

Acumen Community Enterprise Development Trust

Confidentiality Policy

Acumen Trust has a moral and legal responsibility to respect and protect the confidentiality of information regarding clients, both individual and corporate. The sharing of that information should, in most cases, only take place with the consent of the client. All information, held on computer and in manual filing systems, is subject to the Data Protection Act 1998 and this lays down strict conditions about the keeping of information and its disclosure.

Data Protection

Clients must be informed that personal information which they supply to Acumen Trust will be:

- treated as strictly confidential
- held on computer and/or manual files
- used only for the purpose of the service which they require
- accessible to them
- available to be corrected by them if necessary

A written statement to this effect should be given to clients.

Obtaining consent

Usually the best way of retaining the trust between service provider and client to obtain his or her consent to any disclosure of information. Obtaining consent in advance of making a disclosure is usually the best way of satisfying any legal requirements. Service users should be made aware of the circumstances where information may be shared with others. This is particularly important when working jointly with other agencies to deliver a service. Local protocols should be developed and the service users should be made aware of these in writing at the outset of offering a service. There are circumstances where it would be inappropriate to seek consent or even inform someone that confidential information has been disclosed. Broadly, this relates to service users presenting a risk of serious harm to themselves or others. It is good practice to establish these boundaries with service users at the outset of their involvement so that they are clear that staff and volunteers will disclose information to relevant agencies if they perceive there to be a risk of serious harm to the service user or others.

Obligations to disclose

In some circumstances, legislation has been passed which removes the exercise of professional judgment and requires disclosure.

This includes:

- The Prevention of Terrorism Act 2005 which applies to assist the prevention or investigation of terrorism.
- The Drug Trafficking Act 1986 (amended by the Criminal Justice Act 1993) where disclosure must be made if there is knowledge or suspicion that a person is concealing money made through drug dealing. Not to disclose such information constitutes an offence, as does informing the person of the disclosure.
- The Children Act 1989 places a duty on the local authority to investigate if they have reason to believe that a child within their area is suffering or is likely to suffer significant harm. If abuse (physical, emotional or sexual) of a young person is suspected, then Acumen Trust staff and volunteers should discuss this with their line manager or another manager so that a referral can be made to the local authority. Staff and volunteers should not, under any circumstances, try to investigate themselves.

Children and young people

In working with children and young people under 16, staff and volunteers will, in line with the Gillick principle, aim to work with the understanding and consent of the parents or carers. Staff and volunteers will continuously review and work towards establishing that support where it is absent. The following criteria will be used to consider the future provision of service in the absence of parental/carer support - that the young person is:

- capable of understanding the service offered
- cannot be persuaded to inform parents or allow the service provider to do so
- is likely to begin or continue behaviour that could have serious consequences
- is likely to experience deterioration in physical or mental health unless appropriate help is offered and
- the best interests of the young person require the provision of the service without parental consent

Open file policy

Clients will have a right to access their files and will be informed of this at the outset of their involvement with Acumen Trust . Partner agencies will need to be informed of this aspect of our policy. Access to files will be by prior arrangement with the relevant member of staff and volunteers (who must be present at the time the file is accessed). It is preferable that this should take place on Acumen Trust premises. Arrangements must be made for those service users who have special needs in order that their access is meaningful. Clients will be made aware that the file is the property of the Acumen Trust and that, as such, they

cannot remove any part of it. It is important, however, to record any comments or disagreements and the date on which the file was accessed by the client. client's' access to their files will only be restricted if this could lead to the risk of serious harm for the client or others. If staff and volunteers are concerned that this could be a risk, then they must consult with their line manager. Clients need to be made aware that the information stored on them is kept securely within Acumen Trust premises. All staff and volunteers will ensure that information about service users is kept as confidential as possible and that information is stored only when it is directly relevant. Acumen Trust staff and volunteers will only keep information on clients that is directly related to the work that they are undertaking. Information from third parties may be accessed but will not be stored by staff and volunteers, unless there has been a specific arrangement with the third party that it can remain on the file. In these circumstances, a note must be made of when and with whom the arrangement was made. Unless this is the case, the information must be returned as quickly as possible to the third party.

Staff and volunteer practice

Staff and volunteers must not disclose any information about clients that may enable them to be identified in any circumstances. They must not disclose or discuss any information with, or about, clients when other people not associated with the case are present, nor should they discuss clients with colleagues in informal settings. There is, however, an expectation that staff and volunteers will share relevant information with each other in order to provide the best possible service to the client.

Staff and volunteers response to information requested over the telephone should be carefully considered. Until the identity of the caller can be established, and this may involve a reply in writing, no information should be disclosed. Care should be taken about disclosing information by phone when other service users may be present.

Specific agreements will need to be made in circumstances where staff are working within a multi-agency project in a shared office environment. Local protocols will need to be drawn up and these should reflect the principles of this policy. Confidential information that is written must be protected by staff and volunteers on all occasions. It should not be left unattended in the office during the working day and should be suitably secured at night. Files should normally not be removed from the office. The consent and authorisation of the line manager should be sought if there are special reasons for this. There will be a system established for booking files in and out that involves a member of the administrative staff and volunteers. Care should be exercised to ensure the safety of any files that are removed from the office. They should not be left unattended at any time, and particularly not in cars.