

<b>Policy Title</b>	<b>Confidentiality and Information Sharing Policy and Procedure</b>
<b>Issue date (m/y)</b>	09/2013
<b>Author</b>	Amy Deignan, Care Coordinator
<b>Approved by</b>	Donna Welburn, Operations Manager
<b>Review date (m/y)</b>	07/2016

## Context and/or Aims

This policy applies to all employees and volunteers of The Learning Support Centre Ltd and should be read in conjunction with the Data Protection- A Guide for Staff and the Data Protection Policy.

This policy and procedure sets out guidelines for making decisions about what information should remain confidential and who may need to know certain pieces of information and under what circumstances.

## Policy Statement

The Learning Support Centre Ltd treats all information about its service users and staff as confidential and will not divulge information to people who do not need to know or to whom The Learning Support Centre Ltd does not have a legal requirement to tell. The Learning Support Centre Ltd will only divulge information where the health and safety of staff or service users may be severely compromised. All employees of The Learning Support Centre Ltd will be required to sign a confidentiality agreement prior to commencing work.

## Requirements for implementation

**Staff will not disclose information about a service user to people who do not need to know it.** Sometimes situations may arise where it would be appropriate to break confidentiality or divulge information.

Circumstances which may be considered as appropriate are as follows:

- Where it is considered by the employee in receipt of the information that an individual will be placed at risk of physical danger and withholding information could cause harm or injury to an individual.
- Where it is disclosed or considered that a criminal offence has been or will be committed.
- Information disclosed to acts of terrorism.
- Disclosure of information relating to the protection of children.
- Disclosure of information relating to the protection of vulnerable adults

Where it is considered essential to break confidentiality, the person whose confidentiality is to be broken will in normal circumstances be informed.

Any threat of self-harm, violence in relation to an employee or service user, or a serious threat against another person will be recorded and reported to the employee's line manager. The Learning Support Centre Ltd have a duty of care under health and safety legislation to employees, service users and those associated with The Learning Support Centre Ltd.

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It is important not to damage the relationship between a support worker and service user and no unnecessary alarm should be caused. However, if a serious matter is raised, service users should be aware that this confidentiality policy requires a support worker to bring any serious matter to the attention of their line manager.

**Action by line management-** Assessing whether to disclose confidential information to external agencies without the consent of a service user:

If the line manager believes that confidential information should be passed onto another party or agency, without the service users consent, they should brief the Operations Manager or in absence the Director on the full facts of the case. If the Operations Manager is in agreement that action is required, a full report on the case will be made and any agreed action undertaken. The line manager is responsible for ensuring that all necessary actions are taken.

The procedure to be followed when a break of confidentiality needs to be made is as follows:

- Support Worker involved will raise the issue with the supervisor or line manager to discuss why confidentiality should be broken
- What will the action achieve
- Agree a course of action and which external agencies might be contacted for example police, social services, GP, emergency services, University or College Disability Advice service, and Faculty Disability Coordinators, etc.

## Relevant legislation that relates to giving out personal information

- The Human Rights Act 2000 guarantees respect for a person's private and family life, home and correspondence
- The Data Protection Act 1998 which concerns personal information, which includes facts and opinions about an individual which might identify them. The Learning Support Centre Ltd ensures that information held about any person cannot be used for purposes other than those for which it was **originally supplied**, without the person's consent. Exceptions to these acts are allowed where this is necessary to protect a vulnerable person from harm. However in most cases there is no legal requirement to do so.
- The Police and Criminal Evidence act 1984 allows a judge to make a production order. The office will deal with requests from the Police for personal data. Unless it is a genuine emergency, the request should be made in writing on the Police's own form and disclosure should always be authorised by the Operations Manager or Director.

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- The Terrorism Act 2000 sets out offences in relation to terrorism and fundraising, money laundering and associated financial activities (sections 15 to 18). The Act requires disclosure of information in relation to such offences.

## Confidentiality and Information Sharing Procedures

### Service Users and Confidentiality/Information Sharing Procedures

- The Learning Support Centre Ltd holds some personal information about its service users.
- Information should be shared only on the basis of who needs to know in order to provide a service for that person.
- All service users will be required to sign an agreement form that explains what we may do with the information they have given to us.
- Decisions about who has information will be made through the line management structure. This emphasises that sharing information with your line manager will not be seen as a breach of confidentiality.
- A record will be kept of all meetings and decisions, either as minutes or file notes. This should include a note of who that information has been shared with including service users, families, carers, advocates, professional workers etc.

### Staff Confidentiality / Information Sharing Procedures

- The Learning Support Centre Ltd holds information about the people it employs. Where that information is held, and who can access it are set out below.
- Employees have a right of access to any files that are kept in reference to their employment. Any specific requirements are outlined in the appropriate sections below.

#### Personnel Files

- These are organisational files holding evidence of employment held by The Learning Support Centre Ltd. They log the staff member's career with the organisation and include items such as the original application, references, changes in terms and conditions, notes of any formal warnings, sickness certificates and notification, any references The Learning Support Centre Ltd writes on the person's behalf.
- Personnel files can be accessed by the employee's direct line manager, Operations Manager and Directors of The Learning Support Centre Ltd.

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- Staff can have access to their own file, including references and third party information having given notice.
- Sensitive information held for equal opportunities monitoring purposes may only be accessed by authorised staff.

### **Supervision Files**

- These are held by the member of staff's direct line manager and are kept in a locked cabinet to which only the Line Manager, Operations Manager and Director have access.
- They contain supervision notes, notes pertaining to informal discussions between the member of staff and their manager and notes of any discussions pertaining to monitoring of performance e.g. appraisal documentation. They may also contain records of annual leave/other absences.
- The supervision files can be accessed through the line management structure. Managers above the direct line manager can also access supervision files.

### **Specific Instances of Information Confidential To Staff**

There are a number of situations where it is a specific responsibility of the line manager to ensure that they do not release the nature of information concerning a member of staff.

#### **Sickness:**

- Staff that are sick should give information about the nature of their sickness to their line manager and should submit any sickness certificate to them. This information will also be passed to the Operations Manager and Payroll. Reasons for people's absence due to sickness should not be discussed outside of the line management structure.
- Other than this, the individual will decide who else should know what about their state of health and pass the information on accordingly.

#### **Other Special Leave:**

- In order to take a view on the appropriateness of a request for leave the line manager will need to know why it is required. A note of this should be made in the staff member's supervision file. The nature of the special leave may be relayed to others but not the reason.

#### **Recruitment:**

- Who applies for posts, whether they are short listed, whether they are appointable is all confidential information, until the person has accepted the job offer. It can be very uncomfortable for internal candidates when their colleagues have this information. People involved in the recruitment process should be particularly mindful of the confidentiality of internal candidates.

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### Disciplinary and Grievance:

- Any information within The Learning Support Centre Ltd, whatever its status, may be used for the purposes of investigating and resolving a disciplinary or grievance matter and must be relayed by staff with knowledge of the matter under investigation. Please refer to The Learning Support Centre Ltd policy on discipline and grievance for further information.
- There is potential for a great many people to become aware of some pieces of information as any investigation proceeds. It is important for both the investigator and the complainant/appellant to remember that neither is empowered to discuss the situation with others outside of the following; any union or other formal representative; individuals who may be substantive witnesses about **relevant** information to their involvement; managers who may be assisting with the investigation.
- Any written documentation pertaining to the investigation or grievance might also be seen by the Administrator.
- If a disciplinary penalty is awarded this will be placed in the member of staff's personnel file. Copies of correspondence pertaining to any formal grievance will also be placed on the member of staff's personnel file.

### Media

- From time to time The Learning Support Centre Ltd may be asked for information about the service and the functioning of the organisation itself for media purposes.
- All requests for information for the media relating to service users or employees must be agreed by the Operations Manager or Director.
- In all cases a written agreement should be made covering what information is required, for what purposes and how it is to be presented. The service user or employee should sign this in agreement before any information is used for media/marketing purposes.

### Phone Call and Other Conversations

- All staff must be vigilant around the making and taking of phone calls particularly in shared offices and in public places when using a mobile phone. Where you think other people may overhear a confidential conversation, you should relocate the call to a more private space.

### Clear Desk / Clear Wall Issues

- Confidential information should not be left visible and unattended on desks or in filing trays where there is easy access. It should never be posted on walls. Where information is unattended temporarily

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it should be removed by being put in an envelope or drawer, given to someone for temporary safekeeping or the office should be locked.

## Related Documents

- Data protection – A Guide for Staff
- Data Protection Policy
- Safeguarding Policy and Procedure