

No. 20b Confidentiality and Information Sharing Policy

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2		

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1. Introduction

The Lowdown's confidentiality and information sharing policy is set out below. All staff, students, volunteers (including Trustees), and any other individuals working under instruction from The Lowdown, are expected to abide by this policy.

The Lowdown is committed to maintaining high standards of confidentiality in all aspects of its work. This includes records and information pertaining to staff, students, volunteers, children, young people, and their families.

The Lowdown also recognises the importance of information sharing as being essential to enable early intervention and preventative work, for safeguarding and promoting welfare and for wider public protection. Information sharing is a vital element in improving outcomes for all. However, in some situations, practitioners feel constrained from sharing information by uncertainty about when they can do so lawfully. This is especially in early intervention and preventative work where information sharing decisions may be less clear than in safeguarding or child protection situations.

It is important that people remain confident that their personal information is kept safe and secure and that practitioners maintain the privacy rights of the individual whilst sharing information to deliver better services.

It is important that practitioners understand when, why and how they should share information so that they can do so confidently and appropriately as part of their day-to-day practice.

Any breaches of this policy may give rise to disciplinary action in the case of staff and termination of placement in the case of volunteers.

2. Who This Policy Is For

The aim of this policy is to set out clearly for staff, students, volunteers, Trustees, schools, partner agencies, and any others with whom The Lowdown and its subsidiaries may interact, how confidential information will be managed and shared by The Lowdown. This policy should be read in conjunction with the Data Protection Policy.

3. Information Relating To Children, Young People and Families

All information about individual children, young people and their families is confidential within The Lowdown unless it is deemed appropriate to share with other identified professionals, such as teachers, doctors, social workers etc.

3.1. When deciding whether to share information, consider the following:

- **Remember that the General Data Protection Act is not a barrier to sharing information**

It provides a framework to ensure that personal information about living persons is shared appropriately.

- **Be open and honest**

Be open and honest with the person (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
 - **Seek advice**

If you are in any doubt ask your manager, the Designated Safeguarding Lead or the Deputy Designated Safeguarding Lead.
 - **Share with consent where appropriate**

Share with consent where appropriate and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, that lack of consent can be overridden in the public interest. You will need to base your judgement on the facts of the case.
 - **Consider safety and well-being**

Base your information sharing decisions on considerations of the safety and well-being of the person and others who may be affected by their actions.
 - **Necessary, proportionate, relevant, accurate, timely and secure**

Ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those people who need to have it, is accurate and up to date, is shared in a timely fashion, and is shared securely.
 - **Keep a record**

Keep a record of your decision and the reasons for it – whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.
- 3.2. All individuals have a right to the same level of confidentiality irrespective of gender, race, religion, medical concerns, and special educational needs.
 - 3.3. Photographs of children should not be taken without the express permission of parents/carers (where appropriate). If such permission is given, at no time should the child's name be used with a photograph so that they can be identified.
 - 3.4. All staff, students and volunteers are expected to adhere to the principle that all or anything they are told, see or are given about a child/young person remains confidential within The Lowdown and should not be discussed with anyone not directly involved, especially where that issue relates to individual children/young people.
 - 3.5. In cases where there are concerns relating to abuse or neglect of children, The Lowdown's Safeguarding Policy will apply.

4. Information about Staff, Students, Volunteers and Trustees

- 4.1 In all but specific circumstances (e.g., disciplinary procedures), the decision as to who should be given access to their personal/confidential information pertaining to a staff member, student, volunteer, or Trustee, is the staff member, student, volunteer or Trustee themselves.
- 4.2 Where such consent is sought, it is necessary to tell the member of staff, student, volunteer, or Trustee why there is a need to disclose information and to whom. They should be told of the likely consequences of their agreeing or not agreeing to this. Any consent given should be written, dated and signed specifying exactly what information may be disclosed.
- 4.3 Once consent has been obtained, it is the responsibility of the person passing on any information to ensure that this is only done on the terms agreed.
- 4.4 Unless previously authorised, a request for a home address, telephone number or email address will always be referred to the individual before any information is disclosed.
- 4.5 In some cases there is an automatic right of access to certain areas of information e.g., requests from HMRC. The individual concerned will be notified of any legal requirements whereby The Lowdown is obliged to provide such information.
- 4.6 A member of staff, volunteer, student or Trustee should never divulge information relating to another staff member, student, volunteer or Trustee's personal circumstances or personal information to anyone without permission of the that person.

5. Files – Staff, Student, Volunteer, Children and Young People

- 5.1 No staff member, student, volunteer, or Trustee has the right to view any other parties' file except as specifically provided for in this policy.
- 5.2 All information relating to staff, students, volunteers, Trustees, children, and young people will be stored separately; all computer records will be password protected and only accessible as follows:
 - Staff files – accessible by the Office Manager, Deputy CEO, Line Manager and CEO
 - Student and Volunteer files – accessible by the Office Manager, Deputy CEO, Line Manager, Clinical Manager and CEO
 - Trustee files – accessible by the Office Manager, Deputy CEO, and CEO
 - Children and young people's files – accessible by relevant practitioners, Shift Manager, Clinical Manager, Deputy CEO and CEO

6. General Information About Confidentiality Information

- 6.1 Make sure any discussion relating to information of another, takes place in an appropriate venue, e.g., not in a place where others, who are not entitled to know, can hear about it.

- 6.2 Do not gossip about other staff, students, volunteers, Trustees, children and young people with other staff, students, volunteers, Trustees, and children/young people. Be mindful of your environment, particularly when conducting calls, online video calls (e.g. Zoom/MS Teams), or conversing in an open office.
- 6.3 Do not write anything derogatory about a member of staff, student, volunteer, Trustee, or child/young person in a file or anywhere else (including social media).
- 6.4 Do not leave information lying around or on screen; place it in the appropriate place, e.g., a locked filing cabinet or close the document on screen ensuring it can only be re-opened with a password.

7. Record Keeping

- 7.1 All staff, students, volunteers, Trustees and any other individual working under direction from The Lowdown will be given a copy of this policy as part of their induction. The implications of the procedure for their work will be explained.
- 7.2 Access to personal files of staff, students, volunteers or Trustees can be arranged with the Clinical Manager/CEO and will be given only in the circumstances outlined above in sections 3 and 4 above.
- 7.3 Application forms, interview records, medical information and monitoring forms are confidential to The Lowdown.
- 7.4 Equal opportunity monitoring forms will be detached from application forms on receipt and kept separate from application forms.
- 7.5 References – when seeking references for a new staff member, student, volunteer or Trustee, it is made clear to the referees that information is sought in confidence.
- 7.6 Probationary reviews and appraisals of staff will only be available to the individual's Line Manager and CEO, unless there are performance issues in which case the information may be made available to the Trustees and Deputy CEO too. Reviews of students and volunteers will only be available to the Shift Manager who undertook the review, the volunteer, Clinical Manager and CEO unless there are any issues in which case the information may be available to the Trustees too. Any records, notes relating to a Trustee will only be available to the CEO and Chair of Trustees unless they relate to the Chair in which case it will be another other nominated Trustee.
- 7.7 Any medical records will be held on personal files in Breathe HR. Copies of medical certificates and self-certification forms will be placed in the personal files in Breathe after action for payroll purposes.
- 7.8 All personal information is protected under the Data Protection Act 2018.
- 7.9 Information will be kept in accordance with The Lowdown's Document Retention Policy, after which it will be destroyed.
- 7.10 For unsuccessful staff, students, volunteers, or Trustees applications, The Lowdown may wish to monitor all applications and to keep information about applicants. Only the most relevant

information will be kept, e.g., equality monitoring, race, sex, sexuality, and the rest destroyed after six months.

- 7.11 Breaches of confidentiality by staff, students or volunteers will normally be treated within the remit of The Lowdown's disciplinary and grievance procedure. Breaches of confidentiality by volunteers or students will normally be treated by the Shift Manager, Clinical Manager or CEO. Breaches of confidentiality by Trustees will normally be treated by the CEO and Chair of Trustees unless they relate to the Chair in which case it will be the another nominated Trustee. The nature of any breaches of this procedure will determine the level of any action.

8. Trustees

- 8.1 New Trustees will be sent a copy of the confidentiality policy and asked to take responsibility for implementing it.
- 8.2 All Board of Trustees papers of a confidential nature will be marked 'Private and Confidential' and not included in the papers that are made public or widely available within The Lowdown.
- 8.3 Volunteers, students, staff, children and young people, will normally be referred to by their first name only, and discussion of their personal details at Trustee meetings will be only as necessary.

9. Partnerships with Other Organisations

- 9.1 The Lowdown may be working in partnership with other bodies. Where specific information-sharing protocols exist, all concerned should be aware of this.
- 9.2 The Lowdown will give all partnership agencies a copy of the confidentiality procedure and will explain the requirements it places on the partnership organisations.
- 9.3 It will be agreed at the outset which staff in the partner organisation will have access to information and in what circumstances.
- 9.4 Any agreements with other organisations will state that breaches of confidentiality by either party will be treated as a breach of the agreement.

10. Training

Training on the confidentiality policy and its implications should be a standard part of induction procedures for staff, students, volunteers, and Trustees.

11. Links with Other Policies

This confidentiality and Information Sharing policy is linked to our:

- Data Protection Policy
- Data Security Policy
- Data Quality Policy
- Privacy Notice Employees

- Privacy Notice Students and Volunteers
- Privacy Notice Service Users' Policy
- Record Keeping Policy
- Document Retention Policy
- Business Continuity Plan
- Privacy Policy
- Safeguarding Policy