



## Headway North West London

### Confidentiality Policy

#### 1. Policy Statement

Headway North West London (HNWL) respects the right of the service user to the principles of confidentiality. All HNWL staff and volunteers have a duty to keep confidential any information they learn about their service users, either directly or indirectly, and not to disclose it without permission, other than in exceptional circumstances

HNWL has a duty of care to protect staff, volunteers and service users and to act in his/ her best interest at all times.

HNWL believes that there might be occasions when it could be reasonable to breach confidentiality: -

- with the client's consent
- when the service user is not 'competent' to give consent and to disclose information is deemed to be in their best interest
- disclosure to colleagues –when the disclosure is considered to be necessary in the public interest or in the best interest of the service user
- statutory duty – e.g. drug misuse, or disclosure is required by law or by order of a court.
- if the psychological, social or physical well being of a 'minor' might be at risk.

Confidentiality should only be broken in exceptional circumstances and should only occur after careful consideration that the action can be **justified**.

HNWL Trustees and Co-ordinator should consider the safety of all staff, volunteers and service users when handling potentially harmful confidential information and if required seek further advice from the Trustees.

#### 2. Related HNWL policies:

Privacy and Dignity Policy  
Safeguarding Adults  
Disciplinary Policy and Procedure  
Complaints Policy

Data Protection Policy and Procedure  
Record Keeping Policy  
Sexuality and Relationships Policy

### **3. Staff Responsibilities**

#### **3.1 Co-ordinator/ senior person assuming everyday responsibility**

To ensure that all staff and service users have access to and are aware of this policy

To ensure that safeguards are in place to protect the interests of the service user, staff, volunteers and Trustees.

#### **3.2 All staff / volunteers**

To adhere to this policy and seek the guidance/ advice from the Trustees, Co-ordinator or Senior Person if necessary.

### **4. Audit Plan**

The Co-ordinator will monitor adherence of the policy and report findings to the Trustees.

### **5. Scope**

This policy applies to all staff, volunteers and Trustees.

### **6. HNWL Staff and volunteer training**

All staff and volunteers to be made aware of and read this policy

All staff and volunteers to sign a confidentiality clause agreement prior to commencement of service.

All new staff must read the policy on confidentiality as part of their induction process

### **7. References**

Data Protection Act - 1998  
Human Rights Act 1998

### **8. Procedure/ Guidance**

#### **8.1 Staff should:**

- ensure that all files or written information of a confidential nature are stored in a secure manner in a locked filing cabinet and are only accessed by staff who have a need and a right to access them
- ensure that electronic files of a confidential nature are stored in a secure manner i.e. password protected entry to authorised users only.
- wherever practical or reasonable fill in all records in the presence of and with the co-operation of the service user concerned

- ensure that all records, including care plans, are signed, dated, timed and written in black ink with the name of the member of staff printed alongside

8.2 Rare situations may arise which give rise to exceptions to the duty of confidentiality where confidential information may relate to harm to other service users or harm to the person sharing the confidence. In such circumstances HNWL reserves the right for staff to break their duty of confidentiality and to take the information to a senior member of staff. In such rare circumstances:

- the relevant service user will be informed of the position, and full details will be discussed with the service user
- appropriate notes will be made in the care plan and these notes will be open to inspection by the service user
- the information will only be given to those who absolutely need to know and wider issues of confidentiality of that information will still apply.
- the service user will be free to make a complaint through the HNWL Complaints Procedure.

8.3 New and prospective service users should be shown a copy of this confidentiality policy on initial assessment. Every effort should be made by staff to ensure that all service users fully understand the implications of this policy. The member of staff performing the assessment should ensure that the new service user understands and has read the following statement:

To help us make an assessment of your needs, we will need to ask you for personal information about your circumstances and to record this information. We will not share this information with anyone without your agreement and it will be kept in a confidential file, which will be kept in a locked filing cabinet. Only HNWL staff with permission to see the file will be able to access it. HNWL staff will record in the file on a regular basis information relevant to your placement and will pass on information relevant to your day-to-day support to your key worker. You may have access to your records at any time to see what is actually being recorded. It is HNWL's policy that all the information we receive about or from service users is confidential and that only those people who need to know the information will have access to it. HNWL will always ask your permission before we share information service users have given us with anyone else. In certain circumstances, however, we may need to share information in your best interests and reserve the right to do so.

#### 8.4 Requests for Information

HNWL will not provide information to relatives, spouses, friends or advocates without the consent of the individual service user concerned. All enquiries for information, even if they are from close relatives, should be referred back to

the service user or their permission sought before disclosure. Relatives, spouses, friends or advocates need to be made aware of this policy.

In certain circumstances staff may be asked for reports by insurance companies, solicitors, or employers for example. Before providing any such information, written consent from the service user is required and staff must never divulge information without consent unless obliged to by law.

## 8.5 Record Keeping

Files are kept on all service users accessing a HNWL service. Only relevant information must be kept to ensure that the support we offer as an organisation is of the highest quality. The files must only be available to the staff who need to use them.

In order to share information given from third parties, an 'information sharing agreement' must be in place. Involvement in the Single Assessment Process would also ensure that relevant information is shared appropriately.

### Human Rights Act

The Human Rights Act 1998 Article 8 [Right to respect for Private and Family Life] states:

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others.