

Introduction

The policy applies to everyone who works with CAPS, including employees, sessional workers, consultants, volunteers, placement students, Management Committee members, and members of recruitment panels.

The policy applies to personal information about all of the above people, and also collective advocacy participants and individual advocacy partners, who will be told about this policy at the earliest possible opportunity. Copies of the policy will be available on request.

All personal information discussed and disclosed will be subject to the terms of this policy, including the terms in the 'Duty to Report under Support and Protection Legislation' section.

Confidentiality

- Personal information will be treated as confidential.
- We will only request personal information about a person from other organisations with the individual's co-operation and consent.
- Care will be taken when arranging meetings in a public place to ensure that personal information cannot be overheard by others nearby.
- We will ensure that personal information will only be accessible to people within the organisation who need to see it in the course of their work.
- Information will not be passed to anyone outside the organisation without the permission of the individual unless:
 - there is a legal obligation to do so under Adult Support and Protection or Child Protection legislation, or
 - certain other urgent or exceptional circumstances apply, such as those detailed below.
- When information is passed on without someone's consent in one of these situations, then the minimum amount of information necessary will be disclosed. Information will only be passed on to the necessary services, for example Health, Social Work or the emergency services.

Duty to Report under Support and Protection Legislation

- If there is disclosure that any 'vulnerable' person is at risk (child, young person or adult), we cannot guarantee confidentiality. Where appropriate, this will be stated clearly at the beginning of any advocacy partnership, meeting or event where disclosure is possible, to avoid misunderstanding.

- Staff and volunteers have a duty to report matters of abuse or risk of harm, for appropriate action. Please refer to the Protection of Adults at Risk policy and/or Child Protection policy for more information.
- Where staff or volunteers are unsure of their duty to report under Support and Protection legislation they will discuss this with their line manager.
- Where there is a duty to report, CAPS will discuss this with the individual and ask for consent where possible. If possible CAPS staff and volunteers will also discuss the situation with their line manager before passing on any information.
- Appropriate action could involve contacting the Social Work/Health Department or in exceptional circumstances, the police. Relevant service providers may also be informed if it is a group setting e.g. hospital ward.

Other urgent or exceptional reasons for disclosures of confidential information

- To comply with a court order;
- To protect public health, for example to comply with contact tracing during the coronavirus pandemic;
- When necessary to protect the health, safety and welfare of staff members, for example if a member of staff does not check in as expected when lone working;
- To prevent serious physical harm to a person;
- To protect someone's vital interests – this refers to life or death situations.

Other

CAPS will investigate any breaches of confidentiality in line with:

- Complaints Procedure
- Disciplinary Procedure
- Data Protection Policy

This policy is part of a framework designed to ensure safe and fair handling of information that also includes:

- Recruitment Policy
- Policy on the secure handling, use, storage, retention and disposal of Disclosure information
- Guidance on sending sensitive or confidential information by e-mail
- Schedule for Retaining Records

Confidentiality Policy adopted by CAPS' management committee at their meeting on 3rd March 2022.