

CONFIDENTIALITY POLICY

RELATED POLICIES

- Equality & Diversity
- Safeguarding
- Recruitment
- Disciplinary
- Data Protection

INTRODUCTION

The principle of this policy is to promote the right to confidentiality of the individual. WCWA is committed to maintaining high standards of confidentiality in all aspects of its work. Breaches of confidentiality may jeopardise the well-being of workers and service users and consequently will be subject to disciplinary proceedings.

The purpose of this policy is to give guidelines on maintaining confidentiality in all aspects of work and circumstances where disclosures may be necessary and the procedure for doing so. This policy covers all records and information held by WCWA concerning all staff, paid and unpaid; service users; properties, trustees and potential service users.

WCWA have drawn up this policy as part of a commitment to the development and implementation of the Equality and Diversity Policy of the organisation. The principle aims of the policy are to safeguard the rights of the individual to confidentiality and privacy and also to enable consistency of good practice throughout the organisation.

For the purposes of this policy 'WCWA' refers only to all service users, all workers (paid and unpaid), past and present, including temporary staff and all members of the organisation and trustees.

GENERAL PRINCIPLES

The model outlines the requirements that must be met in order to provide Service Users with a confidential service. WCWA must inform Service Users of the intended use of their information, give them the choice to give or withhold their consent as well as protecting their identifiable information from unwarranted disclosures. These processes are inter-linked and should be ongoing to aid the improvement of a confidential service. The four main requirements are:

- PROTECT – look after the Service User's information;
- INFORM – ensure that Service Users are aware of how their information is used;
- PROVIDE CHOICE – allow Service Users to decide whether their information can be disclosed or used in particular ways. To support these three requirements, there is a fourth:
- IMPROVE – always look for better ways to protect, inform, and provide choice

Disclosure

In all but defined cases (*eg* disciplinary procedures) the ultimate reference point for deciding who should be informed of a piece of confidential information is the individual to whom it pertains. It is important, however, that where consent is given it is informed consent. For this to be the case it is necessary to inform the person concerned why there is a need to share information, with whom, and what are the likely consequences of their agreeing or not agreeing to disclosures. Once consent has been obtained, it is the responsibility of the person passing on any information to ensure that disclosure only takes place on the terms agreed with the person it concerns. It is therefore important to ensure that the requirements for strict confidentiality and any accompanying guidelines are fully explained and understood by the recipient.

Disclosure of confidential information may require written authorisation which is signed by the individual concerned, dated and specifying to whom the disclosure is authorised.

Limits of confidentiality

On occasions, exceptional circumstances may arise where it may become necessary to breach a service user's confidentiality without her permission. The circumstances where this may arise would be:

- If the worker has information either directly, indirectly or inferred that a child or children may be at serious risk of harm.
- If the worker has grounds for serious concerns regarding a service user's physical or mental health or well being.
- If the worker believes that the client may cause serious physical harm to herself or others, or have harm caused to her.
- If the worker has good grounds for believing that the service user is no longer able to take responsibility for her own actions.
- If legislation requires disclosure, such as reporting a criminal offence, suspected terrorism, suspect modern day slavery or suspected child exploitation.

In all but emergency situations, a decision to breach confidentiality without consent will only be made after consultation with a senior member of staff.

Other circumstances where WCWA employees and volunteers may be required to disclose information given in confidence are as follows, if:

- In the event of the Police or Sheriff Officers requesting the information and backing up that request with the necessary legal documentation.
- Cited as a witness in court.
- Obligated to give precognition under oath.
- A woman staying in refuge is being cited as a witness in court.
- Attending a Children's Panel hearing.
- Attending a case conference.

- There are Child Protection concerns in accordance with the Child Protection Policy and Procedures.
- Failure to share information puts a third party at risk
- Failure to share information puts a woman and/or her child/ren/young person at risk

Refusal to comply with the above exceptions could leave the individual employee or volunteer open to legal action.

WCWA employees and unpaid workers are not legally required to pass on information to the police who are looking for a missing person but may do so with the woman's permission.

Training and access to the policy

It is essential that all people involved with WCWA are made aware of the need and reasons for maintaining confidentiality. All workers (paid and unpaid) and Trustees will be given a copy of the Confidentiality Policy as part of their induction training on joining WCWA. The implications of the policy will be explained and discussed. Refuge service users will also have a copy of the policy. The policy will also be available on WCWA's website.

Everyone will be expected as part of their induction training to understand that any breach of confidentiality could lead to the breakdown of the Refuge and Community Services.

Breaches of confidentiality

Any breaches of confidentiality will be seen as a serious issue and treated as outlined later in the policy in relation to the parties involved. However, where possible, breaches of confidentiality should be dealt with sensitively. Most breaches of confidentiality occur not out of malice but through thoughtlessness, and lack of awareness of the consequences of an action. Although WCWA is aware that the consequences of such actions can be as bad as for intentional breaches, it recognises that education may be a more appropriate response than disciplinary measures.

Any breach of confidentiality by a service user will be discussed at handover and a decision made on what action, if any, needs to be taken within the terms of WCWA's eviction procedure.

Any breach of confidentiality by a member of paid staff will be discussed with them by their Line Manager. If appropriate, action will be taken in terms of the disciplinary procedure. Any breach of confidentiality by a volunteer will be discussed with her by the Volunteer Coordinator.

Any breach of confidentiality by a member of the Trustees will be considered by the CEO together with the Chair (or other nominated member of the Trustees). They will



report to the Trustees who will decide if the member should continue to sit on the Board of Trustees.

In dealing with breaches of confidentiality, the procedure set out in the Disciplinary Policy will be followed, as appropriate.

Trustees

New Trustees will be sent a copy of the Confidentiality Policy and asked to take responsibility for implementing it in relation to their own committee papers and information discussed at trustee and other WCWA meetings.

Mailings will be considered confidential.

Reference to refuge buildings at trustee meetings will be done without reference to the address. Service users will not normally be referred to by name, nor their personal details discussed either at trustee meetings or in mailings. Arrears reports and occupancy levels will be made in terms of figures only. Specific service users or addresses will only be mentioned when necessary.

Staff

Workers should never divulge a colleague's personal circumstances to anyone without the permission of the individual concerned.

When recruiting for new staff, applications forms will be kept confidential to WCWA. Any information about an applicant, whether contained in the application form or revealed at interview, will not be discussed outside WCWA. Photocopies of an application form may be made for short listing purposes. The only people to have access to these are those processing the application and those sitting on the short listing panel. Once the short listing is over photocopies must be shredded and originals kept in a secure place for six months (in case of appeal).

WCWA will keep a file on each worker containing a record of all papers relating to her work at WCWA. The Trustees and funding bodies have access to these files. Workers have the right to see their personal files on request. When following up references for a new worker, it should be made clear to the referee that personnel files are open.

WCWA will respect workers' rights to confidentiality in supervision. In volunteer group support confidentiality will be respected. In a situation where the supervisor believes disclosure of information to be absolutely necessary, she will first consult the Volunteer Coordinator, who may wish to take the matter to the CEO before any further action can be taken. With the exception of action under WCWA's disciplinary and grievance procedures, information discussed in individual supervision will be confidential to the two people concerned.



All workers are expected to familiarise themselves with the confidentiality policy as part of their induction. Personnel files and other staff records will be kept in a locked cabinet. Application forms, interview records and monitoring forms are confidential to WCWA. Equality and Diversity monitoring of job applicants, staff, trustees and volunteers is conducted via online anonymous survey. Equalities data is stored securely on a spreadsheet with no identifying features attached to individuals. Probation reviews will only be shared with the HR Sub-Committee of the Board and not the whole Board. Where there is an irresolvable disagreement as to the content of a report, both points of view should be presented.

Service Users

Children's right to confidentiality

All children in the refuge have the right to confidentiality. Children should be given clear information in ways they can easily understand on what this means and what the limits are. Children should know who will be told about any disclosure of a confidence and why.

When processing and storing data for children under the age of 18, informed consent will be obtained. If the child is of sufficient age, maturity and ability they will be able to provide consent themselves. If the child is not of sufficient age, maturity and ability a person with parental responsibility will be asked to provide consent.

Information about service users to other organisations

Information should only be given to other organisations with the service user's permission or where there is significant information which gives serious cause for concern. The staff will not give out anyone's move on address without the permission of the person concerned.

Information held on service users

WCWA will keep an electronic file on each service user. The database will have a password which is accessed only by appointed staff. The database used by the Community Services and Counselling team has been assessed against the HMG Baseline Controls which correspond to the good commercial practices described by ISO27001/2. Safer Cornwall (Cornwall Council) provides funding for domestic abuse and sexual violence services in Cornwall and the Isles of Scilly including WCWA Refuge and Krefta Kernow. Cornwall Council is the Joint Data Controller of database management system for refuge provision. The database management system used in refuge and by Krefta Kernow has been assessed against the HMG Baseline Controls which correspond to the good commercial practices described by ISO27001/2.

WCWA has to provide monitoring information to funders this is in the form of total numbers of people, there is nothing in this information which could be used to identify service users.

Staff and volunteers will explain to service users the data needed from service users and how WCWA processes and stores the data. Service users will have the importance of



confidentiality explained by the relevant member of staff, including the consequences of breaches of confidentiality by them or other service users.

Refuge workers shall keep confidential the personal circumstances of each refuge service user regarding the issuing of warnings for breaches of the Licence Agreement. Circumstances of eviction may be disclosed to Housing and commissioners.

Service users are expected to respect the rights of other service users to confidentiality and privacy particularly as regards personal information known about another service user. A breach of confidentiality by a service user about another service user could be viewed as harassment and may be seen as cause for eviction from refuge. In particular, disclosure of the whereabouts of refuge will be seen as a serious breach and potential cause for eviction.

Service Users have the right to access the information WCWA holds about them. To obtain this information, they will need to submit a Subject Access Request. The request will be processed following the procedures set out in the Subject Access Request Policy. WCWA will also take reasonable steps ensure that this information is kept up to date by asking data subjects whether there have been any changes.

Properties

The location and nature of the refuge properties will not be disclosed to outside agencies or individuals unless there is a legal obligation, or it is in the interest of the service users to do so. In such cases service users will normally be informed prior to disclosure and wherever feasible, consulted. In meetings, accounts, annual reports etc properties will not be referred to by address.

Partnership agencies

All agencies in a formal arrangement with WCWA will be given a copy of the confidentiality policy and the requirement of it on their organisations explained. The people within the agency who will need to know the location and nature of refuge buildings will be identified by the agency. Management agreements should state that breaches of confidentiality by either party will be treated as a breach of the agreement.

Contractors and consultants employed by WCWA

Contractors and consultants employed by WCWA on a one off or irregular basis will not normally be informed as to the kind of housing provided by WCWA unless this would hinder their work. For contractors used on a regular basis, eg electricians, it may be beneficial to inform them about WCWA work in order to ensure the long-term maintenance of confidentiality. All contractors and consultants used will have the importance of confidentiality explained to them and be required to sign a confidentiality agreement. This will also be in line with Visitors Procedures.

Publicity and public relations





The location of the refuge properties is confidential to WCWA and its partnership agencies. They may not be identified to the media. Visitors will not be allowed without prior arrangement. Service users and staff appearing recognisably in television programmes or other media events should be aware that they subsequently may be recognised. Any requests by the media to visit the refuge will be declined.

Document Control	
Issued/Reviewed	Reviewed 20 th July 2023
Author(s)	Lizzie Matthews, Rhiannon Jones
Approved	Board of Trustees, 28 th July 2023
Next review date (must be less than 3 years from previous version date)	1 st June 2026

