



CONFIDENTIALITY POLICY

Please note that the charity is registered with the Charity Commission as 'New Horizons Mental Health CIO' but will be referred to as 'New Horizons' throughout the document

A) PURPOSE

This policy sets out the organisation's policy and systems in relation to the maintenance of confidentiality, data collection and sharing and the management of records.

B) SCOPE

This policy sets out New Horizons policy on confidentiality and covers the following:-

- What is meant by confidentiality
- General principles of confidentiality
- The legal position on confidentiality
- Circumstances in which confidentiality may be breached
- Other points about confidentiality
- Written information and records
- Complaints about breaches of confidentiality
- Review

All paid staff, volunteers, trustees, secondees and trainees of New Horizons are required to abide by this policy.

This policy applies to the confidentiality of all employees, volunteers, potential employees and volunteers, ex-employees and volunteers, secondees and trainees, service users, customers, donors, consultants, contractors and any other individual or organisation that has contact with the Charity directly or indirectly.

C) POLICY STATEMENT

1. WHAT IS MEANT BY CONFIDENTIALITY

Confidentiality is about maintaining the privacy of information that has been entrusted by one person to another.

2. GENERAL PRINCIPLES OF CONFIDENTIALITY

- (a) New Horizons will at all times strive to maintain the confidentiality of people that use and work for the organisation, except in exceptional circumstances. (see 2.(c))

- (b) In practice, this means that people who work or volunteer for New Horizons will NOT (see 2.(c), 3. & 4.) for exceptions to this):-
- Discuss what they have been told by an individual with anyone who is not a New Horizons worker or volunteer , without the individual's consent
 - Discuss who has contacted New Horizons with anyone who is not a New Horizons worker or volunteer without the individual's consent
 - Publish information which could identify individuals without consent
- (c) It may be necessary for a New Horizons worker/ volunteer to discuss confidential information with their New Horizons colleagues, for example:-
- Where the worker/ volunteer is uncomfortable/distressed by what they have been told - the staff member/volunteer should raise the matter as soon as possible with their line manager in supervision (if a staff member) or with their supervisor (if a volunteer) only.
 - If the worker/volunteer is unsure how to respond to the service user the staff member/volunteer is to raise the matter with their line manager (staff member) or supervisor(volunteer) as soon as possible letting the service user know that this will take place and the timescales involved.
 - If the worker /volunteer is absent because s/he works part time, is on holiday, off sick relevant information should be passed on prior to their absence.

The discussion of confidential information should, however, only take place when necessary and should be kept to a minimum

3. THE LEGAL POSITION ON CONFIDENTIALITY

- (a) Confidentiality can be overruled if:-
- A Statute or Court Order demands it
 - The “public interest” demands it

(It is not clear what the “public interest” is, so if there is doubt, then legal advice must be obtained)

- (b) Information about terrorism MUST be reported to the police. However, it is not an offence to withhold other information from the police or other organisations.

4. CIRCUMSTANCES IN WHICH CONFIDENTIALITY MAY BE BREACHED BY A STAFF MEMBER

- (a) When any illegal activity is taking place, or has taken place, on New Horizons premises. This may result in legal proceedings.

- (b) In cases where the police have a warrant to inspect information that New Horizons has in its possession. The person or persons involved will be informed of what will happen. If this is not possible in advance, then the person will be informed of what happened, and why, as soon as possible after the event. If the Police require sight of documents that we hold from a third party, they will be asked to contact the third party directly for access.
- (c) When New Horizons is seriously concerned for the personal safety of others. That is, when the disclosure of information could prevent an illegal activity that puts other people at risk of physical harm, from taking place, or where any relevant laws (e.g. Children Act, Benefit Fraud Act) requires information to be passed to a third party (e.g. Police, Social Services & Department of Social Security).
Please also refer to the Safeguarding of Vulnerable Adults Policy
- (d) New Horizons workers will always explain to a person when and why they are obliged to disclose any information they have or are given about the person. The person who has given the information, or whom the information is about, should be encouraged to report the information to the relevant authorities (e.g. Police, solicitor, medical staff etc) themselves, otherwise the worker may be obliged to disclose the information to these authorities. The worker should be supported in this by the staff team and members of the Management Committee.

5. OTHER POINTS ABOUT CONFIDENTIALITY

- (a) If a New Horizons worker receives a request for information about a person (service user/volunteer) connected with New Horizons they will inform the person requesting the information of the requirements of this policy and refer them to the individual themselves.
- (b) If a worker is given information about somebody by an outside body, they should inform that body of this policy and ask them if the person involved has given their consent for this information to be disclosed. If not- and the information is being given verbally- the conversation should be stopped until consent has been obtained, unless in exceptional circumstances (see above).
- (c) If the information has been given in written form and it is not clear that the individual's consent has been asked for and given, then the written information should be returned, together with an explanatory note.
- (d) New Horizons accepts that it has no right to control what service users/students of New Horizons may choose to disclose to other individuals. However, we would encourage everyone when in possession of information about a fellow worker/volunteer/Management Committee member to:-
 - Exercise sensitivity
 - Respect the privacy of the individual
 - Not disclose information about the individual without their consent

- (e) Support should be given to clients/staff/volunteers if any information that is disclosed to them by New Horizons causes concern or distress.

6. WRITTEN INFORMATION AND RECORDS

- (a) New Horizons operates an “open files” policy – therefore, staff/volunteers may see any information that is pertinent to them
- (b) If New Horizons holds information from a third party, the documents will be marked “confidential”. We will ask the third party to inform the person that they have sent us information and tell them that the person will have access to it.
- (c) Personal information should not be kept on computer

7. DATA PROTECTION

- (a) The Data Protection Act 1998: New Horizons has a Data Protection Policy which is the charity’s policy and statement of the purposes for which it holds personal data about its’ employees and others who should work for it.
- (b) In the course of New Horizons’ work staff and volunteers may come into contact with and use confidential personal information about people such as names and addresses or even information about a customer’s circumstances, families, health or other private matters.

This policy helps to ensure that the Data Protection Act 1998 is not breached by New Horizons (please note that there are very strict rules and heavy fines for an organisation if Data Protection is breached). If staff and volunteers are in any doubt about what they may or may not do, they need to seek advice from their line manager. If the line manager or Data Protection Officer cannot be contacted the information should not be disclosed.

8. COMPLAINTS ABOUT BREACHES OF CONFIDENTIALITY

If anyone feels that this policy has been breached, they should be encouraged to make a complaint using the Complaints Procedure.

9. REVIEW

This policy will be reviewed on an annual basis. This may lead to the policy being amended. Every effort will be made to inform people, to whom the policy might be relevant, of any changes.

POLICY CONTROL SCHEDULE	
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