



## **CONFIDENTIALITY POLICY & PROCEDURES**

This policy was approved by the  
Management Committee of Foyle  
Women's Aid on

*Date:* \_\_\_\_\_

*Signed:* \_\_\_\_\_

## **1.0 INTRODUCTION**

- 1.1 The security, health & safety and welfare of women who have been, or are abused, through domestic violence are of the utmost importance to Foyle Women's Aid (FWA). In recognition of the fact that many users of our services are living in fear for their lives and for the lives of their children, FWA prioritises the confidentiality of individual users of all services – the 24-Hour Domestic Violence Helpline, residential, outreach, aftercare, preventative education programmes, floating support, criminal justice and court support.
- 1.2 Throughout this document, any reference to clients includes all women, children and young people who avail of the services provided by Women's Aid in Northern Ireland.
- 1.3 This policy will also refer to confidentiality in the context of employees.

## **2.0 POLICY STATEMENT**

- 2.1 The aim of this policy is to demonstrate the commitment of the Management Committee of FWA to the confidentiality of all clients.
- 2.2 The collection and recording of some information and statistics is necessary, not only for the prime task of delivering services, but may be required for a number of other purposes, including:
  - Assuring and improving the quality of services;
  - Effective management and administration;
  - Co-ordinating Women's Aid services within the local area and regional boundaries with that of other support agencies; and
  - Statistical analysis and research.
- 2.3 Personal identifiable information will not be collected or used unless there is some justification, both legally and practically, for doing so. The collection and recording of some information is necessary for management purposes. In all instances, users are informed of the nature, extent and proposed usage of information.
- 2.4 Staff's personnel issues/concerns will be treated as confidential. Only the necessary and appropriate staff will be informed.
- 2.5 When necessary, the Director and Management Committee will be informed in accordance with the relevant policy/procedure.
- 2.6 Staff are also responsible for the confidentiality of the issues/concerns that they have raised.
- 2.7 Staff's personnel files will be kept as per Data Protection Act (Appendix 2).

- 2.8 Staff must not disclose any information of a confidential nature relating to FWA or its business, or in respect of any obligation of confidence which FWA owes to any third party, during or after your employment, except in the proper course of your employment or as required by law.
- 2.9 All staff will, in the course of their duties, have access to and be entrusted with information relating to clients' life experiences and their family circumstances. Clients are entitled to expect that any information shared with or observed by staff will be treated in the strictest confidence. Sensitive information will only be shared with relevant staff members where it is appropriate to do so and where the woman has given permission for the information to be shared.
- 2.10 While clients have the right to privacy, considerations of privacy should, however, not override the right of children to be protected from harm (see Child Protection Policy).
- 2.11 The wishes of any woman to withhold or restrict the transfer of her personal information should be respected. In certain circumstances, however, organisations have a statutory or legal requirement to pass on information. Clients should be informed of such requirements (see Appendix 2).
- 2.12 Any documents or tangible items which belong to FWA or which contain any confidential information must not be removed from FWA premises at any time without proper authorisation and following FWA's procedure, and must be returned to FWA upon request and, in any event, upon the termination of your employment.
- 2.13 If requested by FWA, all confidential information, other documents and tangible items which contain or refer to any confidential information, and which are in your possession or under your control, must be deleted or destroyed.
- 2.14 **Work iPads and work mobiles should not be left in the car overnight, and should be password-protected and kept in a secure place at all times.**
- 2.15 This policy should be read in conjunction with the following policies: -
- Child Protection
  - Bullying & Harassment
  - Lone Working
  - Data Protection
  - Safeguarding & Protection
  - Retention of Records
  - Training & Development
  - Volunteering
  - Code of Conduct
  - Lock Box

### **3.0 IMPLEMENTATION**

3.1 The Director has specific responsibility for the effective implementation of this policy. Each Line Manager also has responsibilities and all staff are expected to abide by the policy. In order to implement this policy, FWA will ensure that:

- The confidentiality requirement is explicitly incorporated within all employment contracts for paid staff and all role agreements for unpaid staff;
- All staff are made aware of the Confidentiality Policy through induction training;
- All staff understand the policy and procedures in their respective place of employment to enable them to fulfil their responsibilities;
- All clients will be made aware of the reasons why information about them is collected and held, and the purpose for which their information may be used;
- All clients have the right to see their records, as do employees as per the procedure in the Employment Contract; and
- All clients will be made aware of the Confidentiality Policy.

### **4.0 PROCEDURES**

4.1 See Appendix 1.

### **5.0 COMMENTS & COMPLAINTS**

5.1 Any member of staff who believes that they have been treated unfairly has the right to pursue a grievance through the procedure outlined in the Employment Contract. Any volunteer who believes that they have been treated unfairly has the right to pursue a grievance through the procedure outlined in the Volunteering Policy.

5.2 Any breach of the Confidentiality Policy will be regarded as misconduct **further to an investigation and may lead to disciplinary action, which could include dismissal.**

5.3 Any other comments or complaints in relation to this policy should, in the first instance, be raised with the Director/Line Manager. An investigation will be carried out in line with the Comments & Complaints Policy.

## 6.0 MONITORING & REVIEW

- 6.1 The procedures will be reviewed on a regular basis to identify areas for improvement and, where appropriate, to make changes.

## Appendix 1

### PROCEDURES IN RESPECT OF ENSURING CONFIDENTIALITY

#### 1.0 COLLECTION, RECORDING AND STORING OF INFORMATION

- 1.1 The recording of personal information on clients should be adequate, relevant and not excessive for the reason(s) for which it is collected or used.
- 1.2 Personal information should be accurate and, where necessary, kept up-to-date.
- 1.3 All records should be clear, relevant and concise, and indicate the identity of any persons who have made an entry in them. The use of abbreviations should be avoided where there is any potential for their meaning to be misunderstood.
- 1.4 In special circumstances where it is necessary to record personal information on the clients (other than that required for management purposes), consent of the client will be sought and a copy of the information offered to the user. Such records will only be shared with external professional bodies with the full involvement and permission of the user.
- 1.5 Any records, manual or computerised, will be kept secure and access limited to the Director and relevant staff.
- 1.6 Unauthorised use of personal records and loss, destruction or damage of personal records, accidental or intentional, will be considered **in accordance with the Disciplinary Policy & Procedures, which could include up to dismissal.**
- 1.7 Where women cease to use services, their records will be removed from management files in accordance with the Retention of Records Policy.
- 1.8 All staff personnel files will be kept in a locked cupboard and are available to the employee.
- 1.9 Employee personnel files will be removed and stored in accordance with the Retention of Records Policy.

## **2.0 USE OF INFORMATION FOR TRAINING, RESEARCH AND PUBLICITY**

2.1 FWA may ask permission of individual clients to use material relating to their circumstances for training, publicity or research purposes, in pursuance of its aims and objectives. FWA will ensure that personal details which could identify clients will not be used. In such cases, clients will be fully informed of the reasons for the request. Material will only be used with the woman's full permission and for the purpose it was sought.

## **3.0 HELPLINE**

3.1 The 24-Hour Domestic Violence Helpline phone number is 'barred' for callers using BT landline services, i.e. last number re-dial and 1471 services would not identify FWA as the last number called, and 1471 service will not identify FWA as the caller.

3.2 The 24-Hour Domestic Violence Helpline does not require nor record any personal identifiable details about callers.

3.3 The Helpline does not return phone calls or emails unless specifically instructed by the woman that it is safe to do so. Where return calls are requested, they will be made immediately.

3.4 Where women have been referred to residential through the Helpline, no information about her whereabouts will be divulged to anyone, regardless of the circumstances, other than the relevant staff.

3.5 In cases of 'missing person' enquiries from the police, the Helpline is not legally required to pass on information about its callers. As it does not hold any identifiable information on callers, it is impossible to make any comment.

3.6 Data about the number of calls made to the Helpline, the number of engaged tones and the number of unanswered calls are collected electronically for management purposes only.

3.7 Any situation where information needs to be disclosed to another agency should be discussed with the Helpline Manager or the On-Call Worker, as well as the caller. These instances are very rare and will usually only include the following:

- Where a child has been abused and details have been given to the Helpline;
- Where you can hear a woman being assaulted, and assess that she is at risk and that the police (or emergency services) should be called.

3.8 Whenever possible, the caller will be advised of the Confidentiality Policy and be encouraged to take action themselves with the support of FWA.

3.9 Workers do not discuss calls outside of the Helpline situation and without the express purpose of promoting effective service or seeking support from colleagues.

#### 4.0 FWA SERVICES

4.1 It must be recognised that residential accommodations are highly confidential projects that support women and children. Any information that divulges the whereabouts of a residential premises or the identity of a resident could place lives at risk.

4.2 FWA is not legally required to pass on information to the police in relation to missing persons' enquiries. Some groups may choose to do so. Each group will determine its own policy, taking into consideration the need for permission of the woman involved.

4.3 Clients are made aware of the Confidentiality Policy to which all staff are bound. They are also made aware, however, that the clients are not bound by the Confidentiality Policy. It is each individual client's responsibility to decide what to share with other clients.

4.4 FWA does not return phone calls or emails, unless specifically instructed by clients that it is safe to do so at that time.

4.5 FWA may require personal details about clients for management purposes, and health and safety reasons. Clients are informed of the need for such record-keeping. Confidentiality in relation to written and computerised records will be respected by ensuring that:

- Written records are kept in a secure place under lock and key, and access is limited to the Director and relevant staff.
- Computerised records are secure, and access is limited to the Director/Line Manager and relevant staff.
- Staff are only to take relevant information from client files if meeting a client outside your place of work. Staff are not to take any information off the premises that is not needed for a meeting that day. Staff must use **the lockable briefcases provided**. When staff return to their premises of work, documentation must be returned to client files and locked securely.
- For confidentiality purposes, client meetings should not be held in public places, such as cafés, restaurants and bars.
- Where women cease to use services, their records will be removed in accordance with the Retention of Records Policy.

4.6 When it is considered that a woman or child is in a dangerous or life-threatening situation, or where their behaviour is considered a serious danger to themselves or others, staff on duty will use their judgement to respond. Further action to involve other agencies - medical services, out of hours duty social worker, police - will depend on the considered judgement of staff on

duty, in consultation with the Director/Line Manager, wherever possible. Examples of dangerous or life threatening situations might include:

- Someone in need of immediate medical attention;
- A telephone call interrupted by another person threatening/intending to severely harm or kill the caller; and
- Information that a person has overdosed.

4.7 In instances where there is an allegation or suspicion of abuse, staff are required to bring such information to the attention of the Director/Line Manager. It is important that the rights of the victim and the alleged perpetrator are protected, by ensuring that only those who need to know are given the relevant information (see Child Protection Policy and Safeguarding & Protection Policy).

## **Appendix 2**

### **1.0 STATUTORY REQUIREMENTS**

1.1 In certain circumstances, FWA or individual members of staff may have a statutory responsibility to pass on client information. In such cases, prior consultation with the client is not required. The client should be informed as soon as possible that information has been passed on and a note made in the records.

### **2.0 CHILD PROTECTION CASES**

2.1 In Child Protection cases, the overriding principle is to secure the best interests of the child. Therefore, if staff have knowledge or suspicion of abuse or neglect, it may be necessary for them to share this with others, on a strictly controlled basis, to make decisions relating to the welfare of the child in the light of all relevant information.

2.2 In all circumstances, the current Child Protection and Safeguarding & Protection policies, procedures and guidelines must be adhered to.

### **3.0 LEGAL DISCLOSURE**

3.1 The High Court and County Court have authority to order the disclosure of documents. These orders must specify clearly what information is required and by whom.

3.2 Where an order seeks information about a client or former client who has not instigated a court action, the client will be notified where possible. In all situations of risk or where there is confusion or uncertainty, legal advice will be sought.



## **4.0 PROTECTION OF THE PUBLIC**

- 4.1 It may sometimes be justifiable to pass on client information to other agencies in order to prevent dangers to the general public, such as public health risk or risk of violence.
- 4.2 Each case must be considered on its merits, the main criterion being whether the release of information to protect the public should prevail over the duty of confidence to the client.
- 4.3 The Public Health Act (NI) 1967 makes provision for the notification of certain infectious diseases.

## **5.0 TACKLING SERIOUS CRIME**

- 5.1 Information can be passed on to help tackle serious crime only when the task of preventing, detecting or prosecuting the crime would be seriously prejudiced by it being withheld. The information disclosed will be limited to what is strictly relevant. It should only be used or subsequently passed on where it is required for the present investigation.

## **6.0 OFFENDERS – LIAISON ARRANGEMENTS**

- 6.1 FWA recognises that special liaison arrangements are required in the case of clients who are offenders. Information must only be passed on to those agencies (e.g. the Probation Board, the police and other criminal justice agencies), which will use it for an authorised purpose. Clients should be aware of this transfer and permission must be given, unless the organisation is directed by a court order or is justified in relation to protecting the public. Staff must always be aware of the need to balance protection of the public with the maintenance of confidentiality.

## **7.0 DATA PROTECTION ACT**

- 7.1 Data Protection legislation regulates the way in which certain data about yourself, both in paper and electronic form, is held and used. The following will give you some useful information in terms of the type of data that the Organisation keeps about you and the purposes for which this is kept.

Throughout employment and for as long as is necessary after the termination of employment, the Organisation will need to process data about you for purposes connected with your employment, including your recruitment and the termination of your employment. Processing includes the collection, storage, retrieval, alteration, disclosure or destruction of data.

The kind of data that the Organisation will process includes:

- any references obtained during recruitment
- details of terms of employment
- payroll details
- tax and national insurance information
- details of job duties
- details of health and sickness absence records
- details of holiday records
- information about performance
- details of any disciplinary investigations and proceedings
- training records
- contact names and addresses
- correspondence with FWA and other information that you have given to FWA.

FWA believes that those records used are consistent with the employment relationship between you and FWA, and with the Data Protection principles. The data FWA holds will be for management and administrative use only, but FWA may, from time to time, need to disclose some data it holds about you to relevant third parties (e.g. where legally obliged to do so by the Inland Revenue or where requested to do so by you for the purpose of giving a reference).

In some cases, FWA may hold sensitive data, as defined by the legislation, about you (for example, this could be information about your health). This information may be processed not only to meet FWA's legal responsibilities, but, for example, for purposes of personnel management and administration, suitability for employment and to comply with equal opportunity legislation. Since this information is considered sensitive, the processing of which may cause concern or distress, you will be asked to give your express consent for this information to be processed, unless FWA has a specific legal requirement to process such data.

You may, within a period of 40 days of your written request, or, where applicable, a period of 40 days from the payment of the fee, inspect and/or have a copy, subject to the requirements of the legislation, of information in your own personnel file and/or other specified personal data and, if necessary, require corrections should such records be faulty. If you wish to do so, you must make a written request to your immediate Line Manager. An administration fee of £10 may be required by FWA.