



CONFIDENTIALITY POLICY

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Purpose of this Document

This document outlines the policy of JRH Support in relation to the handling of confidentiality and respect the information we need to hold about service users and staff members.

Principles

1. The work of JRH Support inevitably involves the need to know a good deal about services users. We cannot provide good support without access to that information. We also need to know information about staff.
2. Much of this information is highly personal and sensitive. We recognise that service users and staff have a right to privacy and dignity, and that this extends to our handling information about them in ways which cause as little as possible intrusion on those rights.
3. We want service users to feel at ease with the staff who support them. An important element in that relationship is the capacity of a service user to be able to share information with staff, confident that it will be used with appropriate respect and only in relation to the support provided.
4. As providing support is a complex process, it is not possible to guarantee to a service user that information they give about themselves will be handled only by the staff to whom it was first passed but we can ensure that information is seen only by staff on the basis of their need to know.
5. JRH Support staff should only access personal and confidential information that they have direct responsibility for, and not out of curiosity or to check up on colleagues. Accessing confidential information that they have no right or cause to access could lead to disciplinary action being taken against the person.
6. We sometimes have to share information with colleagues in other agencies but we only do so on the basis of their need to know, and as far as possible only with the permission of the person concerned.
7. We will only break the rule of confidentiality in very extreme circumstances which justify our taking that action for the greater good of a service user or, exceptionally, others.

OUR LEGAL OBLIGATIONS

Data Protection Act 1998

The Data Protection Act 1998 sets put the parameters for sharing information appropriately and safely.

The basic principles:

Any personal information should be shared on the basis that it is:

- Necessary for the purpose for which it is being shared

- Shared only with those who have a need for it
- Accurate and up to date
- Shared securely and in a timely fashion
- Not kept for longer than necessary for the original purpose

Vital interest

'Vital interest' is a term used in the Data Protection Act to permit sharing of information where it is critical to prevent serious harm or distress, or in life-threatening situations. If the only person that would suffer if the information, and they have mental capacity to make a decision about it, then sharing it may not be justified.

The Human Rights Act 1998

Under Article 8 of the European Convention on Human Rights, individuals have a right to respect for their private life. This is not an absolute right and can be overridden if necessary and in accordance with the law.

Interference must be justified and be for a particular purpose. Justification could be protection of health, prevention of crime, protection of the rights and freedoms of others. A decision to share information and the reasoning behind it should be recorded.

The common law duty of confidentiality

Confidentiality is an important principle that enables people to feel safe in sharing their concerns and to ask for help. However, the right to confidentiality is not absolute. Sharing relevant information with the right people at the right time is vital to good safeguarding practice.

All staff and volunteers should be familiar with their internal safeguarding procedures for raising concerns. They can also contact either the police or the local authority safeguarding lead for advice, without necessarily giving an individual's personal details, if they are unsure whether a safeguarding referral would be appropriate.

Some basic principles:

- Don't give assurances about absolute confidentiality.
- Try to gain consent to share information as necessary.
- Consider the person's mental capacity to consent to information being shared and seek assistance if you are uncertain.
- Make sure that others are not put at risk by information being kept confidential:
- Does the public interest served by disclosure of personal information outweigh the public interest served by protecting confidentiality?
- Could your action prevent a serious crime?
- Don't put management or organisational interests before safety.

- Share information on a 'need-to-know' basis and do not share more information than necessary.
- Record decisions and reasoning about information that is shared.
- Carefully consider the risks of sharing information in relation to domestic violence or hate crime.

The Caldicott principles

The sharing of information in health and social care is guided by the Caldicott principles. These principles are reflected in the Data Protection Act and are useful to other sectors:

- Justify the purpose(s)
- Don't use personal confidential data unless it is absolutely necessary for purpose
- Access to personal confidential data should be on a strict need-to-know basis
- Everyone with access to personal confidential data should be aware of their responsibilities.
- Comply with the law
- The duty to share information can be as important as the duty to protect service user confidentiality

Information and Care Needs Assessment

Every user of the services of JRH Support must have their support needs thoroughly assessed before services are provided. This necessarily involves the staff who carry out an assessment or handle assessment material sent to us from other agencies in learning a considerable amount about an individual. It is the duty of such staff to retain, record and pass to the allocated support workers only the information which is relevant to the person's future support. A similar obligation applies to staff involved in a review or reassessment of support needs or in making any changes in the service provided.

Handling of Information by Support Workers

The support workers assisting a service user have access both to the information passed to them when they start to work with that service user and to knowledge which accumulates in the course of providing support. They have a duty of confidentiality:

- To treat all personal information with respect and in the best interests of the service user to whom it relates
- To share with their manager, when appropriate, information given to them in confidence
- To share confidential information when appropriate with colleagues with whom they are sharing the task of providing support
- To pass and receive confidential information to and from colleagues on occasions when they have to be replaced because of sickness, holidays or other reasons, in a responsible and respectful manner

- Only to pass confidential information to other social and healthcare agencies with the agreement of the service user, with the permission of their manager, or in emergencies when it is clear that it is in the interests of the service user or is urgently required for the protection of the service user or another person
- To refer to confidential information in training or group supervision sessions with respect and caution and preferably in ways which conceal the identity of the service user to which it relates
- Never to gossip about a service user or to pass information to any other individual other than for professional reasons.

Managerial and Administrative Responsibilities

Confidential information held by JRH Support about both service users and staff members.

It is therefore the responsibility of managers to ensure that information is stored and handled in ways that limit access to those who have a need to know, and to provide the following arrangements in particular.

1. To provide secure computer software to hold service user and staff records, and ensure that records are kept secure at all times.
2. To arrange for information held on computers to be accessed only by appropriate personnel.
3. To locate office machinery and provide appropriate shielding so that screens displaying personal data are hidden from general view.

Exceptional Breaches of Confidentiality

There are rare occasions on which it is necessary for a staff member acting in good faith to breach confidentiality in an emergency situation — for example, to protect the service user or another person from grave danger — without obtaining the permission of the person to whom it applies. In such a situation, the staff member should use their best judgement, should consult the service user's representative, a manager or a colleague if possible, and should inform their manager of what has happened as soon afterwards as possible.

Staff Briefing, Training and Discipline

It is a responsibility of management to ensure that all relevant staff are briefed on JRH Support's policy and procedures on confidentiality, are trained in the implications of this issue, and have opportunities to explore any problems they encounter and be supported through appropriate supervision. Inappropriate breach of the rules of confidentiality will be treated as a disciplinary matter.

Paul Battershall
General Manager