

## POLICIES AND PROCEDURES

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### Confidentiality Policy

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#### Purpose of this document

To make clear that all personal information about Aspired Futures (AF) service users is to be treated with the upmost confidentiality, discussed only when necessary with appropriate AF employees and with the support and consent of the child/young person (CYP) and their family. Any disclosure of confidential information to any other person may only be undertaken with expressed permission for the purpose of assisting the CYP, except where it is considered necessary for the welfare and protection of a CYP when information shall be shared with the appropriate authority.

#### Details of Policy

AF trustees, staff and volunteers develop a very special and privileged relationship with a CYP, they are seen as a trusted listener and supporter and are likely to be the recipient of personal and private information. AF has a duty to, keep information that is shared which is of a personal and private nature but does not impact on the safety or welfare of the child confidential, unless the CYP has given their explicit consent for information to be shared.

Where there is a concern about safety or welfare, AF will share information with relevant agencies. If it is decided to share information without consent, a senior staff member should explain to the CYP and family that they intend to share the information unless to do so would place a CYP at increased risk of significant harm or put an adult at increased risk of serious harm.

#### **Ensuring Service Users Understand the AF Ethos**

- From the outset, CYP and parents/carers need to know that AF aims to have a good working relationship with them, their referrers and other professionals supporting them.
- CYP, too, have a relationship with other professionals, which should be respected by AF. It must be stated in written form and verbally at the initial visit that AF complement the work of other agencies and this may include sharing relevant information as below.

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- All CYP parent carers are asked to read and sign the AF Children and Young People's Privacy policy, in accordance with the General Data Protection regulations 2018.
- The CYP and parent/carers should be involved throughout. Initial consent is obtained when parent/carers sign the CYP Registration Form but further consent is always sought when sharing information about
  - General information about the level and nature of AF involvement.
  - Other information to help provide better support to meet the needs of the CYP
  - Where AF has concerns about safety or welfare, information will be shared with the relevant agency and may be shared without the consent.

### Working In Partnership with Multi Agencies

- It is vital that AF is not seen as secretive or unprofessional by withholding information unnecessarily. However, it is just as important to retain the trust and confidence of CYP or their families.
- There may be occasions when other agencies formally request statistical and other information, which could identify CYP either on its own, or when considered with other information that the agency may have. Such information must remain confidential unless a CYP or parent/carer gives permission for it to be shared. There are also circumstances where information not generally regarded as confidential, e.g. names and addresses, has been provided in the expectation of confidentiality and therefore should be considered to be confidential.
- Where parent/carers have given consent for theirs or their child's sensitive data, to be shared with other agencies and organisations for AF support, AF will ensure that the agency or organisations, Privacy notice policy is requested prior to any information being shared.

### Confidentiality and Referrals

- When support is offered, AF view of confidentiality should be explained and the staff member should encourage the CYP and parent/carers to build a more open relationship with other agencies.

### Play Sessions: The relationship between CYP

- CYP may have a different view of confidentiality - in fact many will assume that information about them is shared with other professionals. In a group setting, CYP can choose to share their own information with others and this may well be supportive.
- CYP are required to agree to the AF Code of Conduct which states that they must adhere to confidentiality and information must not be shared outside of the group, particularly on social media sites.
- All parent/carers sign an Acceptable use agreement, understanding and agreeing to follow AF rules on using ICT including the internet and social media sites, when their child starts with AF.
- All CYP also must sign an Acceptable use agreement during their induction to our services.

### Confidentiality in Trustees

- All trustees and those attending board meetings should respect AF guidelines on confidentiality, particularly in relation to CYP and organisational issues.
- Minutes of meetings should be shared appropriately and formally with members of the board, AF staff and funders.
- All trustees, staff, sessional workers and volunteer's files should be stored safely and with limited access.
- Where there are concerns for the safety or welfare of a CYP the staff members should discuss the situation with AF Strategic Lead for Safeguarding who may also discuss the situation with a specialist advisor or

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relevant trustee to ensure both the best possible continued support and that the most appropriate process is followed within the organisation.

### Information

- All information, whether held manually or on computer, must be kept safely and with appropriate access.
- Particular care needs to be taken with information on notice boards, card index files, fax messages etc. Telephone messages and CYP records are the most sensitive areas.
- In accordance with the newly updated General data protection regulations and the AF, Subject Access Request policy, any parent/carers can have access to their CYP's records and they are kept fully informed of what information is held in these files about their situation. A subject access request letter from the Parent/carer would have to be presented to the AF Data Protection officer, by the Parent/carer prior to any information being given, and in line with the Subject Access request policy.
- It is important that any information kept is factual, relevant to AF support of the child/young person/family, accurate and up to date.
- All employees and volunteers are given information in compliance with the General Data Protection Regulation (GDPR) Act 2018 and the eight Data Protection Principles governing the use and storage of personal data. They will all be asked to sign to say they have read, understood and agreed to adhere to in their working practices.
- The Data Protection regulation (GDPR) 2018, requires every data controller who is processing personal information to register with the Information Commissioners Office. AF adheres to this requirement.

### Legal issues

#### Court Proceedings

- There may be occasions when an AF representative is requested to give evidence in court proceedings.
- The request may be from a CYP and their family for support, all such requests should be considered carefully taking into account the appropriateness and the relevance of any evidence that AF could provide relative to the issues in question. Staff Members should bear in mind that participating in court proceedings could compromise AF non-judgemental approach.
- If it is decided to give evidence in these situations, the representative should normally be an AF Senior member of staff, who should discuss fully with the CYP and family the evidence to be given. The evidence must be factually accurate without any personal interpretation being imposed by the representative. The CYP and family should be advised that the evidence may be subject to cross-examination.
- A member of the senior AF Team may accompany a CYP to the court, but they must not be the person to represent AF at court proceedings.
- The request may also arise from the Local Authority/or other statutory body. In this case, the AF senior member of staff can ask the Local Authority or statutory body to obtain a witness summons. The court will only issue such a summons, if it is satisfied that the evidence the representative may give to the court is essential and cannot be obtained in any other way. The AF senior member of staff should give factual responses to questions asked about AF involvement with the CYP and family avoiding adding any further unnecessary disclosure of personal information relating to the CYP and family. It is not the role of the AF senior member of staff to give any opinion to the court on the facts disclosed.
- If the court proceedings are in relation to safeguarding or child protection issues then AF should follow the policy, code of conduct and procedures for safeguarding and promoting the welfare of CYP.

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### Request for Information from the Police

- The principle of confidentiality applies to requests for information from the police. On a request, the Police should be advised of AF obligations of confidentiality and information should be given to the Police only in accordance with the AF approach as set out in this statement. There is no duty to provide information relating to a crime or suspicion of a crime but there are a number of exceptions.
- There will be some circumstances where information is requested by the Police where you should not seek consent from the individual or their family, or inform them that the information will be shared, for example, if doing so would prejudice the prevention, detection or prosecution of a serious crime\* or lead to an unjustified delay in making enquiries about allegations of significant harm to a CYP, or serious harm to an adult.

**\*Serious crime means any crime, which causes or is likely to cause significant harm to a child/young person or serious harm to an adult\***

If it is stated that AF has a legal duty to give the information, advice should be sought from the AF Trustee Board.