

Confidentiality Policy

Approved by Board: 20th July 2021
Review date: July 2023



Our policy explains our rules. These rules tell us how we should work together.



Confidentiality means keeping things to yourself.



If someone tells you something they do not want other people to know, they say it is confidential.



This Confidentiality Policy tells you about how our advocates and other workers will work with you.



What you tell an advocate or worker will be private. Sometimes they may have to talk to their manager about it.



They will not talk to people who are not part of Lewisham Speaking Up about things you have told them that are private. But if we think you are not safe the law says we must tell the Safeguarding Lead.



We need to keep some information about you to help us to do our job properly.



We will not tell anyone else private information about you unless you say that it is okay.



Any papers or information on the computer that we keep about you will be kept a safe and secure.

We will only keep papers or information about you that are necessary for the advocate or worker to do their job.



If you want to see papers or information we keep about you, you can contact us. We will arrange a time for you to see them.



At very rare times an advocate or worker may think that you are in danger of being hurt or that you are going to hurt someone else.



If this ever happens they will have to tell someone else about it.



They have to do this even if you do not want them to.



They will only do this to keep you safe.



We want you to be able to trust your advocate or the worker and know that they are not going to talk about you to others unless you want them to.



Here is more about our confidentiality policy.



Lewisham Speaking Up

Registered in England and Wales No 5320369 | Registered Charity No 1109083

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One of the main principles of Advocacy is CONFIDENTIALITY.

This policy is to ensure that any person using our advocacy and other services is protected from having information about them passed to others without their knowledge or consent.

Lewisham Speaking Up is committed to providing a confidential service to the people who use its advocacy services. No information given to the Organisation will be shared with any other organisation or individual without the person's expressed permission, unless such information indicates a danger to the individual or others: *please see 'Breaches of Confidentiality' on page 7.*

For the purpose of this policy, confidentiality relates to the transmission of personal, sensitive or identifiable information about individuals or organisations (confidential information), which comes into the possession of the Organisation through its work.

The Organisation holds personal data about its staff, beneficiaries, and volunteers which will only be used for the purposes for which it was gathered and will not be disclosed to anyone outside of the organisation without prior permission from the individual: *exceptions to this rule are explained under 'Breaches of Confidentiality' on page 7.* Fresh consent will need to be given each time any information is passed to a third party, even when it relates to the same information.

All personal data will be dealt with sensitively and in the strictest confidence internally and externally. All personal data is held in a way that is compliant with all applicable data protection laws: for more information about how we handle personal data and what your rights are, please see our '*Data Protection Policy*', which is created in line with the *Data Protection Act 2018* and *GDPR* requirements.

Purpose

The purpose of the Confidentiality Policy is to ensure that all staff, beneficiaries, and volunteers understand the Organisations requirements in relation to the disclosure of personal data and confidential information.

Principles

- All personal paper-based and electronic data must be stored in accordance with the Data Protection Act 1998 and must be secured against unauthorised access, accidental disclosure, loss or destruction.
- All personal paper-based and electronic data must only be accessible to those individuals authorised to have access. Please see the LSU Data Protection policy for further details.

Statistical Recording

The Organisation is committed to effective statistical recording of the use of its services in order to monitor usage and performance.

All statistical records given to third parties, such as to support funding applications or monitoring reports for the local authority and/or our funders shall be produced in anonymous form, so individuals cannot be recognised.

Records

All records are kept in our secure online data base facility, Charity Log. Some other personal records may be kept in locked filing cabinets in the LSU office. All information relating to people using our services will be held on Charity Log. This includes case notes, referral forms, safeguarding information, application forms, copies of correspondence and any other sources of information.

Subject Access Requests

All individuals who are the subject of personal data held by LSU are entitled to:

- Ask what information the organisation holds about them and why.
- Ask how to gain access to it.
- Be informed how to keep it up to date.
- Be informed how the company is meeting its data protection obligations.

If an individual contacts the organisation requesting this information, this is called a subject access request. They can do this verbally or in writing and they do not have to state that it is a subject access request. Please see the

LSU Data Protection policy and Subject Access Request procedure for further information about 'subject access requests'.

Breaches of Confidentiality

The Organisation recognises that occasions may arise where individual workers feel they need to breach confidentiality. Confidential or sensitive information relating to an individual may be divulged where there is risk of danger to the individual, a volunteer or employee, or the public at large, or where it is against the law to withhold it. In these circumstances, information may be divulged to external agencies e.g. police or social services on a need to know basis.

The following are particularly applicable to our advocacy work and support of people who have a learning disability

- If there is some doubt as to the ability of a person to give informed consent (see additional information on informed consent) great care should be taken when considering what an individual's view might be and if the sharing of information is absolutely necessary for the benefit of that person.
- Staff and volunteers should at all times avoid substituting their judgement and explore all avenues of communication to obtain the views of the individual concerned.
- Staff and volunteers should be mindful that it could be easy to identify people from their circumstances as well as from their names.
- To discuss or divulge any information outside of the workplace may lead to the identification of the individuals using the service.
- With reference to the Organisation's advocacy work, only records that are necessary for the working of advocacy partnerships will be kept and only for as long as is absolutely necessary. Information will be shredded or disposed of in an appropriate way, as soon as it is no longer required.
- In the case of a member of staff or a volunteer ceasing to be part of the organisation, any confidential papers held by them will be returned to the advocacy organisation for safe keeping or to the person to whom they relate. The volunteer will be asked to then delete any electronic information they may have on their home computer and destroy any hard data.

- Information about advocacy partners may be shared within the organisation for the purpose of assisting in the working of any advocacy partnership provided by staff or volunteers, e.g. for supervision.

Where a worker or volunteer feels confidentiality should be breached the following steps will be taken:

Relevant steps will be taken in line with our Safeguarding policies. When confidentiality is to be breached for the purposes of safeguarding, the CEO must be informed and a safeguarding incident form must be completed and sent to the CEO. For all other considerations, the following steps must be taken:

- The worker or volunteer should raise the matter immediately with their Line Manager.
- The worker must discuss with the Line Manager the issues involved in the case and explain why they feel confidentiality should be breached and what would be achieved by breaching confidentiality. The Line Manager should take a written note of this discussion.
- The Line Manager is responsible for discussing with the worker what options are available in each set of circumstances.
- The Line Manager is responsible for making a decision on whether confidentiality should be breached. If the Line Manager decides that confidentiality is to be breached, then they should take the following steps:

The Line Manager should contact the Chair of the Board of Trustees. The Manager should brief the Chair on the full facts of the case, ensuring they do not breach confidentiality in doing so. The Line Manager should seek authorisation to breach confidentiality from the Chair.

If the Chair agrees to breach confidentiality, a full written report on the case should be made and any action agreed undertaken. The Line Manager is responsible for ensuring all activities are actioned.

If the Chair does not agree to breach confidentiality then this is the final decision of Lewisham Speaking Up.

Legislative Framework

The Organisation will monitor this policy to ensure it meets statutory and legal requirements.

Ensuring the Effectiveness of the Policy

All Board Members will receive a copy of the confidentiality policy. Existing and new workers will be introduced to the confidentiality policy via induction and training. The policy will be reviewed annually and amendments will be proposed and agreed by the Management Committee.

Staff, volunteers and sessional workers are required to sign a short statement indicating that they have been made aware of their confidentiality responsibilities.

Non-adherence

Intentional breaches of this policy by staff or volunteers will be referred to the Board of Trustees and dealt with under the Grievance and/or Disciplinary procedures as appropriate.

Other relevant policies

Data Protection Policy
Subject Access Request Procedures