East Sussex Community Voice

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Confidentiality Policy

East Sussex Community Voice (ESCV) aims to be open and transparent in all it does however it recognises that at times it will need to maintain confidentiality.

This policy applies to all staff, Board members, volunteers and partner organisations.

Confidentiality and Data Protection are included in both this policy and in the East Sussex Community Voice Data Protection Statement.

Individuals are responsible for maintaining confidentiality in their work related to the operation of East Sussex Community Voice; its staff, Board members, volunteers and partner organisations in respect of financial information and external partners.

Introduction

ESCV's confidentiality policy sets out guidance and the procedures that should be followed, when dealing with confidential information and applies to staff, Board members, volunteers and partner organisations.

Whilst working at East Sussex Community Voice staff members may have access to, or be entrusted with, information about the organisation, its staff, Board members, volunteers or partners organisations [as well as information about members of the public who access the organisations services] which is confidential.

The organisation's policy operates on a "need to know basis" - that is that information should be shared only between those who require the information in order to carry out their role effectively.

Within the staff team the widest circle of confidentiality will be all of the organisation's staff, and the smallest, just the Director. However, between these two circles there will be different size circles depending on the type of information and who needs to know it.

What information is deemed to be confidential?

The following information provides examples, but not an exhaustive list, of information considered to be confidential:

- Individual participant or user's (or member group's representative's) names, home addresses, home telephone numbers and home e-mail addresses

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- Any personal information concerning an individual participant or user's circumstances that are disclosed to a member of staff
- Staff member's home addresses, telephone numbers and any information kept in their personnel files
- Information provided by the Disclosure and Baring service (DBS)
- Sensitive information concerning the funding of member organisations which is disclosed to the organisation's staff during their work
- Financial information (such as funding proposals, contracts with suppliers, correspondence and negotiations with funders) other than that which is required to be published in the organisation's audited accounts and/or annual report, or required by funders for monitoring purposes
- Opinions expressed in debate, and not formally recorded (Agreed minutes), by individual members of the organisation

Procedures for dealing with confidential information

Individual Users (participants, representatives and users):

- Information concerning individuals should be stored in such a way as to comply with data protection regulations
- Information concerning individuals should not normally be removed from the organisation's offices. It may be necessary at times for an employee involved in outreach work to take records home if they are unable to return to the office
- If information is removed from the office staff must ensure this is kept securely (including during transportation) until they return to work
- Information concerning individuals should not be left open to view or unattended on desks or in the photocopier or fax

Individuals, volunteers and organisations

- Sensitive information about funding, personnel or work should not be left open to view or unattended on desks or in the photocopier or fax
- Sensitive information should not be shared with a third party unless the individual/participant or organisation has given the organisation's permission in writing to do so

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Staff

- Personnel files should be kept in a locked filing cabinet, with access permitted only to [a] line-managers (in the case of the Director, this is the Chair of East Sussex Community Voice) and [b] a member of staff to their own file under the supervision of a line-manager
- Confidential information concerning a member of staff should not be removed from the organisation's office without the permission of the Director

Before such information is removed, it should be copied, and then signed for by both the person removing it and the Director of the organisation.

Financial

- The organisation's auditor or his/her authorised representative will have access to all of the organisation's financial records in line with financial regulations
- No financial information of a confidential nature shall be removed from the organisation's office without the permission of the Director (Lead Board member for Finance)

Additional procedures

Staff working at home must undertake to ensure the safe-keeping of any confidential documents which are removed from the office following the procedures outlined above. This also includes documents stored on memory devices.

Before the end of an employee's term of employment, all documents in the employee's possession belonging to the organisation, including documentation made in the course of employment, should be returned.

Staff should seek guidance from the Director (or named deputy) if they are not clear that the information they are dealing with should be treated as confidential.

It is the responsibility of employees to ensure that where information is agreed to be shared outside the organisation on behalf of the service user, that service user must sign an authorisation form. If there is insufficient time for this to be done the service user must give verbal authorisation.
All details of expressed consent must be recorded and kept on the enquiry form/case file.

East Sussex Community Voice recognises that occasions may arise where workers feel they need to breach confidentiality. Any breach of confidentiality may damage the reputation of the organisation and therefore has to be treated very seriously. If

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confidentiality is breached without recourse to the following procedure disciplinary action will be taken.

On occasions where a worker feels confidentiality should be breached, the following steps must be taken:-

- The worker/volunteer should raise the matter immediately with the line manager
- The worker/volunteer must discuss the issues involved and explain why they feel confidentiality should be breached and what would be achieved. The line manager should make a written record of this discussion
- The line manager should discuss with the worker what options are available

The line manager is responsible for making a decision on whether confidentiality should be breached, and if they make this decision they should take the following steps:

The line manager should contact the Director/named deputy, and brief them on the full facts of the case.

- If the Director, or named deputy, agrees to breaching confidentiality a full written report on the case should be made. The line manager is responsible for ensuring all necessary actions take place
- If the Director, or his/her authorised deputy, does not agree to breach confidentiality then this is the final decision

Unauthorised breaches of ESCV's confidentiality procedures as stated in this policy will be dealt with under the Disciplinary Procedure. Major breaches may be considered to be gross misconduct. This includes breaches where there is a deliberate intention to cause harm or major inconvenience to the organisation, a member of staff, or an individual of the organisation. It also includes gross negligence in not foreseeing the harm that may occur from not following the procedures set out in this policy.

August 2013

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Date agreed: AUGUST 2013

Review Date: JULY 2014

Signed Director, East Sussex Community Voice

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Print Name

.....JULIE FITZGERALD.....

Signed Chair, East Sussex Community Voice

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Print Name

.....KEITH STEVENS.....

Addendum

East Sussex Community Voice (CIC) is the corporate body engaged by the local authority under section 222 of the Local Government and Public Involvement in Health Act 2007 to deliver Healthwatch East Sussex functions (As set out under section 221 of that Act).

Healthwatch East Sussex has signed up to the Information Sharing Agreement (Draft) between Healthwatch England and the Care Quality Commission (CQC) as a partner organisation to facilitate the lawful, appropriate and effective sharing of information between the partner organisations.

Legal Requirements

Under this agreement, partner organisations must comply with all relevant legal requirements relating to the processing of information, particularly personal data.

The principle legislation is listed below:

- Data Protection Act 1998
- Human Rights Act 1998 (article 8)
- Freedom of Information Act 2000
- Computer Misuse Act 1990
- Health and Social Care Act 2008
- Health and Social Care Act 2012

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Other legislation may be relevant when sharing specific information.

Partner organisations must also comply with the common law duty of confidentiality.

The Care Quality Commission publishes a Code of Practice on Confidential Personal Information (CPI) http://www.cqc.org.uk/sites/default/files/media/documents/20101216_code_of_practice_on_cpi_final.pdf which sets out the practice that the Commission and Healthwatch England propose to follow in order to ensure compliance with these legal responsibilities in relation to CPI.

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