Confidentiality policy

Families and individuals who come to groups or other activities at The Corner House Family and Community Hub CIO have the right to expect that the information they provide when they register with us will be handled safely. They also expect to be able to talk freely in groups, or in one to one situations with staff or volunteers or another family, without the staff member or volunteer repeating it unnecessarily outside the group, or without becoming the subject of careless gossip. This policy sets out what information we ask for from families, how we keep it safe, our commitment to minimising unnecessary sharing of conversations out of context, our commitment to seeking consent before we share information, and when our duty to share overrides our commitment to gaining consent.

The types of information we hold

- Information given to us by families via our registration form
- Staff and volunteers' personal information
- Any contact sheets and brief session notes

Details within this policy about keeping information safe applies equally to the personal information of families and of staff, volunteers and trustees, therefore the policy will refer only to families' information throughout.

CCTV recordings are covered by the separate but connected CCTV policy.

What information we will ask for

The Corner House Family and Community Hub asks each family to complete a registration form when they first make contact with us. When completing this form with the family, care should be taken at the outset to inform them that:

- We will use the information to keep in touch with them
- The information will be stored safely
- The information will be entered on a computer database

- That the information they pass to us may be shared with other agencies if to do so is in the best interest of the individual/child/family but that wherever possible consent is gained beforehand
- That where there are child protection/safeguarding concerns information may be shared without prior consent
- They are entitled to a copy of this policy on request

How information will be stored

All information will be held securely and in a way that minimises the chance of accidental disclosure or loss. Staff must have consideration at all times that information may be held in different formats: for example, staff diaries, telephone message slips and session registers all require the same care as registration forms. Registration forms will be entered into the database as soon as is practicable after the first contact has taken place and the hard copy forms locked away.

Sharing information within the team

Most families understand that the information they give may be shared within the team to ensure that the service we provide is of the highest quality and ensures we meet the needs of the family.

Sharing information with other professionals

On occasions it may be felt that the needs of a family, or of individuals within the family, are best met by working in partnership with professionals in other agencies. In all such cases, except those described later, as a matter of good practice informed consent should be sought from the parent/carer before information is shared. Where the information to be shared is sensitive then explicit consent should be sought and recorded. All workers receiving personal information about individuals or families in order to provide support or care are bound by a legal duty of confidence, whether or not they have contractual or professional obligations to protect confidentiality. When working with an agency for the first time care should always be taken to ensure that the agency understands its responsibilities in terms of handling personal information.

Preventing unintentional disclosure

Data in any form must not be left unattended on desks.

Care should be taken not to discuss cases where you may be overheard.

Documents relating to a child or young person should not be left unattended but filed as quickly as possible.

Care should be taken when talking with people about sensitive issues to ensure, insofar as it is practicable, that the discussion is private.

Confidentiality exemptions

Sometimes it may be necessary to share information without consent because obtaining it beforehand would not be practicable in the immediate circumstances or because it would prejudice the purposes for which the information is being disclosed eg:

- A person needs urgent medical treatment
- There is significant risk of harm either to a person or from that person
- In order to protect children, young people and/or adults from abuse or neglect. In such cases, refer to The Corner House Family and Community Hub's Safeguarding policy and Working Together to Safeguard Children
- The disclosure prevents a person committing a criminal offence that could place others in jeopardy or places workers or any other person at risk of collusion
- An order is made as part of a legal proceeding. This can be made by court order or by the police, under a Section 29 DPA exemption where the disclosure is being sought for one of the "crime and taxation purposes" - the prevention or detection of crime, the apprehension or prosecution of offenders or the assessment or collection of any tax or duty or of any imposition of a similar nature and where complying with the normal provisions of the DPA would be likely to prejudice one of these purposes or
- There is another overriding public interest concern

All situations where it may be necessary to breach the confidentiality of a family, child or young person must be referred to a member of the management team, that is, the Designated Safeguarding Lead, or a trustee except in exceptional circumstances eg where there is need for emergency medical treatment

The reasons for breaching confidentiality must be fully recorded and clearly referenced to the evidence and information on which the decision is based. This MUST include details of any third parties and full details of all the information/evidence they have given.

Implied consent

Most people understand that information may be shared within the The Corner House Family and Community Hub team to ensure their needs are best met. This should be made clear at registration,

as well as making it clear that consent will always be sought prior to sharing information with people outside the team, except in exceptional circumstances as described above.

Informed consent

Sharing information with other professionals may be in the best interests of the family, child or young person. This will be made clear in their first session and as needed throughout their journey with The Corner House Family and Community Hub. As a matter of good practice we will still seek informed consent in order to share personal information with professionals outside the team. Informed consent means that the individual has been provided with sufficient information to enable them to understand what they are consenting to, by telling them:

- what information you will share
- who you will share it with
- how the information will be used
- where they can go for independent advice and support.

However, an inability to obtain informed consent should not prevent The Corner House Family and Community Hub sharing information appropriately. In those cases, the staff member should check with the Designated Safeguarding Lead prior to proceeding and record this.

Explicit consent

In order to share personal confidential/sensitive information then explicit consent should be gained. By this we mean that the family or individual has been given sufficient information to enable them to give an unambiguous expression of agreement. Ideally this should be written. The staff member should write down the information to be shared, the agency/ies with whom it will be shared, the purposes to which the information will be put and ask the appropriate person to sign if they consent. This written agreement should then be placed on file.

The Data Protection Act 2018 deems the following to be sensitive:

- Racial or ethnic origin
- Political opinions
- Physical or mental health
- Biometrics (where used for identification)
- Criminal proceedings or convictions
- Religious or other beliefs
- Trade union membership

- Sexual life

Confidential information for the purposes of The Corner House Family and Community Hub will include data that is agreed to be of a personal and sensitive nature, but which is not covered by the Data Protection Act. This may include:

- History of abuse
- School attendance problems
- Care history
- Substance misuse
- Financial status
- A client's opinions

The Corner House Family and Community Hub will treat such data in the same way as sensitive data

Sharing information without consent

You can share confidential information without consent if it is required by law, or directed by a court, or if the benefits to a family, child or young person that will arise from sharing the information outweigh both the public and the individual's interest in keeping the information confidential. You must weigh the harm that is likely to arise from not sharing the information against the possible harm, both to the person and to the overall trust between therapists and clients of all ages, arising from releasing that information.

If a child or young person with capacity, or a parent, objects to information being disclosed, you should consider their reasons, and weigh the possible consequences of not sharing the information against the harm that sharing the information might cause. If a child or young person is at risk of, or is suffering, abuse or neglect, it will usually be in their best interests to share information with the appropriate agency.

If you share information without consent, you should explain why you have done so to the people the information relates to unless doing this would put the child, young person or anyone else at increased risk. You should also record your decision.

In sharing concerns about possible abuse or neglect, you are not making the final decision about how best to protect a child or young person. That is the role of the local authority children's services and, ultimately, the courts. Even if it turns out that the child or young person is not at risk of, or suffering, abuse or neglect, sharing information will be justified as long as your concerns are honestly held and reasonable, you share the information with the appropriate agency, and you only share relevant information.

Minor concerns that might be part of a wider picture

Risks to children's or young people's safety and welfare often become apparent only when a number of people share what seem to be minor concerns. This may include people from different agencies. If a child's or young person's condition or behaviour leads you to consider abuse or neglect as one possible explanation, but you do not think that they are at risk of significant harm, you should discuss your concerns with the Designated Safeguarding Lead, Early Years Manager or a trustee. If possible, you should do this without revealing the identity of the family, child or young person

If your discussions do not provide a clear view about the possibility of abuse or neglect, you should consider sharing limited relevant information with other agencies that are in contact with the child or young person to decide whether there is a risk that would justify sharing further information. Relevant information would include the identity of the child or young person and a brief summary of the cause for concern. You must ask for consent to do this. If the person or people you ask refuse to give consent, you should assess whether the possible benefits of sharing information outweigh those of keeping the information confidential.

If you are not satisfied that sharing information is justified in the circumstances, you should regularly review the position, considering the safety and welfare of the family, child or young person. You should encourage the parents, or child or young person, to get help and support. If you later become concerned that the child or young person is at risk of, or is suffering, abuse or neglect, you must tell an appropriate agency following the flowchart in the The Corner House Family and Community Hub safeguarding policy.

Anonymous information

From time to time The Corner House Family and Community Hub may be asked for information in an anonymised form, most often for audit or monitoring purposes. By anonymous data we mean data by which it is not possible to identify any individuals. This includes aggregated data, which will include statistical returns to commissioners and/or funders.

Subject access request

Subject access requests should be made in writing to the trustees following The Corner House Family and Community Hub's GDPR policy.

Information obtained from a partner organisation without the prior consent of the subject cannot be disclosed to that subject without the agreement of the originating organisation.

Data will be received by the requester no later than one month from the receipt of the request.

A parent/carer/guardian can make a subject access request in respect of their child.

They can be refused access however if it is deemed to be detrimental to the child. Such a decision will be taken after consultation amongst the trustees.

Young people over thirteen are presumed to be of sufficient maturity to make a subject access request in their own right.

Parents/carers/guardians of competent children over thirteen have no automatic rights of access to their children's data. In these cases, they will only be able to access their children's data with the written consent of their child. All such requests should be referred to the trustees. Access may be granted where it is felt that a young person is not capable of representing themselves and the parent/carer/guardian constitutes the child's legitimate representative. Where such a request is granted, the reasons for doing so must be fully recorded and clearly referenced to the evidence and information on which the decision is based.

Sending information electronically

From time to time it is necessary to send information about families, children or young people electronically. These must always be sent as a password protected document and the password sent as a separate email, regardless of whether or not the request for information was received in a password protected format.

References

General Medical Council Ethical Guidance *Confidentiality and sharing information* 2019

Data Protection Act 2018

Our confidentiality statement

We need to handle personal information about you so that we can provide services for you.

When we ask you for personal information we promise:

- To make sure you know why we need it
- To only ask for what we need and not to ask for too much or irrelevant information
- To protect it and make sure nobody has access who shouldn't

- To let you know if we need to share it with other organisations to give you a better service, and when you can say no
- To make sure we don't keep it longer than necessary

In return, we ask you to:

- Give us accurate information and
- Tell us as soon as possible of any changes

When you use our services, or tell us about yourself and your family, we will:

- Explain to you when and why we feel sharing your information with other agencies will be in the best interests of you or your family
- Ask for your consent before we share information
- Explain fully the reasons why we may share information without your consent and record the reasons on file
- Always share information where there are safeguarding concerns

You can ask any member of the team for more details on:

- how to find out what information we hold about you and how to correct any mistakes
- agreements we have with other organisations for sharing information
- circumstances where we can pass on your personal information without telling you, for example where there is a safeguarding issue
- how to make a complaint

When we ask for information we promise to keep to the law, and to handle it safely and appropriately as per our GDPR policy.

October 25

Kath Shaughnessy