



Confidentiality Policy

Lead/Owner	CEO
Date of Approval	14/03/24
Author/Reviewer	CEO/Board of Trustee's
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Related Policies	
Level of Approval	Board of Trustees

Policy Statement:

1 Introduction

- a. 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.
- b. Maintaining the confidentiality of people who come into contact with the 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.
- c. 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 the beneficiaries of our services (people being supported by our volunteers, including their carers, family, friends and supporters) 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 the beneficiaries of our services wishing to make a complaint to or about Compassionate Inverclyde 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 fulfil obligations under the Data Protection Act (DPA) 1998.

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

2 Principles:

- 2.1 All staff and volunteers have a duty to keep personal information about service users safe and confidential. The beneficiaries of our services need to feel that they can trust staff/volunteers if they are discussing personal or sensitive matters with them and every service user has a basic right to privacy.
- 2.2 Staff and the beneficiaries of our services have the absolute right to access records that Compassionate Inverclyde has written about them.
- 2.3 Staff and volunteers must not discuss the beneficiaries of our services outside of work, must not gossip about the beneficiaries of our services 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 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 beneficiaries of our services are giving consent for Compassionate Inverclyde to access any relevant records that may be required for an accurate and ongoing assessment of need.
 - Compassionate Inverclyde will share relevant information with other support providers and/or statutory services as required.

3 Procedures:

- 3.1 The Chief Executive is the responsible authority under the Act for ensuring that Compassionate Inverclyde complies with the Act.
- 3.2 It is the responsibility of Compassionate Inverclyde 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 directors) are required to comply with this policy on confidentiality relating to third parties.
- 3.4 Compassionate Inverclyde will abide by the principles of data protection laid down in the Data Protection Act 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 the beneficiaries of our services 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 in the communal spaces.
- 3.6 The Beneficiaries of Our Services
- 3.7 All the beneficiaries of our services 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.
- 3.8 Information concerning the beneficiaries of our services should be kept to a minimum and must be factual, not speculative. If opinion is recorded, this should be noted as such.
- 3.9 Referral form will only request essential information in order to ensure that an individual's needs are met by the service.
- 3.10 Once a beneficiary of our services 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.

- 3.11 All the beneficiaries of our services have access to their files / information recorded about them. If a beneficiary objects to information being kept on file, they should follow guidance in Compassionate Inverclyde's complaints procedure.
- 3.12 The beneficiaries of our services have the right to choose what to tell Compassionate Inverclyde. They should be aware that if they disclose information to an individual, that it might be necessary to share this information with other people within the charity. This is in order to enable the most effective help to be offered.
- 3.13 Information about the identity and /or circumstances of people using our services will not be disclosed, EXCEPT:
- If harm or threat of harm to anyone else is involved. Consultation within the organisation will occur if this happens and wherever possible, the person giving the information will be told that steps are being taken to give it to other individuals or agencies.
 - When a person is referred to another agency with that person's consent.
- 3.14 If it is necessary to discuss confidential information with staff it must be anonymous.
- 3.15 Staff / Volunteers
The Administration officer will hold all records securely. Unrestricted access to these files will be confined to authorised staff who are required to maintain confidentiality.
- 3.16 Each employee /volunteer 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 Organisation. 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.
- 3.17 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 /volunteers will have the right of access to their personnel information in the company of a senior officer. All employees are required to read this information carefully and notify the administration 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.
- 3.18 Compassionate Inverclyde will ensure that payroll and personnel data are accurate and up-to-date and kept to a minimum needed for statistical and administrative purposes.

- 3.19 Recruitment and employment records
Compassionate Inverclyde 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.
- 3.20 Compassionate Inverclyde may provide references for former employees to some outside parties at its discretion.
- 3.21 Any employee, volunteer or beneficiary of our services with access to recruitment information is required to treat them as confidential. Such information should be destroyed after the interview process.
- 3.22 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. Application forms of successful candidates will be kept for the duration of their employment/voluntary service.
- 3.23 Ethnic and other monitoring forms will be detached from applications before the short-listing stage.
- 3.24 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, directors or sub-committee members concerned, except where there is a statutory obligation to do so.
- 3.25 Members are also required to maintain the same standards of confidentiality as staff.

4 Circumstances in which confidentiality may be breached

- 4.1 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 Compassionate Inverclyde 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.
 - Reporting on trafficking in illegal substances that comes to the notice of staff or volunteers.
 - Giving evidence in court if a witness summons is issued.
- 4.2 Giving information to the Police
Employees and volunteers have a duty in the public interest not to withhold information from the Police, such as the information described above.

- 4.3 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.
- 4.4 **Duty of Care**
Compassionate Inverclyde owes a "duty of care" to the beneficiaries of its services. It may therefore be necessary to breach confidentiality where a beneficiary of our services is acting, or likely to act, in a way that could cause serious harm to him or herself, or put other beneficiaries of our services at risk.
- 4.5 Compassionate Inverclyde 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.
- 4.6 Written or computerised information relating to people who use our services (e.g. records of people attending) are kept for health and safety reasons, to ensure quality of service, and for accountability. This information is still strictly confidential, is kept within the charity and is available only on request. For quality assurance purposes or audit, information will be made available but redacted and written consent sought if possible before it is used.
- 4.7 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?
- 4.8 The advice of the appropriate staff should be sought.
- 4.9 Where it is decided that information must be passed on this must be limited to those who need to know the information.
- 4.10 If it is alleged that this policy has been breached, a complaints or grievance procedure is in place and should be followed.

Document version control

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1.0	First version	CEO	14/03/2024