

**CONFIDENTIALITY POLICY**

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<b>Distribution</b>	Off the Record B&NES and Trustees
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<b>Implementation Plan</b>	<p>Cascade by:</p> <ul style="list-style-type: none"> <li>• Induction</li> <li>• Staff meetings</li> <li>• Line management</li> <li>• Web Office</li> </ul>

<b>Revision</b>	<b>Date</b>	<b>Revision Description</b>
1.0	June 2008	Policy written by David Jones (Director).
2.0	Sept 2009	Amended Policy. Approved by Board of Trustees
3.0	October 2012	Reviewed and amended. Approved by Board of Trustees Executive

## CONFIDENTIALITY POLICY

*Note: Throughout "staff" refers to all paid staff and all volunteers, including counsellors, trustees and students.*

### 1. Introduction

The most important role that staff and volunteers from Off the Record (OTR) can offer is to listen to children and young people who may have contacted us for support. At times children and young people may need someone to talk to about issues in their life which are making them unhappy. They can talk to us in confidence about anything that concerns them. They won't be judged and we will endeavour to support them in anyway we can.

### 2. Definition of Confidentiality

Confidential refers to *'something which is spoken or given in confidence; private, entrusted with another's secret affairs'*.

When speaking confidentially to someone the person confiding (the confider) has the belief that the person they are telling (the confidante) will not discuss the content of the conversation with another. The confider is asking for the content of the conversation to be kept secret. Anyone offering absolute confidentiality to someone else would be offering to keep the content of his or her conversation completely private and discuss it with no one. In practice there are few situations where absolute confidentiality is offered (please see OTR's safeguarding policy and Data Protection policy. Safety of the child/ young person is paramount and therefore there may be circumstances where confidentiality is legitimately breached, in line with our safeguarding policy. ). Confidentiality exists between the child / young person and the organisation as a whole not between the child/ young person and the individual worker

### 3. Purpose

OTR is committed to adopting practices and procedures which ensure confidentiality in respect of information relating to the clients of the organisation. Confidentiality is an important part of forming a trusting relationship with the children/ young people using our services, with the aim of respecting the individual and supporting self-determination. Within OTR children and young people will be respected as responsible individuals in their own right and never solely in terms of their issues and concerns.

The independent status of OTR allows the organisation the liberty to offer children and young people the confidentiality that is essential for both the credibility of the organisation and the effectiveness of the work that is carried out by OTR.

### 4. Principles

Off the Record is committed to protecting personal information shared in confidence by children and children and young people as long as it is within public interest.

Children and young people have right to privacy and with this a right to control confidential information. They will be informed of their right to a confidential service and the limitation of this when staff first meet with them. This will also be reiterated as and when necessary.

Disclosures of confidential information will be managed on the basis of informed consent. And if there are any breaches of confidentiality, the children and young people will be told what information was shared, by whom and when as soon as possible.

## **5. Who Does The Policy Apply to?**

OTR's confidentiality policy will apply equally to members of the Board of Trustees, staff, volunteers and any person contracted by OTR (collectively "staff").

Confidentiality issues will be covered in all induction programmes for Board of Trustees, staff, volunteers and contracted workers.

## **6. Internal Confidentiality**

is no issue of breaking confidentiality within the boundaries of the staff, volunteers and management of the organisation. Information may be shared regarding individual children and young people within the team or between OTR services where it is regarded as being beneficial to the needs of the child or young person. Individuals should be made aware of this and no promises made that we will never share information and issues within the staff groups of OTR. It can be made clear at the time that staff may need to do this not only for staff support but also to There provide a better service for individuals. Care will be taken to ensure that issues are not discussed within the hearing of others who are not part of the staff and volunteer team.

Information regarding children and young people will need to be discussed in line management meetings to ensure:

- OTR's Safeguarding Children and Young People Policy is implemented
- Case review
- Quality service delivery

## **7. Information to Third Parties**

As a general rule, except in exceptional circumstances (please see below), no information about a particular individual with whom we are working should be given to any third party or agency without the permission of the individual concerned. Where possible the individual concerned should be in the presence of the worker / volunteer when consented information sharing is taking place. Where this is not possible the individual should be informed of the contact and substance of the conversation as soon as possible. No information will be requested of third parties regarding individuals by staff without the prior permission of the person concerned.

Please see Data Protection policy and Safeguarding policy.

## **8. Information from Third Parties**

There may be times when sensitive information is shared with persons identified in section (5) about children and young people by parents/ carers or other professionals who have contact with them. If this information is not for the benefit of child/ young person and will not affect the risk of harm to

others than persons identified in section (5) should indicate that the information will not be taken into consideration.**9. Exceptional Circumstances**

There may be exceptional circumstances where confidentiality may be breached when the child, young person or third parties are at risk or in immediate danger, or as defined in the *OTR Safeguarding Children and Young People Policy*. There is no prescriptive list to cover all occasions but examples could be:

- Where the person concerned is clearly putting themselves at risk of harm.
- Where the emotional or mental state of the person concerned is such that it puts their own or third parties lives or safety at risk.
- Where a third party is at risk of danger or abuse.
- If it is believed there is information which must be disclosed under the Prevention of Terrorism Act.

In such cases staff and volunteers should follow *OTR's Safeguarding Children and Young People Policy*.

Notes:

Where information about a child or young person is shared in writing, the name of the children and young people will only be used if communication channels are secure – *See OTR's Data Protection Policy*.

## **10. OTR Safeguarding Children and Young People Policy**

All staff are required to attend the OTR Safeguarding training. This training will assist them to use the organisation's clear guidelines and procedures for processing issues of concern. It is a mandatory requirement for all staff to familiarise themselves with these procedures on a regular basis. Please refer to the *OTR's Safeguarding Children and Young People Policy*

## **11. Confidentiality in Relation to Parents, Carers & Concerned Others**

### **11a) Parental / Carer consent is not required:**

1. To provide information, support or counselling as part of OTR drop in services. .
2. To provide advocacy, support and/or information, (however social workers and carers need to be informed when and where meetings are taking place at all times).

It is important that children in care are able to contact and consult the advocacy service in confidence and that they have control over what information, subject to The Safeguarding Children and Young People Policy, if any, is relayed to their social worker / carer. If confidentiality is not maintained, this could affect take up of the service.

### **11b) Parental / Carer consent is required when:**

1. Meeting the child or young person under 18 years in premises or spaces which do not deliver services that the child or young person is already attending.
2. Taking groups of children and children and young people participating in our services on activities not held in our premises

Consent forms will clearly indicate what consent is being sought for and will require a signature of a parent/ carer.

As a confidential service, as in the case of the counselling service of OTR, information relating to the content of the counselling or the specific arrangements for appointments will not be disclosed to parents, carers etc. without the express permission of the individual child/ young person. This includes confirmation of attendance or whether a child / young person is in the building or has left the building.

Neither will parents, carers nor concerned others be able to sit-in on one to one support, counselling or advocacy sessions. Staff are not required to offer support, counselling or advocacy for the child/ young persons family/ carer.

OTR respects the choice of parents to refuse consent or to withdraw a young person from a service if they are legally entitled to do so.

Staff will on no account disclose client information to other children and young people including siblings and/ or friends without the permission of the individual concerned and then only limited to what is fit for purpose or necessary.

## **12. Confidentiality within the Counselling Service**

All Counsellors adhere to the framework of the Confidentiality Guidelines outlined in the **British Association of Counselling and Psychotherapy (BACP)** Ethical Framework for Good Practice in Counselling and Psychotherapy.

OTR agrees with the following principles as outlined in the BACP Guidance on Good Practice namely that *“respecting client [child / young person] confidentiality is a fundamental requirement for keeping trust. The professional management of confidentiality concerns the protection of personally identifiable and sensitive information from unauthorised disclosure. Disclosure may be authorised by client consent or the law. Any disclosures should be undertaken in the ways that best protect the client’s trust. Practitioners should be willing to be accountable to their clients and their profession for their management of confidentiality in general and particularly for any disclosures made without their clients consent.”*

## **13. Breach of Confidentiality**

Breach of confidentiality is grounds for a child/ young person to make a complaint. , in which case they should be advised using guidance from the OTR Complaints Policy - May 2008.

A breach of confidentiality may result in disciplinary action being taken against staff.

## **14. Records**

The purpose of keeping records is to:

- Retain details of personal information such as contact details, emergency contact details and agreement for activities or assistance.
- Track the progress of children and young people.
- Keep an up-to-date record of any support provided by the organisation including referring children and young people onto third parties etc.

### **14.1 Access to records**

A child or young person has the right to supervised access to their files and the right to challenge any record or part of a record in terms of accuracy. Any such challenge will be noted on the record or, with the agreement, of the Director the record can be removed.

OTR will offer to assist any child or young person to access their records by offering to read and explain them.

### **14.2 Security of records**

All records pertaining to children and young people shall be kept in a secure lockable filing cabinet. Only relevant staff shall have access to the cabinet. Personal details that are kept electronically will be password protected/encrypted and comply with Data Protection legislation our OTR's Data Protection policy

Consent will be sought from service users if any personal details are required by funders for monitoring or evaluation reporting.

### **14.3 Retention and destruction of records**

A review of the child or young person's files will happen every 12 months (usually in the first quarter of the financial year).

In circumstances where enquiries have been made and there has been no take up of a service or if the child or young person received a short and completed intervention (such as information receipt or signposting) these records will be securely destroyed.

All other children and young people's records will be retained according to contractual requirements and counselling records are retained for 7 years in line with BACP Guidelines

## **15. In Conclusion**

Issues of confidentiality are often complex and staff within Off the Record may find it difficult to decide the best course of action. If you are unsure please ask your line manager / supervisor for advice.

**Relevant Legislation**

The Human Rights and Data Protection Acts need to be taken into consideration:

- **Human Rights Act 1998**

Gives everyone the right to 'respect for their private and family life, their home and their correspondence' unless this is overridden by the public interest e.g. for reasons of safeguarding, for the protection of public safety, public order, health or the rights and freedoms of others.

- **Data Protection Act 1998**

Applies to personal data of living, identifiable individual's not anonymous data – both paperbased and electronic records. Staff need to be clear when dealing with personal data for what purposes it will be used and need to be familiar with the OTR Data Protection policy

- **"UN Convention on the Rights of the Child 1991**

The UK Government agreed to ratify the Convention on the Rights of the Child on 16 December 1991. It must be noted that this means they agree to do everything to implement the convention, but that it is not legally binding. For more information on the Convention please access <http://www.childrightsnet.org>"

**Staff / Volunteers Signing Up To Policy**

There is an expectation that staff will sign up to the OTR Confidentiality Policy and a copy of the signed document will be held on their personnel file

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**Off the Record Staff & Volunteer Declaration**

I have read the Confidentiality Policy above and agree to abide by its rules and guidelines.

Staff/Volunteer Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_