



Policy: Confidentiality

Date agreed by Governance Board: Aug 2017

Date to reviewed August 2020

Staff Annual check: Aug 2019

1. Why do we have a confidentiality policy?

This confidentiality policy is necessary to protect people with learning disabilities who use Speak Out, volunteers and staff from having confidential information about themselves passed to others without their knowledge or consent. It is essential that everyone feels safe while involved with Speak Out, either in an advocacy group, receiving 1-1 advocacy or while working or volunteering in any area of the organisation.

2. What do we mean by confidential?

Confidential information is private information which must not be shared with others without prior permission from the relevant person.

3. What information is confidential?

All personal information about people involved with Speak Out is confidential unless they give permission for information about themselves to be shared.

However, staff and volunteers supporting people who use the project may need to discuss individuals with their supervisor. People with learning disabilities (pwld) will be informed of this before they receive a service from Speak Out i.e. join an advocacy group or project or receive 1-1 support. Staff will share Speak Out's accessible confidentiality policy with all new services users.



In the course of their work Speak Out staff and volunteers may need to make others (e.g. carers, social workers and support staff) aware of Speak Out's confidentiality policy at the start of a conversation, letting them know that any information shared by them about a service user will be passed onto the service user in question.

Confidentiality will also be explained when a third party is involved in meeting to support communication with a service user (e.g. a community language interpreter, sign language interpreter or family member). The service users consent to their involvement will be sought and recorded.

It is acceptable to ask people receiving advocacy support to 'share their story' to raise awareness about advocacy and/or the issues pwld face. Impact stories can also be useful to help recruit new volunteers or let other people know about the organisation's work. People's identity will not be disclosed unless otherwise instructed by the person(s) involved. Full information about how impact stories will be used would be given to all concerned to help them decide if they are happy for their story is shared. No stories will be shared without written consent beforehand.

4. Breaching Confidentiality

Volunteers and staff will try and obtain a person's permission before taking up any issue on their behalf and where possible should encourage and support that person to act on their own behalf. However, volunteers and staff will in the last resort be able to reveal information without the consent of the person in specific circumstance if:

- There is serious danger to them, i.e. they are being abused or their life is at risk.
- There is serious danger to another person; i.e. they are being abused or their life is at risk.
- An infringement of the law is involved.
- The person cannot give permission because they lack capacity

In these circumstances volunteers should if possible discuss the situation with Speak Out staff before any other party. See Safeguarding Adults and Children at Risk policy and Procedures. It is the staff's responsibility to ensure that the volunteer and the person concerned are clear about what information will be disclosed, who will be told and why they are being told. The same process should be followed for those who appear to lack capacity. See Speak Out's Non-instructed Advocacy Policy.

Confidentiality breaches along with details of safeguarding alerts are recorded securely in Speak Out's electronic files. A detailed record of an incident is recorded in the service user's case file. A summary of any data breaches must be added to Speak Out's central Record of Confidentiality Breaches.



In line with Speak Out's Data protection policy, data breaches must be reported to Speak Out's Director/ Data Protection officer and relevant Trustees if appropriate. Serious breaches should be reported to the Information Commissioners Office (ICO).

5. Confidentiality and Records

Records are kept by Speak Out to ensure effective working, accuracy and fairness. All records, both paper and electronic records are stored securely and processed in line with the organisations Data Protection policy. (See also **Staff Procedures for Advocacy Case Management and Record Keeping**).

Storage

Speak Out staff are responsible for ensuring that information about both volunteers and service users is kept confidential and that all relevant information is held securely on the Charity Log database. Any paper records will be kept in a locked cupboard in the Speak Out office. Speak Out staff will clear their desks of confidential information when they leave the office. Any computerised information e.g. database and equalities information, will have password access.

These security measures also apply to any personal information kept about paid staff, volunteers and Governance board members at Speak Out.

Some information/ correspondence may be kept by volunteer advocates relating to services users they are advocating for. This information will be kept securely while held by the volunteer. Paper records will be locked away and any electronic records and email communication must be password protected. When a short term advocacy case ends, any written information will be transferred to files kept at the Speak Out office.

6. Retention of records

Service user records will be kept for as long as individuals concerned are involved in Speak Out. When an advocacy case ends or a partnership ends, someone leaves a group or project, information about the volunteer or service user will be kept safely for up to 3 years (see **Speak Out's Data Protection Policy**). After 3 years information will be destroyed.

The following information about service users will be kept on file:

- Key names and addresses
- Equalities monitoring data
- Advocacy plans, Build a Picture information or personal questionnaires
- Correspondence
- Case notes and a record of contact between themselves and Speak Out.

The following information about volunteers will be kept on file:

- Application form
- References
- Record of training and support received, including supervision notes.



Staff and volunteer records will be held securely and kept for 6 years after leaving the organisation in line with Speak Out's Data Protection Policy

Volunteers, staff and service users have the right under the Data Protection Act to have access to information about them. People with learning disabilities will be given support to understand any written information about them.

7. Confidentiality for the Speak Out Governance Board

Board members will need feedback on the direction of the project; its successes and failures. All information given to Board members about service users will be anonymous unless their express permission is obtained.

In exceptional circumstances an appointed Trustee of Speak Out will need more information about an individual. This will only occur if a complaint has been made or the confidentiality policy has been compromised.

Any deliberate breach of the Confidentiality Policy may lead to disciplinary action being taken.

8. Implementing these guidelines

The following action will be taken to ensure that these guidelines are effectively implemented:

- Confidentiality will be discussed as part of the induction of potential volunteers and new staff.
- This policy will be explained to people with learning disabilities who use the project at initial meetings, using Speak Out's accessible Confidentiality Policy, and a copy or summary of this policy will be made available to them.
- The Governance Board will regularly review these guidelines.

Confidentiality for staff and volunteers - A Check List:

- You should not reveal any private or confidential information about a Speak Out service users to anyone outside the Speak Out office without their express consent. Non instructed advocates should discuss any breach of confidentiality with Speak Out staff before continuing on a course of action.
- Where it is difficult to be certain about that person's consent to disclose information, you should always take great care in considering what their view might be. (**See Speak Out Non-Instructed Advocacy Policy**).



- You should use Speak Out staff/managers for support. It is therefore important for staff to be aware of how your advocacy/ volunteering is going and the issues that you are dealing with.
- Any information given to you by service providers, other agencies or any other person (carers, friend's etc) should also be given to the person you are supporting. The people or agencies sharing information will be informed of this practice at the start of any advocacy work.
- Information recorded by you should always be kept secure. Paper records should be locked away with only you having access to them. Electronic records and emails should be password protected and never left open on PC monitors and screens if you share the device.
- The person the information is about has a right to see any details about them recorded by you.
- If you have any concerns that someone with a learning disability is at serious risk or is being abused you must contact Speak Out/ your manager immediately, or contact social services following Speak Out's '**Safeguarding Adults and Children at Risk**' Policy and Guidelines. If necessary use the emergency services.

For more information see Speak Out's 'Procedures for Advocacy Case Management and Record Keeping'