



## Confidentiality policy and guidelines.

### Introduction

Wings South West believes that the relationships developed between staff/ volunteers, and service users must be based on trust. All service users have a right to trust that sensitive information they disclose to a Wings member of staff/ volunteer will not be discussed with others if they indicate this to be their wish.

Confidentiality is however a complex issue and the purpose of this document is to clarify the legal situation and to provide guidance on good practice.

Staff should make themselves aware of these guidelines and use them in conjunction with the **Data Protection** and **Safeguarding Policies** of the organisation.

If workers are unsure about disclosing information in any circumstances, the situation should be discussed with the line manager (maintaining anonymity if necessary).

**FOR FURTHER INFORMATION SEE THE DEVON CHILDREN'S TRUST CODE OF PRACTICE FOR SHARING INFORMATION, a copy of which is kept with Wings Policies file.**

(Or see: [devonchildrenstrust.org.uk](http://devonchildrenstrust.org.uk))

### Legal Aspects

Education and Youth Work falls in the group of professions where confidential relationships recognised by law exist, and a young person has the right to expect confidentiality if required. This applies also to Vulnerable Adults who are in our care.

However exceptional circumstances exist where confidentiality **MAY NOT** be maintained.

These include situations where:

- The young person or vulnerable adult is in, or could be placed in, a life threatening situation (which may include self-harm – see guidelines on dealing with self-harm)
- Another person is in or could be placed in a life threatening situation
- A young person or vulnerable adult is undergoing or is at risk of abuse (see Safeguarding Policy)
- The rights of other people would be infringed
- Someone else may be harmed

These exceptional circumstances **DO NOT** include disclosure by the service user about

- Own drug use
- Illegal activity
- Sexual activity

unless such activity places the service user or others in the situations listed above, or disclosure is of a serious crime eg fraud, or falls under Prevent Duty.

## **Confidential Information**

Information which a service user confides is deemed confidential if that service user requests it to be so. Staff must be aware that a service user may be signalling that the information is to remain confidential through the means it is disclosed eg asks to talk in private. Information that appears trivial must still be deemed confidential if requested.

Information is not confidential if it is in the public domain eg on social networking sites.

## **Disclosing Confidential Information**

If information shared by a service user meets the exceptional circumstances above, a staff member or volunteer should arrange to disclose it to the immediate line manager who will then decide whether to involve others in deciding how to proceed. With issues of Safeguarding, the procedure is clearly outlined in the Safeguarding policy.

## **Guidance**

### **Information shared by service users**

- Information imparted as confidential should be shared with other team members only if agreed by the service user
- Such information remains confidential even when there is no longer contact with the service user
- Care must be exercised in sharing any sensitive information about a service user with other members of the team, even when confidentiality has not been requested. Ask:
  - Will it help the other person in his/her work with the service user?
  - Will it help me in my work with the service user?
- Clarity should be sought about a service user's intentions. Ask:
  - Do you mind if I talk to other members of staff about what we have been discussing?
- Be aware that a service user may subsequently publish the information shared on social networking sites.

### **Staff members**

- Staff members have a right to confidentiality, and a colleague's personal information must not be shared with other colleagues or with service users

## **Disclosure to parents/carers**

- Whilst it is important to encourage a service user to confide in a parent or carer, the service user's wishes are paramount, and parents/carers do not have the right to see service users' records or to have confidential information disclosed to them without the service user's consent.

## **Disclosure to service users**

- Service users should never be asked to keep any information confidential. Therefore, although it is helpful to share life experiences with service users, great care should be exercised in revealing information about yourself which you would not be happy to be passed on.

## **Disclosure to those outside the organisation**

- Service users should never be discussed with friends or acquaintances outside the organisation, however reliable.
- If information is requested by a partner agency in line with multiagency integrated working, the "seven golden rules" of information sharing should be followed – see website: [www.devonchildrenstrust.org.uk](http://www.devonchildrenstrust.org.uk)

## **The right not to know**

- Staff should not feel that they must accept every confidence requested. Skill should be exercised in handling requests for confidentiality, and it should be borne in mind that it is perfectly acceptable to refuse.
- Be aware that in some situations service users may accept confiding in two people which may ease the load.
- Staff have a right to be supported in dealing with difficult situations, and advice can be sought from colleagues or line managers without naming a service user if necessary.

## **Written or otherwise recorded information**

- Information which is recorded in writing or by other means must be stored and used according to the requirements of GDPR as outlined in the Data Protection Policy.



## **Confidentiality policy and guidelines.**

## **Declaration**

I have read and understood the Wings Confidentiality Policy and agree to abide by the guidance.

NAME: .....(Staff and volunteers 18 plus)

SIGNED .....

DATE.....

The Wings Confidentiality Policy has been explained to me by ..... and I agree to abide by the guidance.

I understand the importance of keeping confidences, and that information I hear at Wings should not be shared with people outside.

I understand that I should not agree to keep confidences where:

- A young person or vulnerable adult is in or could be placed in a life threatening situation including self harm
- Another person or vulnerable adult is in or could be placed in a life threatening situation
- A young person or vulnerable adult is undergoing or is at risk of abuse as detailed in the Safeguarding Policy
- The rights of other young people or vulnerable adults would be infringed
- Someone else may be harmed

NAME: ..... (Volunteers under 18)

SIGNED .....

DATE.....