CONFIDENTIALITY POLICY

Policy Statement

SEND and You will adhere to principles of honesty, openness and transparency in all its operational and organisational activities. There are times however when some information held by the organisation must be regarded as confidential. In such circumstances all Employees, trustees and volunteers are required to maintain strict confidentiality regarding such information.

This policy applies to all staff, Trustees and volunteers of SEND and You. The data covered by the confidentiality policy includes:

- Information about the organisation for example, its business plans and finances
- Information about other organisations, partners, contractors etc.
- Information about individuals, for example, service users, volunteers, Trustees and staff were recorded electronically or in paper form.

This policy should be read in conjunction with the SEND and You GDPR Policy.

Confidentiality Policy in relation to service users

SEND and You is committed to providing a confidential information, advice and support service to its users. We believe that principles of confidentiality must be integrated across all aspects of services and management. SEND and You believes its users deserve the right to confidentiality to protect their interests and safeguard the organisation's services.

The following Confidentiality Statement will be displayed in the office:

SEND and You offers a confidential service subject to the requirement of local safeguarding procedures. Information will not be shared with any other organisation or individual without your express permission, unless, in the opinion of the Head of Service, safeguarding considerations apply.

Definition of Confidentiality

SEND and You understands confidentiality to mean that no information regarding a service user shall be given directly or indirectly to anyone outside the organisation, without that service user's prior expressed consent to disclose such information. We may need to disclose information if we feel that it is in the public interest or in a child's best interests. In this case, if possible, we will let the service user know in advance.

Children and young people can contact us directly to receive confidential information, advice and support. SEND and You recognises that all users over the age of 16 should be able to access the organisation's services in confidence and that no person outside the organisation should ever know that they have used the organisation's services, except where safeguarding is a concern. For this reason, a signed consent form must be provided by a young person after their 16th birthday, before the SENDIAS Service can provide confidential information, advice and support to their parents or carers, except where the parent/guardian has deputyship.

Employees/trustees/volunteers should ensure that no discussions relating to an individual user take place where they can be overheard by a third party. The Board of Trustees will not receive identifying details of individual users, or their case. SEND and You will not confirm the user's presence in the office base or use of the organisation's services without obtaining the user's consent.

SEND and You is required to follow local safeguarding procedures when abuse is brought to attention. All employees, volunteers and Trustees receive safeguarding training and have access to the Safeguarding policies.

Expressed consent to record or provide information

We do not contact you without your consent. SEND and You's Employees/Volunteers are responsible for checking with service users if it is acceptable to call them at home or work in relation to their case. Employees/Volunteers are responsible for checking with service users that it is acceptable to contact them at home or work in relation to their case.

We do not collect or share your information without explicit consent. At the first point of contact all service users are made aware of issues of consent if they apply and how we record and retain the information we gather. They are told that they do not have to give those details, but that this may assist us in responding effectively. It is the responsibility of Employees/Volunteers to ensure that, where any action is agreed to be taken by the organisation on behalf of a service user, that service user must firstly give their consent which should be recorded electronically.

Limits to confidentiality

Where the safety and welfare of children, young people or adults are at risk, their protection takes precedence over the requirement for confidentiality. On occasions where an Employee/Volunteer feels that Safeguarding may be an issue, they should follow the safeguarding policy and the following steps must be taken:

• The Employee/Volunteer should make notes of any events/ discussions causing concern as soon as possible.
• The Employee/Volunteer should raise the matter immediately with the Head of Service.
• The Employee/Volunteer must discuss with the Head of Service the issues involved in the case. The Head of Service should take a written note of this discussion and may choose to

obtain a recording of the call if deemed necessary.

• The Head of Service is responsible for making a decision whether to contact Social Services about the matter. Once contact is made with Social Services, the Head of Service will take whatever action is advised by this agency.

• The Head of Service should brief the Chair on the full facts of the case, ensuring they do not breach confidentiality in doing so.

• A full written report on the case should be made and any action agreed, undertaken. The Head of Service is responsible for ensuring all activities are actioned.

• If the Head of Service is not available, any safeguarding concern should be passed to nominated members of the Board of Trustees who will decide whether Social Services should be contacted.

• The case should not be discussed with other members of the Board who may have to resolve any future complaint about the action taken.

Other situations where we reserve the right to break confidentiality include:

- If a member of staff receives 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 (as defined in the Mental Capacity Act 2005). In such cases staff or volunteers will discuss with the Head of Service and they will act in the service users' best interest.
- The decision to break confidentiality will be decided on a case-by-case basis and approved by the Head of Service.

Service User information

It is the Head of Service's responsibility to ensure all service user information is kept securely (in accordance with the new Data Protection Act 2018 and GDPR). This includes any written information, copies of correspondence, and any other sources of information that may identify a service user, including all electronic data held by us. All Employees/Volunteers are given guidance on the safe storage of information relating to service users and training is provided on Data Protection and GDPR.

Access to data

This Policy operates on a "need to know" basis and apart from staff, volunteers and Trustees in the office, no- one will have access to service users or organisational information unless it is relevant to the service or their work.

All service users have the right to request access to all information stored about them and have a right to see a copy of this confidentiality policy on request. A copy of the policy is readily available on the website and the Policy Statement is always displayed in the office.

Use of service user information for publicity or training purposes

SEND and You may at times have information from service users which may be useful for publicity or training purposes. Data will be anonymized wherever possible and if this is not possible then written permission from the service users will be sought prior to publication.

Statistical Recording

SEND and You is committed to effective statistical recording of service use to enable the organisation to monitor take-up of service and to identify any policy issues arising from advice services. It is the Head of Service's responsibility to ensure all statistical records given to third parties, such as to support funding applications, monitoring reports for the local authority shall be produced in anonymous form, so individuals cannot be recognised.

Evaluation and Monitoring of this policy to ensure its effectiveness

All staff and volunteers will be given a copy of the policy when they join SEND and You. We will ensure that all staff and volunteers are trained in the application of this policy and any updates to the policy will be distributed to all staff and volunteers.

The policy will be reviewed annually by the Head of Service and approved by the Board of Trustees. It will also be reviewed in response to changes in relevant legislation, contractual arrangements, good practice or in response to an identified failing in its effectiveness.

Confidentiality Policy in relation to the internal operation and Employees.

No personal information about staff, volunteers or Trustees will be given to any third party without consent. Information will only be divulged on a "need to know" basis and will be anonymized wherever possible. Personnel information will be treated in confidence and stored electronically following the GDPR Policy.

Relevant internal documentation
SEND and YOU GDPR Policy
SEND and You Safeguarding Policy
SEND and You Privacy Policy
Whistleblowing Policy

Relevant Legislation and References
Children and Families Act 2014
Children Act 1989/2004
Mental Capacity Act 2005
The EU General Data Protection Regulation (GDPR) 2018