Confidentiality Policy

St Dominic's Community Response Project

Approval date: 09/11/2020

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1.Responsibility for approval of policy	*Board of Management*
2.Responsibility for implementation	*Manager and Staff*
3. Responsibility for ensuring review	*All Staff*

1. **Policy Statement**

Confidentiality is a central and integral part of our service. St Dominic's Community Response Project [(CRP) (the company)] is committed to ensuring that all service user information is managed in line with accepted good practice and relevant legislation.

2. **Purpose**

2.1. To ensure that the confidentiality of people using the services of St Dominic's CRP is protected in a consistent and appropriate manner.

2.2. To provide staff, volunteers and service users with:

2.2.1. the Companies understanding of confidentiality

2.2.2. clear guidelines regarding handling of information, including the extension of confidentiality;

2.3. To assign responsibilities for the management of confidentiality.

3. **Scope**

This policy covers all St Dominic's CRP employees, volunteers and placements. This policy also applies to persons from other services conducting in-reach.

4. **Glossary of Terms and Definitions**

4.1. All information that is obtained through the course of organisational business and service provision is confidential, and an employee/volunteer shall not at any time, whether before or after the end of their involvement, disclose such information in any form to any person without written consent. Exceptions to this are outlined in – point 9: Limits to confidentiality.

4.2. In certain circumstances information can be passed on to a third party without the consent of the individual whose information it is. These circumstances are described in legislation and relate to the safety of the individual or others.

5. **General**

5.1. Confidentiality can never be absolute and therefore absolute confidence can never be guaranteed.

5.2. All service users are to be made aware of the company's confidentiality policy through their Service User Charter of Rights which is presented upon assessment. Service users will have access to confidentiality policy on request.

5.3. All service users have the right to have a copy of any information held regarding them by St Dominic's Community Response Project in line with data protection protocols. This must be requested in writing by the services user, and will be dealt with by the manager. All requests will be responded to within ten working days.

5.4. Confidentiality is between the service user and the therapeutic team, including management. It is not between the service user and any particular member of staff. Following this case specific information will be shared with the staff team as relevant and necessary.

5.5. No information about a service user will be passed on to any third party except in the following cases:
  5.5.1. Where consent has been obtained.
  5.5.2. Where there is a legal obligation to extend confidentiality.
  5.5.3. Where a decision is taken by management to extend confidentiality as per the terms of this policy.
5.6. All service users have the right to withdraw consent for the sharing of information at any time, except where there is a legal obligation for confidentiality to be extended; as outlined in section 9.
5.7. All service user files are to be kept in a secure place within the St Dominic's Community Response Project. Employees/volunteers are expected to exercise care to keeping safe all documentation or other material containing confidential information.
5.8. All service users' files should be kept in a locked filing cabinet, with the key held only by staff members involved in relevant service provision.
5.9. Computer files should be password protected with the password held only by staff members involved in relevant service provision.
5.10. All service users understand through the Service User Charter of Rights that their case notes and information is kept on a secure computerised client information system.

6. Roles and Responsibilities

St Dominic's Community Response Project is responsible for ensuring that all staff and volunteers involved in dealing with confidential information and data receive appropriate training, supervision and support regarding the policy and their legal responsibilities.

6.1. Manager's Responsibility:
The manager is responsible for ensuring that a copy of this document is available to all staff and volunteers and is available to users of the service. It is the responsibility of the manager to ensure that all staff must sign the staff handbook upon engagement with the service to confirm they have understood the confidentiality policy and that they receive training as necessary.

6.2. Individual's Responsibility:
All staff and volunteers are required to act in accordance with the confidentiality policy, failure to do so will be considered as an act of gross misconduct and will result in disciplinary action.

7. Informing Service Users

7.1. All service users should be made aware of the following:
  7.1.1. Confidentiality is between the individual and the organisation; information will be shared with the staff team.
  7.1.2. Their right to have a copy of all information concerning them and that they will need to request this in writing, which staff can support them to do.
  7.1.3. Circumstances, in which confidentiality may be extended, see point 9
  7.1.4. Their consent to share information can be withdrawn at any time.

7.2. This information should be imparted at the point of initial assessment/ induction process by the staff member undertaking this work.

8. Obtaining Consent to Share Information

8.1. Information held by St Dominic's CRP, and not independently available to a third party, cannot be disclosed without the individual's written consent.

8.2. Consent must be sought in writing using a standardised consent form. Thereafter it should not be sought verbally. The service user should be informed each time information regarding them will be shared with a third party.

8.3. The consent form should stipulate:

8.3.1. The third party with whom the information is to be shared

8.3.2. The timeframe that the consent form applies to

8.3.3. The organisations covered by the consent form

8.3.4. The date and signature

8.4. The service user should verbally be informed of:

8.4.1. The third party with whom the information is to be shared

8.4.2. Whether the third party has a confidentiality policy

8.4.3. The reason for sharing the information

8.4.4. St Dominic's CRP has no control or responsibility over the information once it is given to a third party.

9. Limits to Confidentiality

9.1. Confidentiality can never be absolute and therefore absolute confidentiality can never be guaranteed. Limits to confidentiality exist to protect workers from withholding information that may require immediate action in the interest of public or individual safety.

9.2. Application of extensions of confidentiality will in all cases be decided by the Manager, in their absence this decision will be delegated to a Board Member.

9.3. Confidentiality may be extended when a service user discloses that:

9.3.1. They have perpetrated sexual / physical abuse on another person

9.3.2. They intend to perpetrate sexual / physical abuse on another person

9.3.3. Any other issues in relation to Child Protection, as described in Children First

9.3.4. They have committed a criminal act (Criminal Law Act, 1997)

9.3.5. They intend to commit a criminal act (Criminal Law Act, 1997)

9.3.6. They have self-harmed / attempted suicide and at risk of causing harm to self

9.3.7. They intend to self-harm / attempt suicide

9.4. In the event of a disclosure of any of the above, the staff member should inform the service user that they will need to report the issue to their manager. If it is necessary to pass on the information the service users consent should be obtained if possible. If this is not possible, the service user should still be informed of the decision to share information, if possible.

9.5. Other situations where consent may be extended:

9.5.1. As required by law, including though not limited to court appearances.

10. Sharing Information with Other Organisations

10.1. In all cases, requests for information from organisations must be accompanied by a written consent to share information form. If one is not provided the request should be directed to the team leader.

10.2. If St Dominic's Community Response Project is requested to write a service report, where possible this will be shown to the service user for comment prior to it being sent.

10.3. Care must be taken with phone calls in relation to queries around service users to ensure that information is not unintentionally passed on to a third party. Service user attendance or presence in the service should not be confirmed without service user consent.

10.4. If a staff member is aware of pertinent information relating to the service user from sources outside St Dominic's Community Response Project, this information should be taken to the line manager before being passed onto colleagues. If service user consent to share information can be granted in this instance that should be done.

10.5. Staff members called to give evidence in court should contact the manager, who will provide support in this area.

10.6. Any requests for service user involvement in research, evaluation or for other data collection purposes need to ensure complete confidentiality.

10.7. All requests for service user involvement in research or evaluations etc, by external agencies must be approved by the manager prior to these being facilitated by staff or displayed within the organisation.

11. Wrongful Disclosure

11.1. Wrongful disclosure can occur in at least two ways. It can be by either act or omission. The first would be where confidential information is deliberately passed on to a third party. The second would be where confidential information is disclosed to a third party through negligence.

11.2. Wrongful disclosure will be considered as an act of gross misconduct and will result in disciplinary action.

12. Data Protection Responsibilities

12.1. St Dominic's Community Response Project's Data Protection Policy outlines our data protection practices and procedures and is available on request from the manager

12.2. In addition to the duty of care regarding confidentiality outlined above, the Data Protection Acts imposes legal obligations on St Dominic's Community Response Project, its staff and volunteers. St Dominic's Community Response Project takes seriously its responsibilities under the Data Protection Acts. The organisation is aware of and acts in accordance with the following eight Data Protection principles regarding information:
1. Obtain and process information fairly

2. Keep it only for one or more specified, explicit and lawful purposes
3. Use and disclose information only in ways compatible with these purposes
4. Keep it safe and secure
5. Keep it accurate, complete and up-to-date
6. Ensure it is adequate, relevant and not excessive
7. Retain for no longer than is necessary
8. Allow an individual's access to their personal data, on request

13. Email, Fax and Phone Usage in Relation to Confidentiality

13.1. **Phone usage;**

Care should be taken not to unintentionally disclosure information when communicating by phone. Confirmation that an individual is attending the service to a person, who has not been covered through consent to share information, could be considered a breach of confidentiality.

13.2. **Email usage;**

Sensitive case specific information that includes client details should not be sent by email if identifying information is being provided.

14. Service User Request for Information

14.1. If a service user wishes to have access to their file, they need to complete a written request; staff can assist with this.

14.2. The request will be processed by the manager who will process the request within ten working days.

14.3. In this case care will be taken to ensure that any information relating to other individuals that is held within the service users file (i.e. in letter from an external agency that relates also to other family members) is blanked out

Signed_____
Chairperson of the Board of Management

Signed_____
Manager

Date: _____