

POLICIES AND PROCEDURES
INDEPENDENT DOMESTIC ABUSE SERVICES
CONFIDENTIALITY AND ACCESS TO INFORMATION

About this policy

To set out the approach of Independent Domestic Abuse Services (IDAS) with regards to maintaining confidentiality and accessing information in respect of staff members and clients.

This policy does not form part of any employee's contract of employment and we may amend it at any time.

Related procedures and policies

All policies and procedures.

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. IDAS is committed to maintaining the highest standards of confidentiality in all of its work in order to ensure the safety and well-being of clients, staff and all those involved with the organisation.
2. IDAS is committed to safeguarding the rights of clients and staff and adhering to the principles of openness and accountability.
3. IDAS will work within the requirements of the following legislation:
 - General Data Protection Regulation 2018
 - Freedom of Information Act 2000
 - Limitation Act 1980
 - The Human Rights Act 1998
 - The Public Interest Disclosure Act 1998
 - The Regulation of Investigatory Powers Act 2000

- The Common Law Duty of Confidentiality
 - The Crime and Disorder Act 1998
4. IDAS is committed to the principles of safeguarding adults and children against all forms of abuse.
 5. IDAS is committed to providing a high standard of training to all staff members, volunteers and trustees to ensure that confidentiality and access to information are dealt with appropriately at all times.

Part Two – Procedural Guidance

General

1. Breaches of confidentiality may have life-threatening consequences. They also present a risk to the rights and freedoms of the individual. Where the risk is significant breaches will be reported to the Information Commissioners Office.
2. Breaches of confidentiality by staff members will normally be the subject of disciplinary action.
3. Breaches of confidentiality by clients will be dealt with using the appropriate policy / procedure, for example, the Licence Agreement.

Information about clients

1. Clients' rights under this policy and under the General Data Protection Regulation should be clearly explained as soon as it is practical to do so. This should include an explanation of the information we will hold and when and to whom this will be disclosed.
2. We will seek explicit permission to hold information about the dependent children of a client.
3. Permission will be obtained before disclosing personal data about a client to a third party.
4. The form below should be used as evidence that we have consent to hold and share information.



Confidentiality and
information sharing a

5. IDAS will only share information in the best interests of clients.
6. A copy of the confidentiality and information sharing agreement form should be uploaded onto OASIS (IDAS case management system).
7. Clients must be made aware that they can withdraw their consent at any time.
8. An individual's right to confidentiality will be overridden if:
 - There is a serious safeguarding concern,
 - There is a need to protect the vital interests of the client,
 - IDAS is required by law to share information,

- IDAS is assisting in the prevention or detection of a crime by sharing information.
9. Under no circumstances should the identity of clients, refuge residents or previous clients be discussed in a non-professional situation outside of the working environment. This includes general conversation with work colleagues, friends and family.
 10. Information about clients should be shared with your line manager routinely during formal and informal supervision and support sessions.
 11. Information about clients will be shared with other staff and volunteers on a need to know basis. Personal details disclosed by a client where the client has asked for confidentiality should remain confidential unless the following circumstances prevail:
 - There is a direct effect on the safety of the project or on individuals using it by not sharing information,
 - There are safeguarding concerns for the client or their children,
 - A client is threatening to harm him / herself or other people.
 12. Where an external agency has ongoing relationships with a client and is involved in providing them with support alongside IDAS staff, all parties concerned should agree boundaries of confidentiality. This will be recorded in the confidentiality and information sharing agreement form unless it is specifically covered in the licence / contract documentation. OASIS will be updated to record the form of the agreement that is in place for all third-party agencies working with IDAS.
 13. Where individuals access the helpline for support the following statement should be explained in order to record details of the support given.



Help-line Verbal
Confidentiality-Mes:

14. Where agencies request information about how we are supporting or have supported a client, such as case notes, this will only be shared with the client's specific consent. We will seek to agree the content of the information to be shared prior to providing this.
15. Agency requests for sharing information should always be authorised by a Project Manager.
16. We reserve the right not to share information if we do not believe it to be in the client's best interests to do so or if there is a conflict of interest.
17. Where information is to be shared at MARAC without the consent of a client an 'Information Sharing without Consent Form' should be completed. The need for referring the case to MARAC should, wherever possible, be explained to the client.



Information
Sharing Without Co

18. Information recorded on OASIS should be accessed on a need-to-know basis.
19. Access controls and password protocols set out in the IDAS Data Protection Policy should be observed at all times.

Information about previous clients

Confidentiality is just as vital for previous clients of the services. Ex-clients' details won't be disclosed or discussed within the team or with external agencies without their consent unless there is a genuine reason to do so. This could be for one of the following:

- They have been re-referred to the service,
- There is a serious safeguarding concern,
- There is a need to protect the vital interests of the client,
- IDAS is required by law to share information,
- IDAS is assisting in the prevention or detection of a crime by sharing information.

Children and Young People (under 16)

1. When working with children and young people, it is essential that the term "confidentiality" is explained and that they understand the situations when this would need to be breached. They must also be made aware of the personal information we need to hold about them to provide them with a safe service; and situations where we may need to share their information with organisations outside IDAS.
2. To share information, consent must be gained, unless there is a safeguarding issue. In this case, and if it is safe to do so, we should ensure the child or young person aware of the reason for sharing information.
3. Young people aged 16 years and over can give consent. For children and young people under the age of 16 years, consent would usually be required from the parent or carer. However, a child or young person who has the capacity to understand and make their own decisions may give or refuse consent to sharing information.
4. For more information about children's rights regarding consent and confidentiality please see the Children's Rights Policy; and for the process for gaining consent, please refer to the Referral, Assessment, Safety and Support Planning Procedures - Children's Services. (Both currently in development)

People alleged to have caused harm (alleged perpetrators)

1. IDAS retains basic information on people alleged to have caused harm to people referred to our services. This is held to enable us to safeguard the people we support.
2. If an alleged perpetrator requests a copy of any records relating to themselves they should be asked to put their request in writing to the Head of Client Services.

Freedom of Information Requests

As a charity, IDAS does not have to respond to Freedom of Information requests.

Information about employees, volunteers and Board of Trustees

Under no circumstances should information relating to employees, volunteers or trustees be given to any individual or organisation without the permission of that person.

Telephone calls

1. Telephone messages should not be left on the phones of people referred to the service unless it is absolutely certain that we have a safe contact number for them. If a number is recorded as 'safe' on the referral form / OASIS, you should bear in mind that a person's circumstances can change quickly e.g. what was safe when the police attended an incident may not be safe several days later.
2. Where telephone messages are left on clients' answer machines these should contain minimal details.
3. You should never leave personal details about clients on other agencies' answer machines. Any messages left should contain minimal details.

Storing information

1. The Data Protection Policy outlines the measures we will take to store information confidentially.
2. Appendix One provides guidance on how long we will retain different types of information that we keep.

Requests to access information – previous clients

Previous clients have a right to know what information is being held about them by IDAS. We will therefore provide the following information to people if they request it:

1. A description of personal details held about them,
2. The purposes for which IDAS uses this personal data,
3. Details of those to whom IDAS may disclose this personal data.

IDAS may refuse to provide this information in the following circumstances:

1. The information may cause harm to the client's (or another person's) mental or physical condition,
2. (If an ex-client) the identity of the ex-client has not been confirmed,
3. IDAS has complied with a similar request within the last seven days.

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

1. They are over 12 years old **and**
2. They are deemed mature enough to understand the nature of their request **or**
3. The request for access to personal data held on the child / young person has been made by the non-abusive parent or guardian and IDAS is satisfied with the identity of the parent or guardian and IDAS believes it to be in the best interests of the child to release this information.

Requests to access information – current clients

1. You should respond positively and on a timely basis to requests from clients to see personal information held about them on their files. The law requires that a response to requests should be provided within 40 days. The support plan is the persons' support plan – not just an IDAS document. The person dealing with the request must arrange a convenient place and time for the client to go through their file and should remain with them while they do this so that the IDAS employee can answer any questions the client may have. If the file contains confidential information about another client (e.g. in the case of MARAC minutes) this should be redacted prior to the file being shared.
2. Clients also have a right to request that their data is transferred or deleted. The decision as to whether the deletion / transfer is permissible will depend upon a number of factors concerning risk and compliance. Clients should be asked to complete a Personal Data Transfer-Deletion Request Form which should be passed to the Head of Client Services for approval before any deletion or transfer of information is made.



Personal Data
Transfer-Deletion Req

Disclosure of personal information about clients to external agencies

1. In cases where you feel there is a need to disclose confidential information about a client to a third party, you 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. Consent to share the information should be gained verbally wherever possible. The exceptions to this are outlined previously.

2. Once consent has been obtained, it is your responsibility to ensure that disclosure only takes place on the terms agreed with the client it concerns. Information sharing will be done in the client's best interests.
3. Some organisations, for example housing associations, may require details about a client if the client is being referred to them, including criminal record or level of rent arrears. You should tell the client 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.
4. We may be approached by the Benefits Agency over the phone seeking information to verify a claim. In these instances you should be clear with the client about 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 client concerned.
5. Personal information will not be transferred to any third-party organisation that does not have documented confidentiality status on OASIS.

Disclosure of information about IDAS accommodation and refuges

1. The addresses of refuges should not be given out or discussed with anyone. The likely exceptions will be in the case of Social Services, the Housing Benefit team, authorised contractors, health visitors and in other circumstances where legal requirements necessitate knowledge or direct access is required. IDAS will attempt to minimize the number of people who know the refuge addresses by using the same contractors and dealing with the same person at an agency where possible.
2. All professional visitors to the refuge, including contractors, will be asked to sign, and abide by, a *Confidentiality Agreement* (below).



Confidentiality
Agreement.docx

Publicity and public relations

1. You must not reveal the location of the refuges to the media.
2. You should always seek the permission of your line manager before making statements / giving interviews to the media.

Breaches of Confidentiality

Any breaches of confidentiality by a paid or unpaid team member will be taken seriously and should be reported to your line manager / Senior Management Team member. Action may be taken in accordance with the Disciplinary Procedure. Where it is more appropriate to deal with confidentiality breaches through training or supervision this will be provided.

Breaches of Data Security

Where you become aware of any breaches of security you should report it immediately to your line manager using the IDAS Data Breach Reporting Form who will refer the breach to the IDAS Data Protection Officer (DPO). In the event that the breach could result in significant risk to the safety, rights or freedoms of an individual the DPO will report it to the individual(s) concerned and, if appropriate, to the information Commissioners Office without delay.



IDAS GDPR Data
Breach Reporting Form

DOCUMENT CONTROL

Last Review Date	March 2018 (June 2014)
Approved by	Board - Pending
Issue Date	April 2004
Author	Sarah Hill
Next Review Date (must be less than 3 years from previous version date)	February 2021
What are the key changes to this procedure? (in brief)	Changes to incorporate the requirements of GDPR including enhanced rights of subjects to access, transfer, and request the deletion of their data and responsibility of staff to report breaches of data security

STORING INFORMATION / RECORD KEEPING

APPENDIX ONE

1. MANAGEMENT & ADMINISTRATION

Ref	Function Description	Retention Action	Examples of Records	Notes / Source
1.1	Corporate Planning and Reporting	Permanent 3 years	Corporate Plans Business Plans Annual Reports Board of Trustees Meeting Managers' Meetings Team Meetings Outreach Meetings Forum Meetings MARAC Meetings	Common Practice Records Management Society of Great Britain, Craven District Council.
1.2	Policy, Procedures and Structure	5 years 2 years	Policies and Procedures Organisation Charts	Common Practice
1.3	Complaints	3 years	Correspondence	Will be held securely in the Director's office.

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2. LEGAL AND CONTRACTS

Ref	Function Description	Retention Action	Examples of Records	Notes / Source
2.1	Awarding of a Contract	6 years	Signed contracts	Statutory Records Management Society of Great Britain, Craven District Council.
2.2	Contract Management	2 years 6 years	Service Level Agreements Performance Reports Changes in Requirements Extension of Contracts	
2.3	Tenancy Agreements	6 years	Signed Tenancy Agreements	

3. HUMAN RESOURCES

Ref	Function Description	Retention Action	Examples of Records	Notes / Source
3.1	Recruitment	3 months 3 months 5 years	Unsuccessful applications (paid and unpaid) Interview notes and feedback Contract information once staff member left	Permission will be sought to retain these longer if necessary
3.2	Staff Performance	2 years 3 years 5 years	Probation reports Supervision notes Staff appraisals Disciplinary notes Development Plans	Copies kept in the individual personnel files and retained in a locked cabinet.
3.3	Staff leave and Attendance	2 years	Sick leave Jury Service Study Leave Special and Personal Leave	Common Practice Records Management Society of Great Britain, Craven District Council.

			Timesheets Signing in Book Applications for Special Leave Annual Leave	
3.4	Training	1 years 7 years	Materials Certificates	Common Practice Records Management Society of Great Britain, Craven District Council.
3.5	Accident Report	5 years	Accident Report Book	

4. FINANCIAL MANAGEMENT

Ref	Function Description	Retention Action	Examples of Records	Notes / Source
4.1	Financial Transaction	6 years	Invoices Receipts Statements	Statutory

		3 years	Bank statements Credit card statements Cheque books Petty cash Staff expenses	Records Management Society of Great Britain, Craven District Council.
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5. CLIENT SERVICES

Ref	Function Description	Retention Action	Examples of Records	Notes / Source
5.1	Client Referral Details	6 years once closed	Self-Referral Form Agency Referral Form Client information sheet Client record form Risk Assessments Outcomes Homeless prevention	To be kept securely on OASIS To be kept in locked filing cabinets in relevant offices. Files should not be taken off the premises. Where information is required to be taken off the premises e.g. where staff are required to provide detailed information at core meetings, etc, this information should be anonymised.

		1 year	Confidentiality agreement Initial assessment Support plan / review Minimised case notes Full support plan / case notes	City of York Council, North Yorkshire County Council, Police and Crime Commissioner
5.2	Referrals to Other Agencies	2 years	Other support organisations Social Care Housing Refuge Local Authority	Previous Policy
5.3	Monitoring and Evaluation	3 years	Feedback Questionnaires	
5.4	Incident Report Forms	7 years	Incident Forms	Will be held securely in the Director's office.