

BSARCS Confidentiality Policy

General

Confidentiality is crucial in the services that we offer and it is essential that we are clear and open about the limitations of confidentiality with our clients. To this end, the boundaries of confidentiality will be discussed with all clients at their initial assessment meeting and agreements reached about who, aside from the client themselves, will be involved in our support to them and how we will involve them (for example a parent/ carer, friend, partner or other professional). If appropriate, written authority will be sought from the client allowing another person to communicate with us on their behalf.

It is important to be clear that where a safeguarding concern arises, the duty to act upon this overrides any right to confidentiality set out in this policy.

There are occasions where it may be prudent or appropriate for us to speak with a third party about a client, for example where we believe there to be a decline in their mental health or wellbeing, or where we believe there to be a need for advocacy with another professional involved with the client. However, in these instances this should be discussed with the client and prior consent sought.

Clients should understand that their right to confidentiality is between themselves and the service, not with an individual worker. Employees may share information with their line manager or colleagues where necessary to seek advice and support. However, the information shared should be limited to that which is necessary to provide appropriate and effective support.

Clients must understand that the information that they choose to share with BSARCS will be recorded on a secure, electronic encrypted case management database, however, this policy relates to all information, whether it is stored electronically or in paper format. *For further information about access to and disposal of personal data, please see the GDPR and Data Protection policy.*

Dealing with requests for information from third parties

When dealing with requests for information over the telephone, for the avoidance of doubt, client information should not be provided to third parties nor should we confirm that the person the caller is asking about is a client.

Employees will not disclose to anyone, other than their line manager, any information considered sensitive or personal without the knowledge or consent of the individual. Requests for sight of case notes by Courts or other third parties must be discussed immediately with a manager and legal advice may be sought where necessary.

Where there is a legal duty on BSARCS to share information with a third party, the person to whom the confidentiality is owed will be informed that this disclosure has or will be made, wherever this is safe to do so.

Breaching confidentiality

Any circumstances where there may be a duty to breach confidentiality must be discussed with, and considered by, a service manager and/ or safeguarding lead.

Where a safeguarding concern arises, the duty to disclose to a third party over-rides any right to confidentiality. *For further information about our safeguarding policy and processes, please see the Vulnerable Adult and Children’s Safeguarding policies.*

The circumstances where BSARCS may consider it necessary to breach confidentiality and involve a third party may include (but are not limited to) the following:

- Where we believe that there is a serious risk that a client may be in danger of harming themselves
- Where we believe that others may be at risk of serious physical harm from a client
- Where a client makes threats of harm to a BSARCS employee
- Where we believe that there is an ongoing risk to a child from someone known to a client

There is also a legal duty to breach confidentiality in specific circumstances, including:

- Acts of terrorism must be reported to the Police under s.38b of The Terrorism Act 2000
- Drug trafficking and/ or money laundering must be reported to the Police under the Drug Trafficking Act 1994, The Proceeds of Crime Act 2002 and the Money Laundering Regulations 2007

BSARCS is not obliged to provide information in response to requests made under the Freedom of Information Act 2000 which applies only to information held by public bodies.

Date of review	November 2020	Reviewed by	Kirstin Evans
Date review due			