

Bishop Creighton House

Confidentiality Policy

This policy should be read in conjunction with the Data Protection Policy 2021.

1. 1. Confidentiality Statement

The following statement can be used in publicity and other documents in order to clarify BCH’s policy on confidentiality:

‘Maintaining confidentiality is integral to the work of BCH, particularly in relation to our service users. Any personal or private information obtained through our work is shared on a need to know basis for the purposes of service delivery and support of service users, and is generally only disclosed to others with the informed consent of the individual concerned. The only situation in which confidentiality can be broken without the consent of the individual is where it is necessary to do so in order to protect the welfare of a service user, third party or the wider public.’

* 1. Definition

Definition of confidentiality for the purposes of this policy:

“treating with confidence personal information about service users, whether obtained directly or indirectly or by inference. Such information includes name, address, biographical details, medical details, and other such descriptions of the service user’s life and circumstances which might result in the identification of the service user”

(British Association of Counselling, ‘Code of Ethics and Practice for Counsellors’, BAC Rugby, 1990 -B.4.2)

* 1. Aims

This policy aims to:

protect the privacy of service users, volunteers, staff and trustees, and clarify their expectations of BCH;

* + describe what is meant by “maintaining confidentiality”;
  + define the rare exceptions where information may have to be disclosed without consent;
  + assist BCH to meet its legal obligations.

The policy covers the confidentiality of the following people connected with BCH:

* + service users
  + volunteers
  + staff
  + trustees

This policy relates to both spoken and written information and data held on computer.

All staff, trustees and volunteers of BCH are expected to comply with and implement this policy in their work.

* 1. Principles

1. BCH’s policy is based on two core principles:

personal or private information may only be disseminated after the informed consent of the individual or organisation to whom the information relates, unless there are exceptional circumstances where confidentiality must be broken;

information is only taken, kept, shared between and communicated to a person or persons who “need to know” it for the purposes of service delivery.

* 1. Importance of Confidentiality

Maintaining confidentiality is integral to the work of BCH. This applies to three key areas:

* + confidentiality of service users;
  + confidentiality of staff, volunteers and trustees;
  + confidentiality of sensitive information about the charity and its work.

Service users

We recognise that we cannot provide many of our services without receiving personal or private information about our service users.

We acknowledge that careless disclosure of this information can be harmful to the individuals and organisations concerned; it can break important relationships of trust, as well as placing a vulnerable adult in a position of harm or insecurity if their personal details and their circumstances are revealed inappropriately outside the organisation.

Service users have the right to privacy and confidentiality.

Information about service users remains confidential even after they have left the organisation or died.

Staff, volunteers and trustees

As an employer of staff and recruiter of volunteers and trustees, BCH has a responsibility to ensure that their private and personal information is kept confidential.

Information about staff, volunteers or trustees remains confidential even after they have left the organisation or died.

Staff, volunteers and trustees have the right to privacy and confidentiality.

The business of BCH

There are matters relating to the work of BCH (e.g. the investigation of complaints or internal debate about future plans for the organisation) which are not appropriate for discussion outside the organisation.

If staff or trustees are unclear about what is appropriate for discussion outside the organisation, they should clarify this with their line manager and / or the CE.

Staff should not discuss any business of BCH which could advantage partners or other external agencies at the expense of BCH, either during or after they cease employment.

* 1. Requirements

Requirements on obtaining information and maintaining confidentiality is given below. BCH has further detailed guidance on holding information e.g. Rehabilitation of Offenders Policy, Disciplinary Procedure, POVA policy. Collectively these set out the operational framework for BCH commitment to confidentiality.

* + 1. Access to Confidential Information

Staff and volunteers are given access to information about service users:

* + for a specific use;
  + in defined circumstances;
  + on a need to know basis.

They have authority to disclose the information only for that purpose, and only in the agreed circumstances. Ownership of information rests with the service user concerned, unless there are exceptional circumstances which require that confidentiality be broken (see below).

When handling and sharing personal information, staff and volunteers should always consider:

* + what information needs to be shared and why;
  + whether it is being shared for the purpose agreed with the person who gave the information;
  + who needs to know.
    1. Breaking confidentiality

There are rare exceptions to the duty to maintain confidentiality. These include:

* + when a service user appears to be at risk of significant harm, or may be a danger to themselves, and it is necessary to break confidentiality with the appropriate authorities in order to protect the service user;
  + when a third party appears to be at risk of significant harm e.g. in child protection situations or where there have been threats or incidents of violence, and it is necessary to break confidentiality with the appropriate authorities in order to protect that third party;
  + when BCH is legally obliged to break confidentiality to protect wider public safety - eg. in the case of a court ruling, a police investigation, or a serious breach of the law.

If a member of staff or volunteer believes that they must disclose information about a service user against their consent for any of the above reasons, they should first talk to their line manager or project co-ordinator, who will then discuss the matter with the CE or a member of the management team.

* + Only a senior member of staff may authorise a breach of confidentiality.
    1. Unauthorised breaches of confidentiality

Volunteers who break confidentiality without authorisation can be dismissed under BCH’s ‘Volunteer Guidelines and Policies.’

Staff who break confidentiality without authorisation can be disciplined under BCH’s Disciplinary Procedure. Trustees who break confidentiality without authorisation will be dealt with in accordance with the Trustees’ Code of Conduct in the Trustees’ Handbook. Staff can also be dismissed under BCH’s Disciplinary Procedure if the breach is serious enough to amount to gross misconduct.

The requirement to keep information confidential continues to apply after termination of employment or in the case of trustees and volunteers after they cease to have a relationship with BCH. This restriction only ceases to apply to information which is available in the public domain. Staff and volunteers must inform BCH immediately upon becoming aware, or suspecting, that a third party knows or has used any of BCH’s confidential information.

* 1. Training

It is BCH’s policy that all staff and volunteers who are directly supporting service users should have undertaken training in the principles and practice of confidentiality.

* 1. Group confidentiality

We operate a policy of group confidentiality. We recognise that personal information about clients should only be shared amongst staff and volunteers on a ‘need to know’ basis, but there are times when it will be necessary to share this information amongst several individuals within the organisation, for reasons of good practice and to improve service delivery to the individual concerned. When dealing with service users, it should be established that confidential and personal information they disclose is disclosed between them and BCH, not between them and any individual member of staff at BCH.

* 1. Review

The policy, procedure and guidance for obtaining, storing, using and protecting confidential information will be reviewed regularly by the management team, in order to ensure that BCH is meeting the required legal and good practice standards.

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