

LIDAS:

Confidentiality and Access to Information Policy

1. Introduction

1.1 LIDAS is a voluntary, charitable organisation. It provides information, refuge and support for women, men children and young people who have, or are experiencing domestic abuse

1.2. LIDAS operates on the presumption that women, men children and young people approaching it for confidential support and information have demonstrated maturity entitling them to have their desire for confidentiality respected.

1.3. This means that, in general, no information given in confidence by any women, man child or young person will be divulged to any person outside LIDAS.

2. Purpose

2.1. The purpose of this policy is to set out the approach of LIDAS in relation to confidential information held by the organisation.

2.2. This policy has been developed in line with the following legislation:

- The Data Protection Act (1998)
- The Human Rights Act (1998)
- The Public Interest Disclosure Act (1998)
- Freedom Of Information Act (2000)

It is important to clarify the position that has been agreed by LIDAS in relation to confidentiality.

2.3. All workers and service users must therefore be informed of and understand the content and operation of this policy and the obligation of the organisation to adhere to it.

2.4. LIDAS 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.

January 2012

3. Aims & Objectives of the Policy

3.1. LIDAS 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 workers.

3.2. LIDAS is also committed to safeguarding the rights of service users and workers at all times.

3.3. Confidentiality is the responsibility of LIDAS as a whole and not the individual worker this means that information is shared between workers as outlined within this policy and that appropriate discussions with other workers will not be constitute as a breach of the policy.

3.4. Such discussions may be necessary to assist the worker to help the service user concerned with their specific needs and to ensure these needs are being met.

3.5. Women, men children and young people using the service should be informed that information will be discussed within supervision.

4. Exceptions

4.1. LIDAS is a voluntary, charitable organisation and therefore workers have a moral rather than a legal obligation to report criminal conduct to the police or other statutory authorities.

4.2. Exceptions are in common with the general population i.e. a legal duty to report to the police information connected with terrorist offences or some road traffic accidents.

4.3. Workers may be required to disclose information given in confidence if:

- 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 Child Protection Conference.
- There are Child Protection concerns in accordance with the Child Protection Policy and Procedures.
- Passing on information to the police who are looking for a missing person.

Refusal to comply with the above exceptions may leave the individual worker open to legal action.

4.4. When a service user is being referred to another group, LIDAS workers may be required to disclose Information to that group. The service user will be informed what information is being given to the other group, and may speak to them, after referral.

4.5. LIDAS recognises that children and young people are sometimes witnessing situations where the mother or father or carer is subjected to domestic abuse.

4.6. LIDAS workers will only breach confidentiality if they consider a child or young person is at risk. Wherever possible, and if appropriate, service users will be advised before any action is taken.

4.7. When it is known or suspected that a child or young person is being abused or is at risk of abuse, LIDAS' safeguarding Policy and Procedures will be implemented immediately. The safeguarding Policy will supersede the Confidentiality Policy.

4.8. When it is considered that a woman, man child or young person is in a dangerous or life threatening situation or when their behaviour is considered a serious danger to themselves or others, LIDAS may take action to involve other agencies.

4.9. A situation is deemed dangerous or life threatening if:

- A child or young person is physically harmed and immediate medical treatment is necessary.
- There are indications of real danger of abuse if a child or young person returns to an abuse situation.
- The child or young person is threatening to commit suicide or appears to have already attempted suicide (All suicide attempts should be taken seriously, and not assumed to be "attention seeking").
- A service user appears to have attempted suicide.
- The service user is threatening to kill or severely harm another individual.
- If LIDAS feels strongly that the child or young person may be in serious danger, but hasn't enough information to make adequate assessments.
- The worker or the organisation feels it is in the best interest of a child or young person to breach confidentiality

5. Information Which Will Be Kept Confidential

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

5.1. Information about refuges

5.1.1. 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. LIDAS will attempt to minimise 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.

5.1.2. Under no circumstances should the service users of LIDAS be discussed in a non-professional situation outside of the working environment. This includes general conversation with work colleagues, friends and family.

5.2. Information about service users

5.2.1. 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 organisations* (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 safeguarding issue
- a service user is threatening to harm themselves

5.2.2. A service user'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 safeguarding issue
- there is a need to protect the vital interests of the service user (i.e. it is a life or death situation)
- LIDAS is required by law to do so
- LIDAS is assisting in the prevention or detection of a crime

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

5.3. Information about children and young people

5.3.1 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.

5.3.2. In the event of any disclosure of child abuse occurring, the safeguarding policy and procedure must be followed.

5.4. Information about ex-service users

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

5.5. Staff, volunteers and management committee members

5.5.1. 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.

5.6. Recorded information

5.6.1. 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 10 years and then destroyed confidentially if it is no longer needed.

6.0 ACCESS TO INFORMATION

6.1. A service user may request to see or alter any information LIDAS has on record about her.

6.2. Service users using the services of LIDAS will be informed of their right to access any personal information LIDAS has in written form about them or their family.

6.3. LIDAS'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 LIDAS uses this personal data
- Those to whom LIDAS may disclose this personal data.

6.4. If any request is made, verbal or written, the following procedures should be adhered to:

- The worker receiving the request must go to the manager.
- An appropriate worker will collate any personal information and arrange a mutually agreed time for the service user to come into LIDAS's office premises to look at the information, with the worker present.
- The information must not be removed from LIDAS's premises.
- Information that the service user feels is inaccurate or irrelevant should be noted as an addition to the original document.
- All documents should be kept together to ensure there is a fair representation of contested views.
- The original documents should remain unchanged.
- If the service user wishes a copy of the information, this information will be photocopied, with the original documents remaining in LIDAS's premises.

6.5. LIDAS 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.
- LIDAS recently complied with a similar request.

6.6. Where the person requesting access to personal data is a child or young person LIDAS 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 LIDAS is satisfied with the identity of the parent or guardian.

7.0. Disclosures Of Personal Information About Service Users To Outside Agencies

7.1. 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.

7.2. 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.

7.3. 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.

7.4. 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 LIDAS refuses to disclose a woman's rent arrears to a housing association, that association might refuse to give that person a nomination.

7.5. 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.

7.6. 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.

8.0. Disclosure Of Information About Properties

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

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

8.3. Staff responsible for linking with partner agencies must give them a copy of LIDAS's confidentiality policy and explain its impact on them.

The people within the agency who will need to know the location and nature of LIDAS properties will be identified by the agency in conjunction with LIDAS at an early stage. Management Agreements will state that breaches of confidentiality by either party will be treated as a breach of the agreement.

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

8.5. Staff responsible for employing contractors and consultants must explain LIDAS's expectations as regards confidentiality.

9.0. Procedures for Breach of Confidentiality

9.1. If a worker considers that circumstances exist which may indicate a need for confidentiality to be breached, she should:

- Discuss the issue with the manager
- Seek permission from the woman, man child or young person to refer them to an appropriate agency.
- If the person refuses permission she should consult with another worker/s or named worker, and tell the person concerned she will be doing this.
- Decide with other workers/line manager whether confidentiality should be breached and advise the women, child or young person of the decision.

9.2 If the worker is still unsure whether to breach confidentiality, she should consult with the organisation as a whole so that the decision may be taken collectively.

9.3 If it is decided to break confidentiality, the woman should be told of this and, preferably, this should be confirmed in writing.

10.0. Unauthorised Breaches of Confidentiality

10.1. Unauthorised breaches of confidentiality may be regarded as grounds for complaint of disciplinary action, including gross misconduct and may lead to dismissal.

10.2. If any service user using the services of LIDAS consider that their confidentiality has been breached they may, make a complaint in accordance with the Complaints Procedure which is available throughout all LIDAS's properties.

11.0. Definition of an Unauthorised Breach in Confidentiality

11.1. A breach of confidentiality is where a worker, volunteer or student gives information or provides access to information about women, children and young people, or other worker(s), to someone outside the organisation, without the permission of the person(s) involved, which is not covered under the exceptions clause.

12.0. The Use of Information for Training, Research and Publicity

12.1. 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.

12.2. Permission must be sought for using material relating to individuals for training, publicity or research purposes, unless the service user already given this previously e.g. by agreeing to a publication in an Annual Report.

12.3. Care should be taken to avoid using details that could identify the person(s).

12.4. 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.

12.5. Staff may not become involved with the media except with the expressed permission of the Manager.

13. Procedure on Complaints and Enquires

13.1. LIDAS will respond to any complaint or enquiry as quickly and responsively as possible.

13.2. Any complaint or enquiry should be made in writing. If the organisation receives a complaint in relation to the Confidentiality Policy that questions the policy content and/or procedure it will be dealt with immediately.

13.3. A written response will be provided as soon as reasonably practicable

APPENDIX ONE

CONFIDENTIALITY CONTRACT

In your dealings with LIDAS, 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 LIDAS 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 Lincolnshire. When writing or talking about our refuge you must never identify the address as LIDAS 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 LIDAS refuge.

An ongoing agreement and ability to honour the terms of this contract will be a requirement of your continued liaison with LIDAS.

Acceptance of the terms of the confidentiality contract

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

Signed:

Date:

Name:

Position:

January 2012

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

LIDAS

P.O. Box 125

Lincoln