



## Headway Cambridge & Peterborough: Confidentiality Policy

HC&P-DP-07 Version 0.1

### Controlled document:

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Individual responsible for implementation	Sarah Green, Chief Executive Officer
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Target audience	All staff and clients

### Policy reviews:

Reviewer	Date
SG	09.01.25

## 1. Policy Statement

Headway Cambridge & Peterborough (Headway CP) respects the right of the client to the principles of confidentiality. All Headway staff and volunteers have a duty to

keep confidential any information they learn about clients, either directly or indirectly, and not to disclose it without permission, other than in exceptional circumstances

Headway CP have a duty of care to protect staff, volunteers and clients and to act in his/ her best interest at all times.

Headway CP believes that there might be occasions when it could be reasonable to breach confidentiality: -

- With the client's consent
- When the client is not 'competent' to give consent and to disclose information is deemed to be in their best interest
- Disclosure to colleagues –when the disclosure is considered to be necessary in the public interest or in the best interest of the client
- Statutory duty – e.g. drug misuse, or disclosure is required by law or by order of a court.
- If the psychological, social or physical wellbeing of a "vulnerable adult" might be at risk
- When a comment or action leads to the belief or suspicion that abuse of a 'vulnerable adult' may have occurred

Confidentiality should only be broken in exceptional circumstances and should only occur after careful consideration that the action can be **justified**.

Headway Service Managers and Service Delivery staff should consider the safety of all staff, volunteers and clients when handling potentially harmful confidential information and if required seek further advice from the Chief Executive.

## **2. Related policies:**

Safeguarding Policy (website)

Comments, compliments and complaints Policy (website)

## **3. Staff Responsibilities**

### **3.1 Manager/ senior person assuming everyday responsibility**

To ensure that all staff and clients have access to and are aware of this policy.

To ensure that safeguards are in place to protect the interests of clients, staff, volunteers and Trustees.

### **3.2 All staff / volunteers**

To adhere to this policy and seek the guidance/ advice from the CEO.

#### **4. Audit Plan**

The Service Managers will monitor adherence of the policy and report findings to the CEO. CEO will report to Board of Trustees.

#### **5. Scope**

This policy applies to all staff, volunteers and Trustees.

#### **6. Headway Staff and volunteer training**

All staff and volunteers to be made aware of and read this policy.

All staff and volunteers to sign a confidentiality agreement prior to commencement of service included in all client contracts. (see Appendix A.)

All new staff must read the policy on confidentiality as part of their induction process.

#### **7. Procedure/ Guidance**

7.1 Staff should:

- ensure that all files or written information of a confidential nature are stored in a secure manner in a locked filing cabinet and are only accessed by staff who have a need and a right to access them
- ensure that electronic files of a confidential nature are stored in a secure manner i.e. password protected entry to authorised users only
- wherever practical or reasonable fill in all records in the presence of and with the co-operation of the client concerned
- ensure that all client records, including client support plans are stored in a confidential client folder

7.2 Rare situations may arise which give rise to exceptions to the duty of confidentiality where confidential information may relate to harm to other clients or harm to the person sharing the confidence. In such circumstances Headway CP reserves the right for staff to break their duty of confidentiality and to take the information to a senior member of staff. In such rare circumstances:

- the relevant client will be informed of the position, and full details will be discussed with the client
- appropriate notes will be made in the client plan/file and these notes will be open to inspection by the client
- the information will only be given to those who absolutely need to know and wider issues of confidentiality of that information will still apply.
- the client will be free to make a complaint through the Headway Comments, compliments and complaints Procedure.

7.3 New and prospective clients should have access to a copy of this confidentiality policy, clients should be made aware of the policy as part of the Service User Information Booklet on induction into the organisation. Every effort should be made by staff to ensure that all clients fully understand the implications of this policy. The member of staff performing the assessment should ensure that the new client understands and has read the following statement:

To help us make an assessment of your needs, we will need to ask you for personal information about your circumstances and to record this information. We will not share this information with anyone without your agreement and it will be kept in a confidential file, which are kept on Nourish, a secure client record system. Only Headway staff, with permission to see the file, will be able to access it. Headway staff will document your progress on a regular basis along with information relevant to your placement. You may have access to your records at any time to see what is actually being recorded. It is Headway's policy that all the information we receive about or from clients is confidential and that only those people who need to know the information will have access to it. Headway will always ask your permission before we share information clients have given us with anyone else. In certain circumstances, however, we may need to share information in your best interests and reserve the right to do so.

#### 7.4 Requests for Information

Headway will not provide information to relatives, spouses, friends or advocates without the consent of the individual clients concerned. All enquiries for information, even if they are from close relatives, should be referred back to the client and their permission sought before disclosure. Relatives, spouses, friends or advocates need to be made aware of this policy.

In certain circumstances staff may be asked for reports by insurance companies, solicitors, or employers for example. Before providing any such information, written consent from the client is required and staff must never divulge information without consent unless obliged to by law.

#### 7.5 Record Keeping

Files are kept on all clients accessing a Headway CP service. Only relevant information must be kept to ensure that the support we offer as an organisation is of the highest quality. The files must only be available to the staff who need to use them.

## Caldicott Guardianship

Whilst the Caldicott Guardianship Principles apply to staff employed by the NHS and other public bodies, they do not currently apply to the voluntary sector except where Research is being carried out within a Headway Group.

The 8 principles are:

1. Justify the purpose for using confidential information.
2. Don't use personal confidential data unless absolutely necessary.
3. Use the minimum necessary personal confidential data.
4. Access to personal confidential data should be on a strictly need-to-know basis.
5. Everyone with access to personal confidential data should be aware of their responsibilities.
6. Understand and comply with the law.
7. The duty to share information can be as important as the duty to protect client confidentiality.
8. Inform client and service users about how their confidential information is used.

## Human Rights Act

The Human Rights Act 1998 Article 8 [Right to respect for Private and Family Life] states:

1. Everyone has the right to respect for his or her private and family life, his/her home and his/her correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic wellbeing of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others.

Appendix A.

## **Employee Confidentiality Agreement**

The Organisation believes that protecting personal information is very important and the principles which reflect our commitment to safeguarding that information. As an employee, volunteer or client, the principles of the General Data Protection Regulations (GDPR) bind you. During your employment you will have access to and be entrusted with confidential information.

All Headway Cambridge & Peterborough's records and databases are the property of the Organisation and must not be tampered with or removed from the premises. They must not be used in conjunction with or for any other use other than that relevant or related to the Organisation without the prior knowledge or consent of the CEO.

During the course of your employment you may have access to and be entrusted with information about the Organisation in respect of its financing, transactions, customers and clients, all of which will be confidential. You will not use or disclose, other than in the proper course of your work, any of this material without the express permission of Headway Cambridge & Peterborough. All information must remain confidential during and beyond any contractual arrangement.

By signing this Confidentiality Agreement I confirm I have read and understood its terms

**Signed:**

**Print Name:**

**Dated :**