



## Confidentiality Policy



## 1. General principles

- 1.1. **Support for Survivors Charity** recognises that volunteers, trustees, secondees, and students gain information about individuals and organisations 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 **organisations** or **individuals** in social settings.
- 1.6. Colleagues will not disclose to anyone, other than their **Line Manager/s, or the Managing 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 organisation.
- 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 organisation 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 and survivors, volunteers, community organisations, 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 organisations to deliver the most appropriate services.
- 2.3. **Support for Survivors Charity** has a role in putting people in touch with voluntary and community organisations and keeps contact details that are passed on to any enquirer, except where the group or organisation expressly requests that the details remain confidential.
- 2.4. Information about students is given to the training organisation and the college or university, but to no one else.
- 2.5. Information about the **ethnicity/disability/religion** of users is kept to monitor 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 organisation, but may be passed to staff, line managers, **Managing Director**, and 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.
- 3.4. Victims and survivors may have a sight of **Support for Survivors Charity** records held in their name or that of their organisation. A request must be put in writing to the **Managing Director** giving 14 days' notice and be signed by the individual, or with an organisation's records, by the **Chair or secretary**. Sensitive information, as outlined in paragraph 3.2, will only be made available to the Individual or organisation named on the file.
- 3.5. Staff may have a sight of their personnel records by giving 14 days' notice in writing to the **Care Services Director**.
- 3.6. 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 organisations is kept in unlocked filing cabinets and 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 **Managing Director** this can be accessible to the **Chair and secretary at any time**.
- 4.3. Files or filing cabinet drawers bearing confidential information must be labelled '**Confidential**'.
- 4.4. In an emergency, the Line Manager/s and Managing **Director** may authorise access to files to 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 Safeguarding &** will be reported to Social Services, Nottingham City Council, Nottinghamshire County Council, Nottinghamshire Safeguarding team, and or the Police or 999 Emergency services, GP & NHS services. Everyone must **prevent 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 that 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,** or 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 where the client is in the hospital. Where it is not possible or appropriate to get consent, you may decide, to protect the client or another, from disclosing 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 Managing **Director** who will report it to the appropriate authorities. **(Users should be informed of this disclosure).**
- 5.5. **Preventing the commission of a criminal offense** – You may well be able to disclose information to prevent the commission of a future criminal offense 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 consider the information available to you and whether this identifies a proposed victim or is sufficiently detailed or compelling for you to form an opinion that a serious criminal offense 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.**

- 5.6. In considering disclosure, you should have in mind the absolute fundamental nature of the duty of confidentiality and remember that the circumstances in which confidentiality can be overridden are rare.
- 5.7. If you are considering the disclosure of information without your client’s consent, you should always:
- 5.8. Consider whether the appropriate course is to discuss your concerns with the client to gain agreement on steps to prevent the harm that is worrying you.
- 5.9. 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.
- 5.10. Limit the amount of information being disclosed to that which is strictly necessary.
- 5.11. Keep a careful attendance note detailing your concerns and the factors that you consider before making the disclosure. This should include the reasons why you considered that it was not appropriate or practicable to obtain your client’s consent for the disclosure, making sure everything is recorded.

## **6. Exceptions to the Duty of Disclosure**

- 6.1. **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 by 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.



## 7. Disclosures

- 7.1. **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** and barring Service information.
- 7.2. Disclosure information kept separate 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 offense** to pass this information to anyone not entitled to receive it.
- 7.3. Documents kept for further disclosure as evidence to either the Police or Legal Professionals. (SFS will not keep photocopies). 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, the position for which the Disclosure was requested, the unique reference number of the Disclosure, and the details of the recruitment decision taken.

## 8. Breach of confidentiality

- 8.1. Service users, Staff, Volunteers, Trustees, Secondees, and Students dissatisfied with the conduct or actions of another or other/s or **Support for Survivors Charity** **SHOULD** raise this with their **Line Manager** who must raise it with **the managing director** who will raise with the **Chair, OR Secretary, who will inform Trustee's**, using the **Grievance Procedure** and not discuss their dissatisfaction outside **Support for Survivors Charity**.
- 8.2. Those accessing unauthorised files or **breaching confidentially** **may face disciplinary action**.

## 9. Whistleblowing

- 9.1. Where the Accounts person or **Treasurer**, or anyone who has concerns about the use of **Support for Survivors Charity** funds, may refer directly to the **Managing Director, Chair** or **Secretary** or **Treasurer** outside the usual **Grievance** procedure.
- 9.2. Everyone has the right to inform either his or her **Line Manager, Managing Director** or the trustee if they believe that **Support for Survivors Charity** is being brought into disrepute by the actions of another/s Trustee.



9.3. Policies linked to this policy are:

- Disciplinary policy
- Disclosure policy
- Complaints policy
- Equal Opportunities policy
- GDPR policy
- Safeguarding vulnerable children, young people, and adults policy
- Whistleblowing policy

Print Name.....

Sign.....

Date.....

Sign: Maxi 'Leigh (Founder Managing Director)

Signature: **Maxi 'Leigh**

Date: 1<sup>st</sup> November 2021