

## Confidentiality Policy

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Agreed by SMT	
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### 1. Introduction

This policy has been drawn up to safeguard the interests of Age UK East London, its Trustees, Staff, Volunteers and Service Users. Maintaining confidentiality is usually in the interests of all parties and should extend throughout every aspect of Age UK East London's functions.

It relates to an individual's personal affairs, the internal and external affairs of Age UK East London and to other organisations both statutory and voluntary with whom Age UK East London has contact.

***It should be noted that the term 'user(s)' relates to the client in receipt of a service. This may be the carer, the cared for or both.***

## **2. Aims**

*The policy aims to:*

- Demonstrate that confidentiality is treated with importance throughout the organisation at all times.
- Detail the basic standards and procedures incorporated into Age UK East London working practices and service provision.
- Prevent breaches of confidentiality at Age UK East London.
- Promote confidence and trust in Age UK East London management and services

## **3. Principles**

1. All persons contacting Age UK East London have a reasonable right to assume that any disclosure of information they make will be treated in confidence within the agency and will not be passed on without their consent.
2. Any disclosure without consent of what could reasonably be construed as private information, e.g. address and telephone number, unrelated to the service provided by Age UK East London is a misuse and an abuse of privacy.
3. However, information that contravenes the law or endangers other persons will have to be passed on. The reasons why will be clearly stated. Information will only be passed on in accordance with current good practice and local authority procedures. e.g. London Borough of Tower Hamlets & Newham's Elder Abuse guidelines.
4. Where possible information regarding an individual is not collected without the individual's consent.
5. Information that is given for an explicit purpose has no right to be used for any other purpose.
6. All users, staff and volunteers have the right to see, under supervision, any information which relates to them. This includes computerised and hard copy materials but not information which has been supplied by a third party in confidence. Persons should give two weeks notice prior to viewing any documentation. In the event that the staff member who is responsible for their files is unavailable the person making the request will be informed by post within 3 days. An appointment will be arranged as soon as possible after the staff member's return.

## **4. Rights and responsibilities**

The principles of confidentiality apply equally to Age UK East London users, staff, volunteers and EC members. However, specific people have specific rights and responsibilities depending on their role at Age UK East London.

## **4.1 Users**

1. Age UK East London users have a right to expect that information held by Age UK East London regarding them is treated with respect and that all staff and volunteers with whom they come in contact abide by the principles and practices outlined in this policy.
2. If a user feels that confidentiality has been breached they have the right to complain. In this event they should be directed to the Age UK East London complaints procedure.
3. Any such complaint will be handled with discretion in order not to further any breach of confidentiality.

## **4.2 Staff, Volunteer and Trustees**

### **(i) Rights**

1. Staff and volunteers have the right to receive on going support and supervision which is undertaken in confidence. Unless deemed detrimental to service provision or necessary due to service cover any information which is consequently divulged during staff training sessions, project team meetings or at supervision should be anonymous.
2. Staff also have the right to meet with and gain support on a regular basis from other members of staff. Staff may also, in confidence, consult or seek advice from their trades union representative or another person regarding such matters as contracts, terms and conditions, grievance and disciplinary procedures etc..

### ***All have the right to:***

1. Expect that any personal details held about them are kept safely and securely and that information will not be disclosed to any other party without their express permission.
2. Be protected by clear policies and guidelines.
3. Training regarding confidentiality.

### **(ii) Responsibilities**

#### ***All are responsible for:***

1. Reading and abiding by this policy.
2. Declaring any conflict of interest between their role at Age UK East London and their role in another capacity. The procedure at meetings may therefore exclude individuals who seem to have an interest.
3. Respecting confidential agenda items at meetings.
4. Keeping minutes, reports and other documents secure. All such documents should be treated as internal with confidentiality assumed. On occasions information can be reproduced or directed to persons outside Age UK East London but only with permission of the Chief Executive. Items marked confidential should not be kept for general access in the Information Resources Room.

**The above rights and responsibilities continue to apply after a person ceases to be employed by or have association with Age UK East London**

**5. Breaches of Confidentiality**

1. The concept of confidentiality extends beyond Age UK East London service provision to the structure, running and management of Age UK East London. Any breaches of policy or discussion of such matters, which are commercially confidential, outside the organisation, will be addressed by the Age UK East London disciplinary procedure.
2. Age UK East London terms and conditions of employment include a section on confidentiality and form part of an employees' contract. Breaches of confidentiality by either staff or volunteers will be investigated via supervision, this may result in the use of Age UK East London disciplinary procedure. In the case of an Executive Committee member breaching the policy the matter will in the first instance be investigated by the Chair and the Chief Executive. In the event that the complaint is brought against either the Chair or the Chief Executive the matter should be brought before the Executive Committee and a minimum of two persons delegated to carry out an investigation.

***The word volunteer henceforth includes Executive Committee members***

**6. Team Confidentiality**

1. Age UK East London operates a system of team confidentiality. Users are made aware at the outset that information may, where appropriate, be shared with other Age UK East London staff or volunteers, all of whom are bound by the principles outlined in this document.
2. Records relating to users are available to staff or volunteers who have undergone selection and training and who have signed the undertaking on confidentiality.
3. No individual worker has the right to claim that information was divulged exclusively to them.
4. The fact that the individual has imparted the information to a particular service within Age UK East London rather than to the individual worker concerned, does not mean that all the people who work for the service or wider organisation have equal access to the information.
5. Individuals should only have access to information on a need to know basis. This may be related to the provision of services or as a part of their duty to manage the organisation.
6. Persons should consider which 'hat' they are wearing when disclosing information. e.g. an Executive Committee member or a staff member who serves on another local Executive Committee.
7. There must be a justifiable purpose for the sharing of information.
8. Only that information which is strictly necessary to share should be divulged.

9. Information should be relayed, where possible, without going into details about an individual's circumstances. Information can also be given anonymously.
10. Users should not be referred to by name at Executive Committee level as Executive Committee members may also be members or workers of other projects where the user may have contact.
11. Age UK East London personnel have the right to be supported. They should feel able to share confidential information relating to service provision and their personal or professional situation at regular meetings with colleagues or their line manager.

## **7. Contact with Users and Other Persons**

1. A person requesting information from or supplying information to Age UK East London makes their approach to the organisation rather than an individual worker.
2. Information may appear innocuous or may be of a highly sensitive and personal nature. If a person says a fact is especially confidential, even if personnel think it isn't, it should be treated as such.
3. If a staff member or volunteer is told something in confidence, told not to record it and has concerns they should seek advice from their line manager.
4. Unsolicited information from a user should not be recorded unless pertinent to service provision.
5. If a caller requests that information is not divulged to anyone else this wish should normally be respected. However, if there is a need to gain a colleague's advice Age UK East London policy of team confidentiality should be explained to the enquirer.
6. Where an individual gives information that clearly indicates or alleges that the individual or others may be at risk, a clear explanation must be given stating that the information may be, or even must be shared.
7. An individual may call Age UK East London persistently about the same thing, saying that no one will help him or her. Enquires may reveal that they have contacted a number of other agencies and that there is nothing to add to the advice that they have already been given. In this instance it is appropriate to inform staff taking information calls of this person's identity. Such calls should be handled in an assertive and supportive way. Methods of handling such calls should form part of staff guidelines on telephone use.
8. If an unknown third party contacts Age UK East London without the knowledge of a user Age UK East London is not authorised to take action on the user's behalf. Staff should attempt to gain direct contact, by letter or phone, before proceeding.
9. Personnel should be careful in their response to a direct question about a user asked by someone who is not known to them. They should attempt to answer in such a way that does not allow an affirmative interpretation to be assumed by the enquirer.
10. The same standards apply to confidential or sensitive information relating to Age UK East London or other organisations. Such information should only be divulged to a third party within the organisation, and never to anyone outside without consulting the Chief Executive.

11. When in doubt about how to handle any information received, staff or volunteers should contact their line manager or the Chief Executive.

## **8. Methods of Communication**

### **8.1 In Person**

1. Facilities are made available for private and confidential interview in person. All staff and volunteers should be aware that persons may hear background conversations or that inappropriate individuals may walk into open offices unless a sign states that a private meeting is in progress.
2. In crowded working conditions, non interviewing staff must be flexible in allowing use of their private space for an interview on occasions when this is unavoidable.

### **8.2 In Writing**

1. Correspondence that arrives with 'confidential/personal' marked on the envelope should not be opened. It should be date stamped on the envelope, recorded as 'confidential to.....(name of person)' and pigeonholed to the person it is addressed to who should record the date of arrival on the correspondence after opening.
2. If correspondence arrives, is opened and then found to be marked 'confidential/personal' it should be date stamped, recorded, resealed marked 'confidential' and pigeonholed to the person it is addressed to.

### **8.3 By Telephone**

1. It is important to take care when using the telephone.
2. Staff should ensure privacy when they receive or make a call of a confidential nature.
3. All persons enquiring via telephone should be put on hold when staff or volunteers are not directly talking as background conversations can be heard.
4. When calling someone back staff/volunteers should check that the person they want is the person they are speaking to before saying they are from Age UK East London.
5. Often calls are received from people in distress and it is impossible to put them on hold and transfer the call to a more private environment. Staff should be aware of this if a staff member is signalling for them to be quiet.

### **8.4 By Fax**

1. Confidential information should not normally be sent by fax.
2. If it is necessary to do so the front page must indicate clearly that the material is confidential and who should receive it.
3. It should be preceded by a telephone call.
4. Arrangements should be made with the organisation receiving the fax for them to have an appropriate member of staff ready to receive it when it is sent.
5. They should be asked to telephone to confirm receipt.

## **9. Storage of Information**

### **9.1 Document Storage**

1. Personal information which identifies a person such as name, address or circumstance is recorded and stored in confidence.
2. All enquiries should be recorded legibly and accurately and should be kept up to date with details of actions taken.
3. Thought should be given to what information is needed and why. Standard forms should be designed with this in mind. Only information that is necessary should be requested.
4. Notes made regarding users should be kept in a safe place before transfer to the record system. Notes should be destroyed once case files and data base records have been compiled.
5. Care should be taken when photocopying confidential documents. All enquiry records should be kept in lockable cabinets or rooms when not in use with access limited to relevant staff.
6. Care must be taken to ensure that all records are secured when Age UK East London premises are not staffed. Correspondence and other records, minutes, memos, files, card systems pertaining to an individual or organisation should be kept in locked cabinets or rooms. This includes information about staff or volunteers.
7. Access to operational information however, should be made available to cover staff.
8. Personal files for staff and volunteers should be stored in locked cabinets with access limited to relevant staff. Employees personal and finance files should be kept by either the Chief Executive/ Administrator/ Finance Office/ HR Business Partner or delegated project manager.
9. Particularly sensitive information should be marked as such and kept by the Chief Executive.
10. All staff must take responsibility for clearing or covering up confidential information left in their working area when not in use.
11. Records remain the property of Age UK East London and are needed to demonstrate the methods used and as proof in the event of any claim made against the organisation. On occasions users may request that they keep their own records. This is not possible although copies of documents may be taken under supervision.
12. Old files and records should be regularly monitored and information destroyed when it is no longer necessary to keep it.
13. Personnel and user records should be kept for 6 years. If there is a specific reason for keeping information longer than this period it should be noted on the record.
14. Final approval for the destruction of information rests with the Chief Executive.
15. If the decision is made that it is no longer necessary to keep information it should be destroyed by shredding

### **9.2 Computer Storage and Communication**

#### **(i) The Data Protection Act**



Age UK East London is registered under the Data Protection Act 1984. This Act gives protection against the possible dangers arising from the use and storage of recorded information on computer.

***The Act covers:***

- The use of personal information that is inaccurate, incomplete or irrelevant.
- The possible access to personal information by unauthorised persons.
- The use of personal information in context or for a purpose other than that for which it was collected.

*If staff have any queries about the Act they should seek advice from the Chief Executive.*

1. Confidential information relating to staff, volunteers or users should, where possible, not be kept on hard drive or floppy disk. Hard copies should be taken and kept in an individual's file with computer records deleted.
2. Staff should carry out general housekeeping to this effect within the first two weeks of each quarter.
3. Where confidential information is stored on disk it should be secured in locked cabinets or rooms when not in use.
4. Confidential information should be password protected.
5. Staff should remove confidential information from screen whilst away from their desks.
6. Access passwords should be used on all computers.
7. Password facilities on screensaver should be used when working on confidential material.

**(ii) Network**

Age UK East London network should not be used unless secure. Confidential information should be password protected.

**(iii) Modem**

Confidential files should not be accessed in this way unless personnel have been trained on and have agreed a secure, password protected method.

**(iv) E Mail**

Confidential files should not be sent in this way unless personnel have been trained on and have agreed a secure, password protected method.

**10. Removal of Information from the Premises**

It is sometimes necessary for staff or volunteers to carry confidential information or keep it at home because of home visits, attending meetings or case conferences. All are expected to exercise due care and attention to ensure that such material is kept to a minimum, is safe and in their possession at all times. Particular care should be taken with diaries where appointments indicate the name and address of a service user. No such material or information should be left unattended in a vehicle.



## **11. Disclosure of Information**

### **11.1 Introduction**

The ethics of disclosure are often not clear cut. There may often be a conflict of interest and all persons should gain support in making decisions about the issues involved. Deciding when and when not to disclose information and what is and isn't necessary to pass on is vital. In some cases it may be impossible to provide the relevant help without disclosure.

Generally disclosure should not be made to an outside organisation without consent, however there are occasions when disclosure may be made without consent. e.g. elder abuse

### **11.2 Disclosure to and Liaison with Third Parties and Other Agencies.**

1. If it is necessary to contact another agency on an individual's behalf, permission should be sought from the individual, preferably in writing. In some instances outside agencies request written authorisation.
2. A person's identity should be established before disclosing confidential information to him or her. This is sometimes difficult. In the event of a phone call the name and role of the caller should be noted along with their telephone number. If staff or volunteers have any doubts about the person's identity they should call them back. If doubts arise when talking to a person face to face they should be asked for some proof of their identity/role.
3. Only factual information or the views of the user should be passed on. Any opinions offered by staff or volunteers should be stated and recorded as such.
4. Correspondence from Age UK East London on behalf of an individual should make it clear to a third party that any reply received will be shown to the individual.
5. Staff or volunteers should not take part in case conferences without the permission of the user.
6. Any agreement about confidentiality should continue after a person's death unless there are overriding legal or ethical considerations. If this information is requested the staff member/volunteer should seek advice.
7. Staff or volunteers should respect confidentiality of matters concerned with the running of Age UK East London as well as confidential or sensitive information relating to other local organisations or Age Concern groups. Their words or actions should not adversely affect the goodwill upon which Age UK East London depends. If they have concerns that they wish to raise they should do this in confidence with either a colleague, their line manager, the Chief Executive, an Executive Committee member, ACAS, their Trades Union Representative or another suitable person. Persons from whom advice is sought should be asked to maintain confidentiality.

### **11.3 Disclosure with Consent**

1. Consent to disclose information aims to be informed. The possible consequences of sharing or not sharing information must be considered and discussed with the user.
2. Persons must be given sufficient time to decide to whom information should be passed.

3. Consent is only valid for the purpose(s) for which it was given. If information is to be reused in a different context, permission should be sought again.
4. Any decisions taken and the reasons why they were taken should be clearly recorded.

#### **11.4 Disclosure without Consent**

1. Any disclosure without consent of what could reasonably be construed as private information unrelated to the service provided by Age UK East London is a misuse and an abuse of privacy.
2. In the event that information contravenes the law or endangers other persons it will have to be passed on. The reasons why must be clearly stated. Information will only be passed on in accordance with current good practice and local authority procedures. e.g. London Borough of Tower Hamlets, Newham & Hackney Elder Abuse guidelines.
3. If a user is not in a fit state mentally or physically to give permission. It should be sought from the person who is the known carer, next of kin or the person who has legal or authorised responsibility for their affairs. This could be their carer, relative or advocate.
4. An individual staff member or volunteer should not make such a decision without consultation with their line manager or the Chief Executive.
5. In extreme circumstances where a member of staff or volunteer has to make an emergency decision to pass on information, they should clearly record the reasons for doing so and should then immediately seek to contact the Chief Executive.

## **12. Training**

1. All Age UK East London staff and volunteers receive training on confidentiality.

#### ***This includes:***

- Risk assessment.
- What is and is not considered confidential, with guidelines on when it is and is not appropriate to share information.
- Legal and good practice requirements.
- The potential implications for others and for themselves if confidentiality is breached.

*Any situations which are used as case studies during training must not use real peoples names, or be illustrated in such a way that makes it possible to identify the persons involved.*

## **13. Monitoring**

1. The effectiveness of this policy and of confidentiality at Age UK East London is monitored on a regular basis.

#### ***This is done by:***

- Recording all complaints about breaches of confidentiality.
- Addressing issues of breaches/possible breaches of confidentiality at supervision.

- Having confidentiality on the staff meeting agenda at least every three months. This should provide a forum where staff can share and discuss experiences in a non punitive atmosphere.
2. Findings from any complaints about confidentiality, sharing of experiences at staff meetings or statistics and other information used in the monitoring of any of Age UK East London services should be user anonymous. Findings are used to highlight any inadequacies in this policy or in staff/volunteer training.
  3. Overall responsibility for day to day implementation and monitoring rests with the Chief Executive.