

North Derbyshire Women's Aid

Confidentiality Policy (excluding counsellors)

PART ONE – POLICY STATEMENT

AIMS AND PRINCIPLES

1. North Derbyshire Women's Aid is committed to maintaining the highest standards of confidentiality in all of its work in order to ensure the safety and well being of service users and staff. Breaches of confidentiality may have life threatening consequences and may therefore be the subject of disciplinary action.
2. North Derbyshire Women's Aid is also committed to safeguarding the rights of service users and staff to access information, which is held about them.
3. In fulfilling both of these aims, North Derbyshire Women's Aid will work within the requirements of the following legislation:
 - The Data Protection Act 1998
 - The Human Rights Act 1998
 - The Public Interest Disclosure Act 1998

INFORMATION WHICH WILL BE KEPT CONFIDENTIAL

4. The following information will be kept confidential within the organization and will not be disclosed to anyone who does not have the right to know.

Information about refuges

5. The address of refuges will not be given out or discussed with ANYONE unless in exceptional circumstances. The likely exceptions will be in the case of Social Services, the Housing Benefit authority, authorised contractors, health visitors etc, where legal requirements necessitate knowledge or direct access is required. North Derbyshire Women's Aid will attempt to minimize the number of people who know the refuge addresses by using the same contractors and dealing with the same person at an agency where possible.

6. Under no circumstances should the service users of North Derbyshire Women's Aid be discussed in a non-professional situation outside of the working environment. This includes general conversation with work colleagues, friends and family.

Information about service users

7. Information on service users will be shared between staff, volunteers and the management committee as necessary to enable effective service delivery. Personal details disclosed by an individual will remain confidential *within the organisation* (staff will explain to service users that they will share information with other staff members) unless the following circumstances prevail:

- there is a direct effect on the safety of the refuge or the individuals within it
- there is a Child Protection issue
- a woman is threatening to harm herself

8. A woman's permission will be obtained before disclosing personal data to a third party / outside agency. The only time this will be overridden is if:

- there is a Child Protection issue
- there is a need to protect the vital interests of the woman (i.e. it is a life or death situation)
- North Derbyshire Women's Aid is required by law to do so
- North Derbyshire Women's Aid is assisting in the prevention or detection of a crime

9. Where external agencies have ongoing relationships with residents, all parties concerned will agree boundaries of confidentiality.

Information about children and young people

10. Any conversation between young people and staff members or volunteers should be held in confidence within the organisation. However, there may be the need to share information with the mother/carer or to refer to other agencies. The child/young person will be made aware of this.

11. In the event of any disclosure of child abuse occurring, the Child Protection policy and procedure must be followed.

Information about ex-service users

12. Confidentiality is just as important for ex-residents of the refuge and for women accessing the outreach and after care services. The policy and procedure applies equally to women and children in this situation.

Staff, volunteers and management committee members

13. Under no circumstances will information relating to staff members, volunteers or management committee members be given to any individual or organisation without the permission of that person.

Recorded information

14. Any recorded information on service users, ex-service users and staff will be:

- kept in locked cabinets.
- protected by the use of passwords if kept on computer.
- recorded by codes if used for statistical purposes so those individuals remain anonymous.
- kept for at least 7 years and then destroyed confidentially if it is no longer needed.

ACCESS TO INFORMATION

15. North Derbyshire Women's Aid's service users have the right to know if personal data is being held about them and to be given:

- a description of personal details held about them
- the purposes for which North Derbyshire Women's Aid uses this personal data
- those to whom North Derbyshire Women's Aid may disclose this personal data.

16. North Derbyshire Women's Aid will provide this information to service users who request it unless:

- the information may cause harm to the service users' (or another person's) mental or physical condition unless an appropriate health professional has been consulted.

- (if an ex-service user) the identity of the ex-service user has not been
 - confirmed.
 - North Derbyshire Women's Aid recently complied with a similar request.
17. Where the person requesting access to personal data is a child or young person North Derbyshire Women's Aid will give them access to this if:
- they are over 12 years old **and**
 - they are deemed mature enough to understand the nature of their request
- or**
- the request for access to personal data held on the child/young person has been made by the parent or guardian and North Derbyshire Women's Aid is satisfied with the identity of the parent or guardian.

TRAINING

18. All staff members, volunteers and management committee members will be trained in the use of this policy and procedure to ensure that confidentiality and access to information are dealt with appropriately at all times.

PART TWO – PROCEDURAL GUIDANCE ON CONFIDENTIALITY AND ACCESS TO INFORMATION

DISCLOSURE OF PERSONAL INFORMATION ABOUT SERVICE USERS TO OUTSIDE AGENCIES

1. In cases where staff members feel there is a need to disclose confidential information about a service user to a third party / outside agency, they must inform the person concerned why there is a need to share information, with whom, and what the likely consequences of their agreeing or not agreeing to disclosures are.
2. Once consent has been obtained, it is the responsibility of the staff member passing on any information to ensure that disclosure only takes place on the terms agreed with the service user it concerns.
3. Information should only be given to other organisations with the service user's permission, with the exception of the cases set out in the policy when disclosures may be made without consent.
4. Some organisations, for example housing associations, may require details about the service user including criminal record or level of rent arrears, if the service user is being referred to them. The staff should tell the service user the information requirements of the organisation and the reasons why disclosure of information is necessary. They should be told the consequences of agreeing, or not, to having the information passed on.
For example, if North Derbyshire Women's Aid refuses to disclose a woman's rent arrears to a housing association, that association might refuse to give that person a nomination.
5. Staff may be approached by the Benefits Agency (BA) over the phone seeking information to verify a claim. The staff will make it clear to service users what sort of information may be required, e.g. date of moving in or services provided. Any other information the BA asks for will not be given without the permission of the resident concerned.
6. In the case of attempting to verify a claim, the staff will ask the resident concerned for permission to approach the BA for information. The staff or residents will not give out anyone's move-on address without the permission of the person concerned.

DISCLOSURE OF INFORMATION ABOUT PROPERTIES

7. Staff must not disclose the location and nature of properties unless given express permission to do so by the Senior Worker. In such cases residents will normally be informed prior to disclosure and wherever feasible, consulted.

8. Staff compiling accounts, annual reports etc. must not refer to the properties by address.

9. Staff responsible for linking with partner agencies must give them a copy of North Derbyshire Women's Aid's confidentiality policy and explain its impact on them. The people within the agency who will need to know the location and nature of North Derbyshire Women's Aid properties will be identified by the agency in conjunction with North Derbyshire Women's Aid at an early stage. Management Agreements will state that breaches of confidentiality by either party will be treated as a breach of the agreement.

10. Staff responsible for employing contractors and consultants on behalf of North Derbyshire Women's Aid must not inform them of the kind of housing provided by North Derbyshire Women's Aid unless this would hinder their work. For contractors used on a regular basis, e.g. for supplying nappy bins, staff may inform them about North Derbyshire Women's Aid's work in order to ensure the long-term maintenance of confidentiality. However, this may only be done with the express permission of the Senior Worker.

11. Staff responsible for employing contractors and consultants must explain North Derbyshire Women's Aid's expectations as regards confidentiality.

PUBLICITY AND PUBLIC RELATIONS

12. Staff must not reveal the location of properties to the media. Visits by external agencies must be kept to an absolute minimum. Where agencies do visit they will be required to complete the confidentiality contract in Appendix One.

13. Staff may not become involved with the media except with the expressed permission of the Senior Worker.

SERVICE USERS' REQUESTS TO ACCESS INFORMATION HELD ABOUT THEM

14. Staff should respond positively to requests from service users to see personal information held about them on their files, as long as this is in line with the conditions set out in the policy. The staff member receiving the request must arrange a convenient place and time for the service user to go through her file and should remain with her while she does this.

BREACHES OF CONFIDENTIALITY

15. Any breaches of confidentiality will be taken seriously. This does not mean, however, that all breaches will be subject to disciplinary action. Where it is more appropriate to deal with confidentiality breaches through education or training, this will be done.

16. Any breach of confidentiality by a resident will be discussed first at a meeting of staff. The meeting will decide what action, if any, needs to be taken within the terms of North Derbyshire Women's Aid's licence agreement / house rules.

17. The Senior Worker will consider any breach of confidentiality by a member of staff. She will decide what action, if any, needs to be taken in terms of the disciplinary procedure.

APPENDIX ONE

CONFIDENTIALITY CONTRACT

In your dealings with North Derbyshire Women's Aid, you may have access to sensitive information concerning the refuge location, management committee, staff and residents/service users. Information will be provided on a 'need to know' basis only.

In order to safeguard staff, residents and the long term-viability of the refuge, the location of the refuge must not be disclosed to any person, whether in a personal or professional capacity, unless North Derbyshire Women's Aid gives their express permission to do so. The only general indication of the refuge's location which may be provided is that it is situated in Chesterfield or North East Derbyshire. When writing or talking about our refuge you must never identify the address as North Derbyshire Women's Aid or as a refuge. Neither should it be a matter of permanent record, either on manual files or on the computer to identify the address as a North Derbyshire Women's Aid refuge.

An ongoing agreement and ability to honour the terms of this contract will be a requirement of your continued liaison with North Derbyshire Women's Aid.

Acceptance of the terms of the confidentiality contract

I have read and understood the above information. In working with North Derbyshire Women's Aid, I agree to respect the confidentiality of the refuge/s whilst involved with the project and in the future.

Signed:

Date:

Name:.....

Position:

Please copy this form for your own records, before returning the original to:

North Derbyshire Women's Aid

P. O. Box 131

Chesterfield

S40 1TU