

# FamilyMatters

exploring better ways of getting on together

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## Confidentiality Policy

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**Ratified by Trustees:**

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<b>Review Due</b>	<b>Reviewed By</b>	<b>Date Reviewed</b>	<b>Date Ratified By Trustees</b>
September 2015	Fiona Miller	December 2015	December 2015
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The purpose of this policy is to set out the approach of Family Matters in relation to confidential information held by the organisation. It is not intended to be an exhaustive and definitive guide to confidentiality, nor is it intended to override any of the guidance or Codes of Conduct laid down by individual professional bodies. These guidelines should be used as a supplement to those documents and to the Confidentiality Policy of NHS Northern, Eastern and Western Devon Clinical Commissioning Group.

This policy has been developed in line with the Data Protection Act (1998), the Human Rights Act (1998), the Public Interest Disclosure Act (1998), the Equality Act 2010 and the Mental Health Capacity Act.

All staff employed by Family Matters (this includes volunteers and students), Trustees and families using the service must be informed of and understand the content and operation of this policy and the obligation of the organisation to adhere to it.

## **1. Introduction**

Family Matters is a voluntary, charitable organisation. It provides a family therapy service to persons suffering the ill effects of family breakdown and relationship difficulties.

All personal information obtained about families using Family Matters or staff should be treated as confidential, unless subject to the exemptions as detailed in this policy.

### **Objectives of the Policy**

The objective of this document is to provide guidelines to assist all staff employed by Family Matters in the handling of confidential information.

## **2. Standard of Confidentiality**

Family Matters is committed to maintaining the highest standards of confidentiality in all of its work, in order to ensure the safety and well being of families using our service and staff members employed by Family Matters. Individuals have a responsibility to maintain confidentiality at all times. In addition, "Family Matters" has a corporate confidentiality responsibility, which means that information may be shared between staff as outlined within this policy and that appropriate discussions with other staff members or supervisors will not constitute a breach of the policy. Such discussions may be necessary to assist staff to help the family concerned with their specific needs and to ensure these needs are being met.

Families using the service must be informed that information may be discussed between staff members or in a group supervision setting.

## **3. Exceptions**

Exceptions to the maintenance of confidentiality are in common with the general population. Consent is not required where there is a statutory obligation to disclose or a discretionary disclosure is justified in the public interest.

All staff are required to disclose information given in confidence if:

- There are Child Protection concerns in accordance with the Child Protection Policy and Procedures.
- Cited as a witness in court.
- Obligated to give evidence under oath
- Attending Child Protection and Core Group Meetings.
- Attending Common Assessment Framework meetings.
- Passing on information to the police who are looking for a missing person.

Refusal to comply with the above exceptions may leave the individual staff member open to legal action.

All Family Matters staff **have a responsibility to** breach confidentiality if they consider a child or young person is at risk of harm. Wherever possible and if appropriate, parents or other family members will be advised before any action is taken.

When it is known or suspected that a child or young person is being harmed or is at risk of harm, Family Matters Child Protection Policy and Procedures will be implemented immediately. The Child Protection Policy will take precedent over the Confidentiality Policy where it is considered a child is at risk of harm.

When it is considered that a child or young person is in a dangerous or life threatening situation or when their behaviour is considered a serious danger to themselves or others, Family Matters may take action to involve other agencies.

A situation is deemed dangerous or life threatening if:

- A child or young person is physically harmed and immediate medical treatment is necessary.
- There are indications of real danger of abuse if a child or young person returns to an abusive situation.
- The child or young person is threatening to commit suicide or appears to have already attempted suicide (All suicide attempts should be taken seriously and not assumed to be 'attention seeking')
- A family member is threatening to kill or severely harm another individual.
- The staff member or the organisation feels it is in the best interest of a child or young person to breach confidentiality.

#### **4. Procedures for Breach of Confidentiality**

If a staff member considers that circumstances exist which may indicate a need for confidentiality to be breached he/she should:

- Seek permission from the family to refer them to the appropriate agency.
- If the family refuses permission the staff member should consult with the Chief Executive and tell the person concerned this will be happening.

- Decide in consultation with the Chief Executive whether confidentiality should be breached and advise the family of the decision.

If it is decided to breach confidentiality, the family should be told of this and this should be confirmed in writing.

## **5. Unauthorised Breaches of Confidentiality**

Unauthorised breaches of confidentiality may be regarded as grounds for complaint or disciplinary action, including gross misconduct and may lead to dismissal. Unauthorised breaches of confidentiality will be investigated and actions started within 24 hours.

If any family using the services of Family Matters considers that their confidentiality has been breached they may make a complaint in accordance with the Complaints Procedure which is readily available to all families from the office (01752 606826).

## **6. Definition of an Unauthorised Breach in Confidentiality**

A breach of confidentiality is where a staff member gives information or provides access to information about families or other staff members to someone outside the organisation, without the permission of the person(s) involved, which is not covered under the Exceptions clause (Clause 4).

## **7. Procedure in the event of an Unauthorised Breach of Confidentiality**

- CEO to be informed at the earliest opportunity and begin actions within 24 hours of having knowledge of the breach, beginning with ascertaining the facts with the staff member.
- If there is to be further investigation this will take place within 7 days.
- CEO to meet with staff member and other relevant people, such as family members or other professionals, to gather full information about the breach if required.
- Full details to be given to the Chair of Trustees (or other nominated member of the Board of Trustees) within 24 hours of completion of meetings.
- Decision made by Chair of Trustees about disciplinary action and staff member sent written notice of this, following Family Matters Disciplinary Procedure. If no disciplinary action to take place, staff member to be sent formal notification in writing of the investigation of the breach.
- Family informed in writing of the outcome of the process within a reasonable time.

## **8. The Use of Information for Training, Research and Publicity**

Written permission must be sought for using material relating to individuals for training, publicity or research purposes.

Care should be taken to ensure that details that could identify the person(s) are removed from written material and that any verbal information used excludes any identifiable personal information.

## **9. Staff Confidentiality**

People employed by Family Matters are also entitled to confidentiality. Information about an employee should not be given to anyone outside the organisation.

This confidentiality also applies to trustees, unpaid workers, students and any other individual who assists the work of Family Matters

## **10. Procedures to Maintain Confidentiality**

When on Family Matters premises, all information about families should only be discussed when appropriate.

Any external enquiries about whether a family is using Family Matters, by telephone or in person at the office, should not lead to information being given. Staff may want to take a message, allowing them time to consult with another staff member or the family before responding.

Information will only be given to a third party with the written permission of the person concerned or by court order.

All folders containing confidential information relating to families are kept in a locked filing cabinet. Information kept on the Family Matters database is password protected and available only to current members of Family Matters staff.

## **11. Procedures for Requested Disclosure of Personal Information**

Families using the services of Family Matters will be informed from the beginning of their right to access any personal information Family Matters has in written form about them.

If any request is made, verbal or written, the following procedures should be adhered to:

- The therapists who met with the family will gather any information to read through it and ensure no other person's confidentiality would be breached.
- Any other family members will be asked in writing for their consent to information being disclosed.
- The information must not be removed from Family Matters premises.
- If a family wishes a copy of the notes, this information will be photocopied, with the original documents remaining in Family Matters premises.

## **12. Communication of the Policy**

All workers within Family Matters should read the confidentiality policy carefully. They should retain a copy for reference and sign a declaration at time of induction to indicate that they have read and understood it.

### **13. Communication of the Policy to Families**

Families using the services of Family Matters should be made aware of the policy and offered a copy of it at the start of their engagement.

If a child or young person asks about confidentiality, or appears about to disclose something that may be significant, the staff member should sensitively and appropriately let them know that most matters will be treated in confidence, but there are some circumstances in which confidentiality may be breached.