

STOCKPORT WOMENS AID

CONFIDENTIALITY AND ACCESS TO INFORMATION

PURPOSE:

To set out the approach of Stockport Women's Aid with regard to maintaining confidentiality and accessing information in respect of staff members and service users.

INTRODUCTION

This document contains a policy statement (Part One) and procedural guidance (Part Two). The functions of each are set out briefly below.

Part One – Policy Statement. The policy statement sets out the broad framework of principles within which the particular area of work will be carried out. It sets out the organisation's broad style and approach to the issue, including any aims and guiding principles.

Part Two – Procedural Guidance. The procedural guidance sets out the details that staff will require to carry out their duties in this particular area of work. It also sets out the specific tasks involved in undertaking this area of work and identifies who is responsible for carrying them out.

PART ONE – POLICY STATEMENT

AIMS AND PRINCIPLES

1. SWA is committed to maintaining the highest standards of confidentiality in all of its work in order to ensure the safety and well being of service users and staff. Breaches of confidentiality may have life threatening consequences and may therefore be the subject of disciplinary action.
2. SWA is also committed to safeguarding the rights of service users and staff to access information, which is held about them.
3. In fulfilling both of these aims, SWA will work within the requirements of the following legislation:
 - The Data Protection Act 1998
 - The Human Rights Act 1998
 - Freedom of Information Act 2000
 - Children's Act 2004
 - The Public Interest Disclosure Act 1998

INFORMATION WHICH WILL BE KEPT CONFIDENTIAL

4. The following information will be kept confidential and will not be disclosed to anyone who does not have the right to know.

Information about refuges

5. The address of refuges will not be given out or discussed with anyone unless in exceptional circumstances. The likely exceptions will be in the case of Social Services, the Housing Benefit authority, authorised contractors, health visitors etc, where legal requirements necessitate knowledge or direct access is required. SWA will attempt to minimize the number of people who know the refuge address by using the same contractors and dealing with the same person at an agency where possible.
6. Under no circumstances should the work of SWA be discussed in a non-professional situation outside of the working environment. This includes general conversation with work colleagues, friends and family. All reasonable efforts will be made by SWA to enable staff and volunteers to access the support and supervision required to manage their workload.

Information about service users

7. Information on service users will be shared between staff, volunteers and the management committee on a need to know basis. Personal details disclosed by an individual on a one to one basis will remain confidential unless the following circumstances prevail:
 - there is a direct affect on the safety of the refuge or the individuals within it
 - there is a Child Protection issue*
 - a woman is threatening to harm herself

* for a definition of a child protection issues please see Child Protection Guidelines.

8. A woman's permission will be obtained before disclosing personal data relating to herself or her children to a third party. The only time this will be overridden is if:
- there is a Child Protection issue
 - there is a need to protect the vital interests of the woman (i.e. it is a life or death situation)
 - S WA is required by law to do so
 - SWA is assisting in the prevention or detection of a serious crime, which for the purpose of this policy and procedure is any crime which causes or is likely to cause significant harm to a child, young person or adult.
9. Where external agencies have ongoing relationships with residents, all parties concerned will agree boundaries of confidentiality.

Information about children and young people

10. Any conversation between young people and staff members or volunteers should be held in confidence. However, there may be the need to share information, or look for support from other members of the team, or to refer to other agencies. Staff will use their discretion in their role as supporting family relationships in relation to disclosure to the young persons mother/carer. The child/young person will be made aware of this
11. In the event of any disclosure of child abuse occurring, the Protection from Abuse policy and procedure must be followed.

Information about ex-service users

12. Confidentiality is just as important for ex-residents of the refuge and for women accessing the outreach and after care services. The policy and procedure applies equally to women and children in this situation.

Staff, volunteers and management committee members

13. Under no circumstances will information relating to staff members, volunteers or management committee members be given to any individual or organisation without the permission of that person:
The only exceptions to this will be if seeking that consent would put

that person at risk of serious harm, undermine the detection of a serious crime, or lead to an unjustified delay in making enquiries about allegations of serious harm.

Recorded information

14. Any recorded information on service users, ex-service users and staff will be:

- kept in locked cabinets.
- protected by the use of passwords if kept on computer.
- recorded by codes if used for statistical purposes so those individuals remain anonymous.
- Service user information will be kept for at least 5 years from admission to SWA and then destroyed.
- Staff personnel files should be kept for five years from the date of application. Personnel files in respect of recruitment should be kept for twelve months. Please see SWA Data Protection Guidelines for full protocol.

ACCESS TO INFORMATION

15. SWA's service users have the right to know if personal data is being held about them and to be given:

- a description of personal details held about them
- the purposes for which SWA uses this personal data
- those to whom SWA may disclose this personal data.

16. SWA will provide this information to service users who request it unless:

- the information may cause harm to the service users' (or another person's) mental or physical condition unless an appropriate health professional has been consulted.
- (if an ex-service user) the identity of the ex-service user has not been confirmed.
- SWA recently complied with a similar request.

17. Where the person requesting access to personal data is a child or young person, SWA will give them access to this if:

- they are over 12 years old **and**
- they are deemed mature enough to understand the nature of their request **or**
- the request for access to personal data held on the child/young person has been made by the parent or guardian and SWA is satisfied with the identity of the parent or guardian.

18. Requests made through another person (an agent):

- If a service user has capacity and if she has appointed an agent, that person can make a valid request for access on behalf of the service user. The manager must ensure that suitable evidence of the agent's authority is given and that their identity and relation to the individual is also confirmed; such evidence would normally be provided in writing. Where manager is satisfied that the data subject has authorised the agent to make the request, she must deal with the request in the same manner as if it had been made by the service user.
- A service user who is profoundly physically disabled may not be able to give written consent for an agent to seek access on their behalf. Where the service user is unable to give such consent, the manager should give the individual as much assistance as possible where they believe the service user wishes to instruct an agent to seek access on their behalf.

TRAINING

19. All staff members, volunteers and management committee members will be trained in the use of this policy and procedure to ensure that confidentiality and access to information are dealt with appropriately at all times.

PART TWO – PROCEDURAL GUIDANCE ON CONFIDENTIALITY AND ACCESS TO INFORMATION

DISCLOSURE OF PERSONAL INFORMATION ABOUT SERVICE USERS TO OUTSIDE AGENCIES

1. In cases where staff members feel there is a need to disclose confidential information about a service user to a third party, they must inform the person concerned why there is a need to share information, with whom, and what the likely consequences of their agreeing or not agreeing to disclosures are; the exception to this would be if:
 - there is a Child Protection issue
 - there is a need to protect the vital interests of the woman (i.e. it is a life or death situation)
 - S W A is required by law to do so
 - SWA is assisting in the prevention or detection of a serious crime, which for the purpose of this policy and procedure is any crime which causes or is likely to cause significant harm to a child, young person or adult.
2. Once consent has been obtained, it is the responsibility of the staff member passing on any information to ensure that disclosure only takes place on the terms agreed with the service user it concerns.
3. Information should only be given to other organisations with the service user's permission, with the exception of the cases set out in the policy when disclosures may be made without consent.
4. Some organisations, for example housing associations, may require details about the service user including criminal record or level of rent arrears, if the service user is being referred to them. The staff should tell the service user the information requirements of the organisation and the reasons why disclosure of information is necessary. They should be told the consequences of agreeing, or not, to having the information passed on. For example, if SWA refuses to disclose a woman's rent arrears to a housing association, that association might refuse to give that person a nomination.

5. Staff may be approached by the Benefits Agency (BA) over the phone seeking information to verify a claim. The staff will make it clear to service users what sort of information may be required, e.g. date of moving in or services provided. Any other information the BA asks for will not be given without the permission of the resident concerned.
6. In the case of attempting to verify a claim, the staff will ask the resident concerned for permission to approach the BA for information. The staff or residents will not give out anyone's move-on address without the permission of the person concerned.

DISCLOSURE OF INFORMATION ABOUT PROPERTIES

7. Staff must not disclose the location and nature of properties unless given express permission to do so by the line manager. In such cases residents will normally be informed prior to disclosure and wherever feasible, consulted.
8. Staff compiling accounts, annual reports etc. must not refer to the properties by address.
9. Staff responsible for linking with partner agencies must give them a copy of SWA's confidentiality policy and explain its impact on them. The people within the agency who will need to know the location and nature of SWA properties will be identified by the agency in conjunction with Stockport Women's Aid at an early stage. Management Agreements will state that breaches of confidentiality by either party will be treated as a breach of the agreement.
10. Staff responsible for employing contractors and consultants on behalf of SWA must not inform them of the kind of housing provided by Stockport Women's Aid unless this would hinder their work. For contractors used on a regular basis, e.g. cleaning staff may inform them about SWA's work in order to ensure the long-term maintenance of confidentiality. However, this may only be done with the express permission of the line manager.
11. Staff responsible for employing contractors and consultants must explain SWA's expectations as regards confidentiality.

PUBLICITY AND PUBLIC RELATIONS

12. Staff must not reveal the location of properties to the media. Visits by external agencies must be kept to an absolute minimum. Where agencies do visit they will be required to complete a confidentiality contract.
13. Staff may not become involved with the media except with the expressed permission of the line manager.

SERVICE USERS' REQUESTS TO ACCESS INFORMATION HELD ABOUT THEM

14. Staff should respond positively to requests from service users to see personal information held about them on their files, as long as this is in line with the conditions set out in the policy. The staff member receiving the request must arrange a convenient place and time for the service user to go through her file and should remain with her while she does this.

BREACHES OF CONFIDENTIALITY

15. Any breaches of confidentiality will be taken seriously. This does not mean, however, that all breaches will be subject to disciplinary action. Where it is more appropriate to deal with confidentiality breaches through education, this will be done.
16. Any breach of confidentiality by a resident will be discussed first at a meeting of staff. The meeting will decide what action, if any, needs to be taken within the terms of Stockport Women's Aid's Move- On policy and procedure.
17. The line manager will consider any breach of confidentiality by a member of staff. She will decide what action, if any, needs to be taken in terms of the disciplinary procedure.

APPENDIX ONE

Stockport Women's Aid Ltd

VISITORS CONFIDENTIALITY CONTRACT

As a visitor to the premises of Stockport Women's Aid you may have access to sensitive information concerning the Refuge location, management committee, staff and service users. Information will be provided on a 'need to know' basis only.

In order to safeguard staff, residents and the long term viability of the Refuge, the location of the Refuge must not be disclosed to any person, whether in a personal or a professional capacity. This is unless a worker gives her express permission to do so. The only general indication of the Refuge's location which may be provided is that it is situated in central Stockport. When talking or writing about Stockport Women's Aid, never identify the address as Stockport Women's Aid or as a refuge. Neither should it be a matter of permanent record, either on manual files or computer records.

It is also vital that the personal details of all staff, residents, visitors and volunteers of Stockport Women's Aid remain confidential and should not be disclosed to any individual or organisation other than Stockport Women's Aid at any time. Failure to maintain confidentiality may present a serious risk to the Health and Safety of the individual.

Acceptance of the Terms of the Confidentiality Contract.

By signing the Visitors Book, I confirm that I will treat all information relating to the staff, women and children at Stockport Women's Aid in the strictest confidence.

I will not disclose the location of the Refuge or identify of any staff member, resident or service user to any individual or organisation outside of Stockport Women's Aid.

The only exception to the above would be in circumstances where there may be a serious risk presented to the welfare of a child or other vulnerable person.

I have read and understood the above information. As a visitor to Stockport Women's Aid, I agree to respect the confidentiality of the organisation.

Signed:

Visitor.....

Date.....

Staff Member.....

Date.....

APPENDIX TWO

Data Protection Declaration

In accordance with the Data Protection Act 1998, I have agreed that information held by the following organisations may be made available to SWA Ltd in support of my referral and accommodation.

Agency	Please indicate yes/no
Women's Aid	
Education; schools; playgroups etc	
Social Services	
Mental Health Support Services	
Benefits	
Any other agencies	
All of the above	

Signed

Print name

Date _____