

Confidentiality Policy

This document is relevant to:	
Trustees	✓
Staff	✓
Volunteers	✓

Purpose

Dorset Mind recognises that Dorset Mind colleagues (employees, volunteers, Trustees, secondees and students) gain information about individuals and organisations during the course of 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.

Policy

General Principles

Colleagues will not disclose to anyone, other than their line manager and/or another Senior Manager (for the purpose of taking necessary advice), any information considered sensitive, personal, financial or private without the knowledge or consent of the individual.

Colleagues should avoid exchanging personal information or comments (gossip) about individuals with whom they have a professional relationship.

It is not appropriate to discuss a person's sexuality (i.e. 'outing' a gay person) without their prior consent.

Colleagues should avoid talking about individuals in social settings.

There may be circumstances where colleagues would want to discuss difficult situations with each other to gain a wider perspective on how to approach a problem. The individual's consent must be sought before discussing the situation, unless the colleague is convinced beyond doubt that the individual would not object to this. Alternatively, a discussion may take place, ensuring that names or identifying information remain confidential.

When photocopying or working on confidential documents, colleagues must ensure they are not seen by people in passing. This also applies to information on computer screens.

Service Users

Dorset Mind colleagues should not reveal to any third party, including family members, or statutory service workers whether a person has been in contact with, or is a service user of, a Dorset Mind service, without their permission, save under exceptional circumstances outlined below.

Colleagues should treat all information given to them by a service user, whether or not related to their mental health, as confidential – this includes information disclosed during the delivery of a Dorset Mind group or service. However, colleagues are able to share information about service users with their line manager, and/or another Senior Manager, in order to discuss issues and seek advice.

All service users are entitled to privacy and should be made aware that they can specifically request to be seen in private.

Colleagues should not leave messages on answerphones for service users or other members of the general public without that person's express permission that they may do so.

Permission to speak to a third party about a service user must be sought separately for each issue; permission granted by a service user relating to a particular issue does not cover separate or subsequent issues.

Where a service user's photographic likeness is used in any Dorset Mind website, reports, publicity, etc, a Photographic Consent form should be completed prior to the image being used.

Where it is not possible to empower or support a Service User to report a concern or seek support for their own mental health, or to gain a Service User's consent to the reporting of a concern, a Dorset Mind colleague can breach confidentiality as follows:

- where there is a significant risk of serious harm by someone to themselves
- where there is a significant risk of serious harm by someone to someone else
- where it is believed that abuse has occurred, or there is a serious risk of abuse occurring, and the victim is unable to make an informed decision regarding their personal circumstances.

In addition, Dorset Mind reserves the right to break confidentiality, should this be deemed necessary, under the following circumstances:

- if the service user gives information which indicates that a crime has been committed
- if disclosure is required by law, for example, by the police
- if a person is felt to lack the mental capacity to make a decision. In such cases staff or volunteers will discuss with a manager and they will only act in the service user's best interest.
- if the service user gives information which indicates a possible terrorist threat.

The decision on whether to break confidentiality should be decided on a case by case basis and where possible in conjunction with a Senior Manager.

Where there is a legal duty on Dorset Mind to disclose information, the person to whom the confidentiality is owed should be informed that disclosure has or will be made.

Colleagues must make a written record of any breach of confidentiality which sets out:

- the reasons that it was felt necessary to breach confidentiality
- the steps taken to secure the Service User's consent to the disclosure or the reasons that consent was not sought
- the nature of the information disclosed
- the person or persons to whom the information was disclosed.

and submit it to the Chief Executive as soon as possible after the event.

Storing confidential information

Information relating to complaints and accusations of abuse will be kept in a secure location and separate from other documentation.

All recording of attendance at Dorset Mind services will be done by the use of ID numbers and not names.

Dorset Mind will keep:

- a record of confidential Information given without consent
- a Disclosure of Harm record
- a complaints record.

Employees', volunteers and Trustees personnel information will be kept in lockable filing cabinets with access limited to those who are entitled to see it as part of their duties.

Files or filing cabinet drawers bearing confidential information should be labelled 'confidential'.

Refer to the Archive and Data Retention Policy Retention for information regarding the length of time that particular information should be retained before disposal.

DBS Disclosures

Dorset Mind complies fully with the DBS Code of practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information.

Disclosure information will be kept in the 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 offence to pass this information to anyone who is not entitled to receive it.

Refer to the Archive and Data Retention Policy Retention for information regarding the length of time that original paper disclosure information should be retained before disposal. However, Dorset Mind 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.

Data Protection Act

Information about individuals, whether on computer or on paper, falls within the scope of the Data Protection Act and must comply with Dorset Mind's Data Protection Policy which is based on the following data protection principles:

- obtained and processed fairly and lawfully
- held only for specified purposes
- adequate, relevant and not excessive
- accurate and up to date
- not kept longer than necessary
- processed in accordance with the Act
- kept secure and protected
- not transferred out of Europe.

All personal details held by Dorset Mind will be handled in accordance with the Dorset Mind Data Protection Policy and no disclosure of personal information will be made without the express permission of the person involved or where disclosure is required in law. Information may be shared within Dorset Mind where it is deemed necessary.

Responsibilities

The Chief Executive is responsible for managing this policy and overseeing its implementation. Managers are responsible for implementing the policy within their areas of work, and for overseeing adherence by staff and volunteers. Every member of staff and every volunteer should take personal responsibility for conforming to it.

Associated Policies and Procedures

- Data Protection Policy
- Archive and Data Retention Policy

The equality impact of this policy has been considered and Dorset Mind believes that it complies with its commitment to equality as stated in its Equality Policy

Policy Ownership

Policy Name	Version	Doc ref
Confidentiality Policy	1.0	Confidentiality Policy

Policy Owner	Chair of Trustees
--------------	-------------------

Approval Status

Date adopted by Trustees	January 2016		
Date published	January 2016	Date for next review	January 2018

Consult the Dorset Mind website for the latest version of this policy.

Document Control

Reviewers

Name	Position
Chris Price	Chair of Trustees
Jane Kilpatrick	Trustee
Lyne Barnes	Staff

Change History

Issue	Date	Author	Reason
1.0	Jan 16	Chris Price	New policy