



Confidentiality Policy

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Contents

	Page
1. Policy statement	3
2. Definition of confidentiality	4
3. General principles	4
4. Why information is held	5
5. Access to information	5
6. Storing information	6
7. Duty to disclose information	6
8. Disclosures	6
9. Data Protection Act 2018	7
10. Breach of confidentiality	7
11. Whistleblowing	7
12. Policy in practice	8
13. FCDC Procedures	11
14. Confidentiality policy in relation to FCDC personnel	13
15. Policy Monitoring and Evaluation	13
16. Policy Review	13

1. Policy statement

The Family Centre (Deaf Children) (FCDC) is committed to the confidentiality of information about the organisation and the individuals who use our services. FCDC recognises that all service users should be able to access services and ask for advice in confidence. Where there are concerns about an individual or situation, staff and volunteers must disclose these concerns to their line manager. Disclosure within the organisation **is not** a breach of confidentiality.

FCDC 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 has to be regarded as confidential. In such circumstances, all employees and volunteers are required to maintain strict confidentiality regarding such information.

The exceptions to confidentiality are when:

- There are **safeguarding issues** in relation to a child, young person or vulnerable adult. This could be:
 - where an individual has been abused / harmed by someone else;
 - where a person plans to or has harmed / abused another person; or
 - where a client tells you he/she plans to self-harm.
- There are concerns about financial irregularities, such as money laundering or embezzlement.
- A crime (or the intention to commit a crime) against a person or property has been disclosed.
- Information related to **terrorism** or suspected terrorism is disclosed.

If it is safe to do so, the service user will be told that the information is going to be shared. See further details on what to do below.

Unauthorised disclosure of personal information, or details of FCDC as an organisation, will be dealt with under FCDC's disciplinary procedure. Deliberate unauthorised access to confidential information is a serious matter and will also be dealt with under FCDC's disciplinary procedure.

All staff and volunteers at FCDC receive induction in which confidentiality is explained and they are required to sign a **Code of Confidentiality** or **Confidentiality Agreement** at the commencement of their employment or period of voluntary work. For paid staff this is contained within the **Contract of Employment**.

This policy applies to all staff, Trustees and volunteers of FCDC. The data covered by this 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 where recorded electronically or in paper form.

This policy should be read in conjunction with FCDC's Privacy Policy, Safeguarding Policies and Data Protection Policy.

2. Definition of confidentiality

The Oxford English Dictionary defines confidentiality as: *'Spoken or written in confidence, characterised by the communication of secrets or private matters, betokening private intimacy, or the confiding of private secrets, enjoying the confidence of another person, entrusted with secrets, charged with a secret task'*.

In the context of FCDC's work and operations, FCDC 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.

3. General principles

3.1 FCDC recognises that colleagues (employees, volunteers, trustees, contracted professionals and trainees) 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.

3.2 Colleagues are able to share information with their line manager in order to discuss issues and seek advice.

3.3. Colleagues will avoid exchanging personal information or comments about individuals with whom they have a professional relationship.

3.4. Talking about the private life of a colleague is to be avoided at all times, unless the colleague in question has instigated the conversation.

3.5. Colleagues will avoid talking about organisations or individuals in social settings.

3.6. Colleagues will not disclose to anyone, other than their line manager, any information considered sensitive, personal, financial or private without the knowledge or consent of the individual, or an officer, in the case of an organisation.

3.7. 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 organisation's consent must be sought before discussing the situation, unless the colleague is convinced beyond doubt that the organisation would not object to this. Alternatively, a discussion may take place with names or identifying information remaining confidential.

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

4. Why information is held

4.1. Most information held by FCDC relates to individuals, voluntary and community organisations, self-help groups, volunteers, students, employees, trustees or services which support or fund them.

4.2. Information is kept to enable FCDC colleagues to understand the history and activities of individuals or organisations in order to deliver the most appropriate services.

4.3. FCDC has a role in putting people in touch with external support organisations and keeps contact details which are passed on to any enquirer, except where the group or organisation expressly requests that the details remain confidential.

4.4. Information about service users may sometimes be given to partner organisations and FCDC contracted professionals who we work in partnership with, but to no one else e.g an FCDC event venue for health and safety purposes, play therapists and BSL tutors.

4.5. Information about ethnicity and disability of users is kept for the purposes of monitoring our Equality, Diversity and Inclusion Policy and also for reporting back to funders.

5. Access to information

5.1. Information is confidential to FCDC as an organisation and may be passed to colleagues, line managers or trustees to ensure the best quality service for users.

5.2. Where information is sensitive, i.e. it involves disputes or legal issues; it will be confidential to the employee dealing with the case and their line manager. Such information should be clearly labelled 'Confidential' and should state the names of the colleagues entitled to access the information and the name of the individual or group who may request access to the information.

5.3. Colleagues will not withhold information from their line manager unless it is purely personal.

5.4. Users may have sight of FCDC records held in their name or that of their organisation. The request must be in writing to the Centre Manager, giving 14 days' notice and be signed by the

individual, or in the case of an organisation's records, by the Chair of the Board of Trustees. Sensitive information as outlined in para 5.2 will only be made available to the person or organisation named on the file.

5.5. Employees may have sight of their personnel records by giving 14 days' notice in writing to the Chief Officer.

5.6. When photocopying or working on confidential documents, colleagues must ensure people passing do not see them. This also applies to information on computer screens.

6. Storing information

6.1. General non-confidential information about organisations is kept in unlocked filing cabinets and in computer files with open access to all FCDC colleagues.

6.2. Personnel information on employees, volunteers, students and other individuals working within FCDC will be kept in lockable filing cabinets by line managers and will be accessible to the Chief Officer.

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

6.4. In an emergency situation, the Centre Manager may authorise access to files by other people.

7. Duty to disclose information

There is a legal duty to disclose some information including:

- Child abuse – which must be reported to FCDC's Safeguarding Team
- Drug trafficking, money laundering or acts of terrorism will be disclosed to the police.

In addition, colleagues believing an illegal act has taken place, or that a user is at risk of harming themselves or others, must report this to FCDC's Designated Safeguarding Lead (Centre Manager at FCDC) who will report it to the appropriate authorities.

7.3. Users should be informed of this disclosure.

8. Disclosures

8.1 FCDC complies fully with the Disclosure and Barring Service (DBS) Code of Practice regarding the correct handling, use, storage, retention and disposal of Disclosures and Disclosure information.

8.2 Disclosure information is always kept separately from an applicant's 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.

8.3 Documents will be kept for a year and then destroyed by secure means.

Photocopies will not be kept. However, FCDC 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.

9. Data Protection Act 2018

Information about individuals, whether on computer or on paper, falls within the scope of the Data Protection Act. All FCDC colleagues must comply with the Data Protection Act principles.

These are that personal data must be:

- 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 Data Protection Act.
- Kept secure and protected.
- Not transferred out of Europe.

10. Breach of confidentiality

10.1. Colleagues accessing unauthorised files or breaching confidentially may face disciplinary action or termination of their volunteer agreement with FCDC.

10.2. Employees and volunteers who are dissatisfied with the conduct or actions of other colleagues at FCDC should raise this with their line manager using FCDC's grievance procedure, if necessary, and not discuss their dissatisfaction outside FCDC.

11. Whistleblowing

Where staff or volunteers have concerns about the use of FCDC funds, he or she may refer directly to the Chair or Treasurer outside the usual grievance procedure.

All colleagues have the right to inform either his or her manager or one of FCDC's trustees if they believe that FCDC is being brought into disrepute by the actions of another colleague or trustee.

Please see **FCDC Whistleblowing Policy** for more information.

12. Policy in Practice

12.1 Confidentiality Policy in relation to our service users

In the context of the charity's work and operations, FCDC 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.

FCDC is committed to providing a confidential information and support service to its users. We believe that principles of confidentiality must be integrated across all aspects of services and management. FCDC also believes its service 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:

[The Family Centre \(Deaf Children\) 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 FCDC's Centre Manager \(Designated Safeguarding Lead\), safeguarding considerations apply.](#)

FCDC staff and volunteers may have access to confidential information in the normal course of their duties. FCDC understands confidentiality to mean that no information regarding a service user shall be given directly or indirectly to any third party outside FCDC without the service user's permission.

FCDC recognises that our services, activities and events may be based at locations where other activities may take place and confidentiality issues may arise. All efforts will be made to ensure that staff and volunteers are able to address needs where the service user feels most comfortable.

Children and young people can contact us directly to receive confidential information, advice and support. FCDC recognises that all service users over the age of 16 years old 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 aged 16 years or over, before the FCDC Service can provide confidential information, advice and support to their parents or carers, except where the parent/guardian has deputyship.

We recognise that information could be indirectly given out through Employees informally discussing cases. Therefore, all Employees and volunteers should ensure that no discussions

relating to an individual user take place where they can be overheard by a third party.

FCDC will not confirm the user's presence in the office base or use of the organisation's services without obtaining the user's consent.

FCDC is a registered charity working in partnership with local education authorities and is required to follow local safeguarding procedures when abuse and neglect are brought to attention. All employees and volunteers receive annual safeguarding training and have access to FCDC safeguarding policies and procedures.

Members of FCDC's Board of Trustees will not receive any identifying details of individual service users, or details of their support case.

12.1.1 Service User Consent

FCDC does not contact service users without their consent.

FCDC employees/volunteers are responsible for checking with service users if it is acceptable to call them in relation to our services at home or work. Employees/volunteers are responsible for checking with service users that it is acceptable to contact them at home or work and what method of communication they prefer e.g letter, email or phone.

FCDC does not collect or share service user information without their 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 providing better services, support and responding effectively. It is the responsibility of FCDC 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 in the Client Record.

12.2 Statistical Recording

FCDC is committed to effective statistical recording of service users to enable the quality assessment, continuous improvement and monitoring of take up of our services and to identify any policy or service issues.

All statistical records given to third parties, such as to support funding applications and funder monitoring reports shall be produced in anonymous form so that individuals are not identified.

12.3 Service User / Support Service Records

All service user/client files must be kept in locked filing cabinets. All files must be locked away at the end of each working day. Other information relating to service users will be kept in locked drawers. This includes note books, copies of correspondence, case notes, calculation sheets and any other sources of information.

12.4 Consent to Sharing Information

Some of our work with services users is carried out in partnership with external specialist professionals e.g. BSL tutors and play therapists. In these circumstances, the nature of information that will be shared and or disclosed will be determined at the beginning of the contracted work, by both the service user and the contracted professional.

Where FCDC agrees to act on behalf of a client, it is the responsibility of FCDC staff member or volunteer to ensure that the client signs a consent form. This form should be placed on the client's file. FCDC staff/volunteers are responsible for checking with clients if it is acceptable to contact them at home or work in relation to FCDC support services.

All details of support service express consent must be recorded on client files.

12.5 Service Evaluation Reports and Funder Reporting

When writing case studies, funder monitoring reports or service/project evaluation reports, extra care needs to be taken by FCDC staff to safeguard against details that could identify any service user, unless express written agreement has been obtained from the service user themselves. This is especially important because in the local Deaf community general details about a person may easily identify them.

If the issues relate to terrorism or crime, including disclosure of information relating to the harm of a child or adult or FCDC property, report this to FCDC's Centre Manager (Designated Safeguarding Lead) immediately or if this is not possible for any reason at the earliest opportunity.

12.6 Expressed Consent to Record or Provide Information

FCDC employees/volunteers are responsible for checking with service users if it is acceptable to call them at home or work in relation to FCDC support services/activities. Employees/volunteers are responsible for checking with service users that it is acceptable to write to them at their home or work address in relation to our support services.

12.7 Limits of Confidentiality

Where the safety and welfare of children, young people or vulnerable adults at risk, their protection takes precedence over the requirement for confidentiality. In the event that an Employee/Volunteer feels that safeguarding may be an issue, they should follow FCDC safeguarding policy and procedures and contact FCDC's Safeguarding Team.

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 will discuss the matter with the Centre Manager and they will act in the client's best interest.

The decision to break confidentiality will be decided on a case by case basis and approved by the Centre Manager and/or Chair of the Board of Trustees.

12.8 Service User Support Service Records

It is the Centre Manager's responsibility to ensure all service user records are kept securely (in accordance with the new Data Protection Act 2018 and GDPR). This includes notebooks, copies of correspondence, calculation sheets and any other sources of information, including all electronic data held by us. All Employees/Volunteers are given guidance on the safe storage of information relating to service users and bi-annual training is provided on Data Protection and GDPR.

12.9 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 client 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 available on our website and displayed in the office at all times.

12.10 Use of service user information for publicity or training purposes

FCDC may at times receive feedback and other information from service users which may be useful for publicity or staff/volunteer training purposes. This data will be anonymized and if this is not possible, written permission from the service user will be sought by FCDC prior to publication.

13. FCDC Procedures

- All records, paper and computerised, are subject to the Data Protection Act 2018 and must not be disclosed to an unauthorised person.
- Security passwords must not be disclosed to unauthorised persons.
- Unauthorised access to FCDC's computers is not allowed.
- Paper records of service users or staff, or any other confidential information, must be stored in an area that is secure from unauthorised access out of office hours and does not allow

access by unauthorised persons. It is recommended that lockable metal filing cabinets or other secure means be used to store files to prevent unauthorised access. All alterations or additions made to service users' files or staff personal records should be dated and signed.

- Staff should not talk or use sign language about confidential matters in public places, or to family or friends.
- Any FCDC employee or Trustee involved in a selection procedure should declare any relationship or specific contact between themselves and the candidate.
- FCDC employee/volunteer duty of confidentiality applies throughout their employment or period of voluntary work, including notice periods and continues after they have left FCDC. This is also covered in the Contract of Employment and Volunteer Agreements.
- A 'Clear Desk' policy should be adopted by all staff and volunteers at FCDC. Confidential information should not be left on desks or in filing trays or on public view, i.e. 'post it' notes on walls, desks or computers. This applies at all times whether or not offices are locked or there are staff on the premises.
- If, by the requirements of their employment, FCDC staff take confidential files out of the FCDC office, the files must be carried and stored discreetly and securely. Staff must have the consent of their line manager prior to removing client files from the FCDC office. Files **should never be left** on car seats or left in a car overnight. If such files are taken out of the FCDC office, then removal must be recorded, dated and signed in a suitable book and signed in again when returned. Strictest confidentiality is required when carrying out a home visit to a service user on behalf of FCDC. Details of the service user's home, personal circumstances or family should not be disclosed or commented on unless directly relating to the situation in hand and then only with the service user's permission. Two exceptional areas of disclosure would be in the case of a) the risk of significant harm or death or b) child or vulnerable adult abuse.
- Interviews or discussions with service users of FCDC should be carried out in a manner that ensures that privacy and dignity are maintained at all times.
- Information can be disclosed to your FCDC line manager. Such information must be disclosed in emergency situations to avoid harm to service users and others and to prevent serious infringement of the law.
- Where service users of FCDC have difficulty maintaining their own privacy and dignity, it is the responsibility of FCDC staff and volunteers to sympathetically help and support them.
- It should be remembered that sign language is a very visual form of communication and every care must be taken to maintain confidentiality.

- Where the safety and welfare of children, young people or vulnerable 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 FCDC safeguarding policy and procedures

14. Confidentiality policy in relation to FCDC personnel.

No personal information about staff, volunteers or Trustees will be given to any third party without consent unless required to do so to comply with UK laws. Personal information held by FCDC 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 FCDC’s Data Protection Policy.

15. Policy Monitoring and Evaluation

FCDC will regularly monitor and evaluate this policy to ensure its effectiveness and meets data protection law/GDPR requirements and guidance.

All staff and volunteers will be given a copy of the policy when they join FCDC and will sign the confidentiality statement that they will abide by this policy. FCDC 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 staff and volunteers.

16. Policy Review

The policy will be reviewed by the Centre Manager and approved by the Board of Trustees annually. 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.