

**Confidentiality Policy**

**Aims**

* To enable Sutton Mencap to protect the confidentiality of staff, volunteers, service users and carers.
* To set out the context in which confidential information can and should be shared and disclosed to others.
* To enable Sutton Mencap to comply with its legal responsibilities as an employer and a service provider.

**Introduction**

Sutton Mencap recognises that employees, volunteers and trustees gain information about individuals and other organisations during the course of their work or activities. This policy sets out our expectations where such information should be regarded as confidential. If staff members/ volunteers are unsure whether an issue is confidential they should seek advice from their line manager.

Sutton Mencap takes its responsibilities in relation to confidentiality very seriously. Adherence to the policy is required from all trustees, staff and volunteers and breaches will be taken very seriously.

**Scope**

All trustees, staff and volunteers are covered by the policy. The policy covers the following areas:

**General principles**

* Staff, volunteers and trustees should not divulge the personal circumstances of a colleague, volunteer, trustee, service user or carer without the permission of the individual concerned.
* Colleagues should avoid talking about individuals in social settings and should avoid exchanging personal information or comments (gossip) about individuals with whom they have a professional relationship.
* Colleagues are able to share information with their line manager in order to discuss issues and seek advice. Colleagues will not withhold information from their line manager unless it is purely personal.
* When photocopying or working on confidential documents, colleagues must ensure they are not open to view by people in passing. This also applies to information on computer screens.
* There are circumstances in which there is a legal duty on Sutton Mencap to disclose information, e.g. in relation to safeguarding. In such circumstances, the person to whom the confidentiality is owed will be informed that disclosure has or will be made.

**Service users’ records**

* Sutton Mencap keeps information, including personal information, about service users in order to provide safe and effective services. This information is collected, stored and used in accordance with Sutton Mencap’s Data Protection Policy and relevant privacy notices. which take account of the General Data Protection Regulation (GDPR).
* Such information will be considered confidential and must not be disclosed, other than in the following circumstances:
	+ To enable staff to provide appropriate services to clients.
	+ To share information with other agencies and/ or carers, with the agreement of service users.
	+ To comply with legal requirements around disclosure, e.g. in relation to safeguarding.
* Confidential Information about service users will be kept in filing cabinets, or on Sutton Mencap’s password protected computer system and cloud-based systems.
* Service users are entitled to request access to any records held about them by Sutton Mencap. Access to these records is set out in the subject access request procedure.

**Recruitment and selection**

Recruitment and selection is conducted in accordance with the recruitment and selection policy. Specific issues in relation to confidentiality are as follows:

* Application forms, interview records and monitoring forms for job applicants and for successful candidates are confidential. All panel members, whether trustees, staff, volunteers, service users and carers or representatives of external organisations will be expected to maintain confidentiality.
* In seeking references for a new employee, it will be made clear that the information given in the reference can be seen by the prospective employee.
* Completed Disclosure and Barring Service (DBS) checks will be kept confidential. It is a **criminal offence** to pass this information to anyone who is not entitled to see it.

**Personnel records**

* Employees’ personnel information will be kept in a secure system, either a locked filing cabinet or password protected database.
* Information may include job applications, references, conditions of employment, scheduled hours, and records in relation to sickness and absence, annual leave and disciplinary/ grievance.
* Supervision files, including group supervision records will be accessible to the staff member’s/ volunteer’s line manager and the Director.
* Access to computerised and hard copy personnel files will be restricted to those who need access to them.
* Staff and volunteers are entitled to request access to any records held about them by Sutton Mencap. Access to these records is set out in the subject access request procedure.

**External supervision and advice**

* From time to time, it may be necessary to share confidential information with third parties, e.g. in relation to HR advice and pensions providers
* With the approval of trustees, it may also be appropriate to commission external supervision to support a staff member.
* Contracts covering this work will specify the confidential nature of the work and will reflect this policy. Contracts will comply with the relevant privacy notices and GDPR.

**Duty to disclose**

* There is a legal duty to disclose some information such as suspected abuse, drug trafficking, money laundering, acts of terrorism or treason.
* Sutton Mencap has a duty to refer a previous employee or volunteer to the Disclosure and Barring Service if they have been dismissed or removed as a result of being:
	+ Been cautioned or convicted for a relevant offence; or
	+ Engaged in relevant conduct in relation to children and/or vulnerable adults [i.e. an action or inaction (neglect) that has harmed a child or vulnerable adult or put them at risk of harm]; or
	+ Satisfied the Harm Test in relation to children and/or vulnerable adults. [i.e. there has been no relevant conduct (i.e. no action or inaction) but a risk of harm to a child or vulnerable adult still exists]
* If a staff member/ volunteer believes an illegal act has taken place, or that a user is at risk of harming themselves or others, they must report this to their line manager or the Director who will report it to the appropriate authorities. They should also refer to Sutton Mencap’s whistleblowing policy.
* If during supervision a serious disciplinary issue comes to light, it may be necessary to disclose this information and proceed in accordance with the disciplinary and grievance procedure.
* The person concerned should be informed of any disclosure.

**Breach of confidentiality**

* Employees who are dissatisfied with the conduct or actions of other colleagues or Sutton Mencap should raise this with their line manager using the grievance procedure, if necessary, and not discuss their dissatisfaction outside of Sutton Mencap.
* Colleagues accessing unauthorised files or breaching confidentially will face disciplinary action. Ex-employees breaching confidentiality may face legal action.

**Whistleblowing**

* Sutton Mencap recognised the rights of employees not to suffer detriment or be unfairly dismissed as the result of speaking out about crime, fraud, miscarriages of justice, dangers to health and safety, breaches of civil service code or risks to the environment.
* See the whistleblowing policy for more information.

**Related policies**

* Data protection policy
* Sutton Mencap privacy notices
* Recruitment and selection policy
* Staff Training development and supervision policy
* Whistleblowing
* ICT policy
* Safeguarding policy
* Code of conduct
* Professional boundaries policy
* Subject access request procedure

**Responsibilities**

Trustees

* To approve and review the policy on a regular basis
* To take reasonable steps to satisfy themselves that the policy is being implemented.

Senior staff

* To act in accordance with the policy.
* To communicate the policy to other staff and volunteers and to ensure it is being implemented correctly.
* To advise staff on any issues or concerns that arise with the implementation of the policy
* To monitor performance of the policy and report to trustees

All Staff and volunteers

* To act in accordance with the policy
* If in doubt, to raise any issues or queries in relation to the policy with a line manager or the Director.

**Signed on behalf of the Trustee Board of Sutton Mencap**

**Chairman:  Date: August 2018**

 **Mavis Peart**

**Next review date: August 2021**