likely to be caused to others by the client's actual or intended actions. Volunteer Support Workers should always inform a paid member of staff, of any issues or concerns raised about a member.

(N.B. breaches of confidentiality are seen as a disciplinary offence)

6.0 Recruitment and employment records

- 6.1 Ponthafren Association will not provide references or personal information about current employees to outside parties without the employee's authorisation except for payroll or pension administrative purposes or as required by law.
- 6.2 Ponthafren Association may provide references for former employees to some outside parties at its discretion.

- 6.3 Any employee, volunteer or service user with access to recruitment information is required to treat them as confidential. Such information should be destroyed after the interview process.
- 6.4 All application forms received will be destroyed after six months have elapsed, other than the applications of the successful and other short-listed candidates. The latter will be kept for two years before being destroyed. CRB forms should be handled as stated in the CRB Storage and Handling Policy.
- 6.5 Ethnic and other monitoring forms will be detached from applications before the short -listing stage.
- 6.6 Application, short-listings, references, where appropriate, should be kept in a locked drawer. All recruitment details other than those required for monitoring should be shredded within 3 months of completion of selection. CRB forms should be handled as stated in the CRB Storage and Handling Policy.

7 Supervision

- 7.1 It is important that staff, volunteers and any students should feel free to express their feelings about their work or experiences; consequently supervision session whether formal or informal will remain confidential. Where confidential information is shared with a supervisor(s) for support and guidance reasons, this option should be made to clear individual giving information. All paid staff and volunteers and service users must comply with the confidentiality policy.
Information given to staff within Ponthafren is deemed to be given to Ponthafren rather than to the individual staff member, student or volunteer. To this end staff can share information given, within supervision, where there is a need for support but this option should be made clear to the individual giving the information.
- 7.2 Information from student supervision sessions will need to form part of the assessment. The assessment document will be discussed fully with the student before it is passed on and there will be scope for negotiation on 'contentious' material.

8 Trustees, Committee Members and Sub- Committee Members

- 8.2 No personal information (including names, address, telephone number) may be disclosed over the telephone or in writing to a third party without the prior approval of the committee member, Trustees or sub-committee

members concerned, except where there is a statutory obligation to do so (See below 3.26).

- 8.3 Members are also required to maintain the same standards of confidentiality as staff.
- 8.4 Generally minutes of meetings are accessible from the Administrative Officer once they have been approved and signed by the relevant Committee, but there may be a need to keep some matters, discussed by the Executive Committee or its sub-groups confidential, this should always be stated. Where confidential matters are discussed they should be recorded separately from the usual minutes and kept in an appropriate file in a locked filing cabinet/cupboard.
- 8.5 The Trustee Committee will not discuss named individual cases or situations as a general rule. Where sensitive issues are being discussed in meetings e.g. Staffing complaints, these can be recorded separately and a file kept with the details and circulated only to those that need to know the information. Any employee involved in meetings when confidential information is discussed should be aware that it is a disciplinary offence to reveal this information.

9 Computer Files

- 9.1 If sensitive material or personal information about Ponthafren's members is held 'on computer' a password should be used. All computer records relating to staff, including the finance system, should be protected by a password and only be available to employees with authorised access.

10 AD Hoc Discussions

- 10.1 Staff, students or volunteers wishing to have a confidential discussion with colleagues must make it clear before the discussion takes place. If in doubt ask!

11 Written Material Including Personnel Records

- 11.1 Personal records and supervision notes should be kept in a locked drawer. Other material relevant to staffing issues should be stored in a manner that is not inaccessible to visitors.

12 Operational issues

12.1 Community Development

Some of the work of Ponthafren is not of a confidential nature but there will be some situations where this is not the case. If there is any doubt clarification should be sought from the relevant parties. Any subsequent information of a written nature should be marked 'confidential' and kept in a locked drawer. Any organisation who uses the services of Ponthafren, or has approached Ponthafren as a potential user of its services, is regarded as a client and any information divulged by a client is to be treated as confidential except where not revealing the information would be breaking the law or where the employee considers there is danger or harm likely to be caused to others by the client's actual or intended actions.

12.2. Involvement in Joint Planning

Ponthafren staff are invited to planning meetings as representatives. The assumption should be that information made available is 'public' unless specified otherwise. If in doubt clarification should be sought from the chair of the relevant group.

12.3. Training

Information received and shared in training events will be assumed to be confidential unless otherwise stated. Clarification should be sought from participants on how and what information is to be recorded for reports or feedback on training and other events.

12.4. Work with Individuals

Much of this work will be of a confidential nature so if there is any doubt clarification should be sought from the relevant parties. If clarification is not forthcoming and there is a considerable concern about a particular matter the issue can be raised in supervision. However, the bottom line may be that necessary disclosure of information that may be confidential will remain an individual professional decision.

(N.B. breaches of confidentiality are seen as a disciplinary offence)

If individual information is kept on a member using the service, then it is important to discuss with the individual how much of this information is passed onto other agencies on a need to know basis. Consent would not be sought where not revealing the information would be breaking the law or where the employee considers there is danger or harm likely to be caused to others by the client's actual or intended actions.

12.5 Information

This is likely to fall into 3 categories:

1. General and specific requests for information on mental health related issues. Personal requests of a sensitive nature should be treated as confidential if not stated otherwise.
2. Dissemination: Only material deemed to be 'public' will be disseminated by the Service. Material published by the service will not be identify specific individuals.
3. Database/ Addresses: Staff must check that individuals are happy about their names being held on record for specific purposes. Such information will not be passed on to others without permission being sought.
4. Service users should not be referred to by name or by any other means by which their identity may become apparent.

12.6 Working with Other Groups

1. As a member of other groups the Centre worker(s) will be subject to their protocols on Confidentiality, if in doubt clarification should be sought from the 'chair' of the relevant group.
2. Training events, talk shops or sharing experiences groups, these would be confidential unless otherwise stated. Clarification should be sought from participants on how and what information is recorded for reports and feedback.

12.6 Equal Opportunities and Monitoring

All suggestions, comments and complaints regarding the service will be treated in confidence unless otherwise preferred by service users.

In order to monitor the Equal Opportunities Policy and the usage of the services some monitoring will be required. Any records will contain the absolute basic information required and there will be no names used.

13 Circumstances in which confidentiality may be breached

- 13.1 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 Ponthafren Association include, but are not limited to:
- Replying to certain specific enquiries from Government Departments e.g. Dept. of Employment or Dept. of Social Security, or the Inland Revenue.
 - Providing names of residents of a house in multiple occupations for Council Tax purposes, if Ponthafren Association is designated the "responsible person".
 - Passing on information on terrorist activities and information requested on road accidents involving personal injury, to the police.
 - Reporting on trafficking in illegal substances that comes to the notice of staff or volunteers.
 - Giving evidence in court if a sub-poena is issued.

14 Development Officer

- 14.1 All information held by the Development Officer on clients is confidential to the Officer and the individual whose information it is; no other member of Ponthafren staff will be party to that information. No letters addressed to Development Officer are to be opened by anyone other than the Development Officer.
- 14.2 All personal information held on computer will be password protected and information held on paper shall be stored in a lockable filing cabinet, only accessed by the Development Officer.

15 Giving information to the Police

- 15.1 Employees and volunteers have a duty in the public interest not to withhold information from the Police, such as the information described above.
- 15.2 Giving information concerning criminal activity of a serious nature 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.

16 Duty of Care

- 16.1 Ponthafren Association owes a "duty of care" to its service users. It may therefore be necessary to breach confidentiality where a service user is

acting, or likely to act, in a way that could cause serious harm to him or her self, or put other users at risk.

16.2 Ponthafren Association 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.

16.3 Where there is no legal obligation but there may be a “duty of care” to pass on information the decision will be of individual judgment. The following point of consideration should be used to help the decision made:

- 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?

16.4 The advice of the appropriate staff should be sought.

16.5 Where it is decided that information must be passed on this must be limited to those who need to know the information.

