

Support For Survivors

A Registered Charity supporting Male & Female
SURVIVORS of Childhood Sexual/Physical/
Psychological/Incest Abuse & Rape



YOU ARE NOT ALONE

Confidentiality Policy

**Registered Charity Number
1165986**

First Approved by J.T 9th Dec 2011

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Reviewed April 30th 2017
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27/10/20

• A time to listen • A time to share • A time to heal •

Support for Survivors, The Sherwood Community Centre

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Registered Charity Number 1165986

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1. General principles

- 1.1. **Support for Survivors Charity** recognizes that **all staff** (employees, volunteers, trustees, secondees and students) gain information about individuals and organizations during their work or activities. In most cases, such information will not be stated as confidential and colleagues may have to exercise common sense and discretion in identifying whether information is expected to be confidential. This policy aims to give guidance but if in doubt, seek advice from your line manager.
- 1.2. Staff **CAN** share information with their **Line Manager/s** to discuss issues and seek advice.
- 1.3. Staff **MUST** avoid exchanging personal information or comments about individuals with whom they have a professional relationship.
- 1.4. **Talking about the private life of an Individual is to be avoided always unless** the Individual in question has instigated the conversation.
- 1.5. Staff **MUST** avoid talking about **organizations** or **individuals** in social settings.
- 1.6. Colleagues will not disclose to anyone, other than their **Line Manager/s**, or **Care Services Director**, any information considered sensitive, personal, financial, or private without the knowledge or consent of the Individual, or a Trustee, in the case of an organization.
- 1.7. There may be circumstances where Staff would want to discuss difficult situations with each other to gain a wider perspective on how to approach a problem. **Support for Survivors Charity** consent must be sought before discussing the situation unless the Individual is convinced beyond doubt that the organization would not object to this. Alternatively, a discussion may take place with names or identifying information remaining confidential.
- 1.8. Where there is a **Legal Duty** on **Support for Survivors Charity** to disclose information, the person to whom the confidentiality is owed will be informed that disclosure has or will be made.

2. Why information is held.

- 2.1. Most information held by **Support for Survivors Charity** relates to Victims & Survivors, volunteers, and community organizations, self-help groups, volunteers, students, trustees, or Funding Trusts & Foundations, supporting them financially.
- 2.2. Information is kept enabling **Support for Survivors Charity** Staff to understand the history and activities of Individuals or organizations to deliver the most appropriate services.
- 2.3. **Support for Survivors Charity** has a role in putting people in touch with voluntary and community organizations and keeps contact details which are passed on to any enquirer, except where the group or organization expressly requests that the details remain confidential.
- 2.4. Information about students is given to the training organization and the college or university, but to no one else.
- 2.5. Information about **ethnicity/disability/religion** of users is kept for the purposes of monitoring our **Equal Opportunities policy** and for reporting to funders.

3. Access to information

- 3.1. Information is confidential to **Support for Survivors Charity** as an organization, but may be passed to Staff, Line Managers, **Care Services Director & Trustees** to ensure the best quality service for users of the Charity.
- 3.2. Where information is sensitive, i.e., it involves disputes or legal issues; it will be confidential to the person dealing with the case and their Support Work or Line Manager. Such information should be clearly labelled '**Confidential**' and should state the names of the Individual/s entitled to access the information and the name of the individual/s or group who may request access to the information.
- 3.3. Staff will not withhold information from their Line Manager unless it is purely personal.

Victims & Survivors may have sight of **Support for Survivors Charity** records held in their name or that of their organization. A request must be put in writing to the **Care Services Director** giving 14 days' notice and be signed by the individual, or in the case of an organization's records, by the **Chair or**

Secretary. Sensitive information as outlined in paragraph 3.2 will only be made available to the Individual or organization named on the file.

- 3.4 Volunteers and Staff may have sight of their personnel records by giving 14 days' notice in writing to the **Care Services Director**.
- 3.5 When photocopying or working on confidential documents, Staff must ensure people passing do not see them. This also applies to information on computer screens & mobile phones.

4. Storing information

- 4.1. General non-confidential information about organizations is kept in unlocked filing cabinets and in computer files with locked access to all **Support for Survivors Charity** colleagues.
- 4.2. Personnel information on staff, volunteers, students, and other individuals working within **Support for Survivors Charity** will be kept in lockable filing cabinets by **Line Managers** and the **Care Services Director and** will be accessible to the **Chair & Secretary**.
- 4.3. Files or filing cabinet drawers bearing confidential information must be labelled '**Confidential**'.
- 4.4. In an emergency, the Line Manager/s & **Care Services Director** may authorize access to files by other people.

5. Duty to disclose information.

- 5.1. There is a legal duty to disclose some information including:
- 5.2. **Child/rens and Adult's Safeguarding &** will be reported to Social Services, or Nottingham City Council, Nottinghamshire County Council, Nottinghamshire Safeguarding team and or the Police or 999 Emergency services, GP & NHS services. Everyone has a duty **Preventing harm to vulnerable children or vulnerable adults** – there may be circumstances involving a **child/ren** or **vulnerable adult**, where you should consider revealing confidential information to an appropriate authority. This may be where the child or adult in question is the client and they reveal information which indicates they are suffering **sexual or other abuse but refuse to allow disclosure of such information.**
- 5.3. **Where a client has indicated their intention to commit harm to others, suicide, serious self-harm, terrorism,** where you believe the client is genuine in their intention to commit, and there is no other way of dealing with the issue, you should

consider seeking consent from the client, if appropriate, to disclose the information to a third party so that help might be given. e.g. to a ward nurse, or Doctor and where the client is in hospital. Where it is not possible or appropriate to get consent you may decide, to protect the client or another, to disclose that information without consent.

- 5.4. In addition, colleagues' believing an **illegal act** has taken place, or that a user is at risk of harming themselves or others, **MUST** report this to the **Care Services Director** who will report it to the appropriate authorities. (Users should be informed of this disclosure).
- 5.5. **Preventing the commission of a criminal offence** – You may well be able to disclose information to prevent the commission of a future criminal offence by applying the principles discussed above: there is no confidence in an iniquity and communications that further a criminal purpose are simply not privileged.... You will need to balance the duty of confidentiality to your client with the public interest in preventing harm to others and will need to carefully consider the information available to you and whether this clearly identifies a proposed victim or is sufficiently detailed or compelling for you to form an opinion that a serious criminal offence will occur. **e.g., Drug trafficking, money laundering or acts of terrorism** must be **disclosed** to the **police**. **You will not only be under a duty to disclose this to the relevant authorities, but you must also do so in such a way your client is not “tipped-off” that you are doing.**

6. However,

In considering disclosure you should have in mind the absolute fundamental nature of duty of confidentiality and remember that the circumstances in which confidentiality can be overridden are rare.

- 6.1 If you are considering the disclosure of information without your client's consent, you should always:
- 6.2 Consider whether the appropriate course is to discuss your concerns with the client to gain agreement to steps to prevent the harm which is worrying you.
- 6.3 Carefully consider the most appropriate person to disclose your concerns to, for example, a family member, the client's doctor, social worker, police, or other public authority.
- 6.4 Limit the amount of information being disclosed to that which is strictly necessary.
- 6.5 Keep a careful attendance note detailing your concerns and the factors that you considered prior to making the disclosure. This should include the reasons why you considered that it was not appropriate or practicable to obtain your client's consent to the disclosure, making sure everything is recorded.

7. Exceptions to the Duty of Disclosure

Indicative Behaviour provides that the duty of disclosure to a client need not, depending upon the circumstances, arise where:

The client gives specific informed consent to non-disclosure or a different standard of disclosure arises;

There is evidence that serious physical or mental injury will or may be caused to a person(s) if the information is disclosed to the client.

Legal restrictions effectively prohibit you from passing the information to the client, such as the provisions in the money-laundering and anti-terrorism legislation.

It is obvious that privileged documents have been mistakenly disclosed to you;

You come into possession of information relating to state security or intelligence matters to which the Official Secrets Act 1989 applies

8. Disclosures

- 8.1 **Support for Survivors Charity** complies fully with the **DBS Code of practice**: regarding the correct handling, use, storage, retention and disposal of **Disclosures and Disclosure & Barring Service** information.
- 8.2 Disclosure information is always kept separately from an applicant's personnel file in secure storage with access limited to those who are entitled to see it as part of their duties. It is a **criminal offence** to pass this information to anyone who is not entitled to receive it.
- 8.3 Documents will be kept, for further disclosure as evidence to either the Police or Legal Professionals. Photocopies will not be kept. However, **Support for Survivors Charity** may keep a record of the date of issue of a Disclosure, the name of the subject, the type of Disclosure requested, and the position for which the Disclosure was requested, the unique reference number of the Disclosure and the details of the recruitment decision taken.

9. Breach of confidentiality

- 8.1. Service Users, Staff & Volunteers who are dissatisfied with the conduct or actions of another or other/s or **Support for Survivors Charity** **SHOULD** raise this with their **Line Manager**

who in turn must raise with the **Care Services Director** who will raise with the **Chair, OR Secretary, who will inform Trustee's**, using the **Grievance Procedure**, if necessary, and not discuss their dissatisfaction outside **Support for Survivors Charity**.

- 8.2. Those accessing unauthorised files or **breaching confidentially** may face disciplinary action.

9. Whistle blowing

- 9.1. Where the accounts person or **Treasurer**, or anyone who has concerns about the use of **Support for Survivors Charity** funds, he or she may refer directly to the **Care Services Director, Chair** or **Secretary** or **Treasurer** outside the usual **Grievance** procedure.
- 9.2. All staff hold the right to inform either his or her **Line Manager, Care Service Director** or one of the **Trustees** if they believe that **Support for Survivors Charity** is being brought into disrepute by the actions of another person or Trustee.

Sign: Maxi 'Leigh (Care Services Director)

Signature: *Maxi 'Leigh*

Date: 27th September 2020