

Confidentiality Policy

This is the statement of general policy and arrangements for:	Dhiverse Head Office, Dales Brewery, Gwydir Street, Cambridge, CB1 2LJ
Overall & final responsibility for ensuring this policy is put into practice is delegated to:	Rob Turner, Chair of Trustees
Day to day responsibility for ensuring this policy is put into practice is delegated to:	Sharron Spindler, Chief Executive Officer (CEO)

General

Dhiverse understands confidentiality to mean that no information regarding a service user shall be given directly or indirectly to any third party which is external to the staff, volunteers, Chair of Trustees and Board of Trustees, without that service user's prior consent to disclose such information except where there is a question of serious risk to a person(s).

The aims of the policy are:

- To give guidelines on maintaining confidentiality, the circumstances where disclosures may be necessary and the procedure for doing so.
- To ensure that the safety of those in contact with Dhiverse is maintained and that their rights are protected. Dhiverse is committed to maintaining high standards of confidentiality in all aspects of its work. This includes records and information pertaining to employees, volunteers, service users and prospective service users. Breaches of confidentiality may jeopardise the well-being of staff and service users and consequently will be subject to disciplinary proceedings.
- To set out clearly for staff, service users, board members and external agencies how personal information will be managed by Dhiverse

Dhiverse's confidentiality policy/procedure is set out below. All paid and voluntary workers and the Board of Trustees are expected to abide by this policy. Service users will have the relevant aspects of the confidentiality policy explained to them at the initial assessment stage. Dhiverse recognises that information may be shared through staff, volunteers or trustees discussing cases in order to provide the best possible service to service users and to aid staff training and development.

The anonymous details of service user's situations may be used for funding applications, administration and to campaign for better services for people living with or affected by HIV or for people with needs related to better sexual health and for any other purpose that will benefit our

Confidentiality Policy

service user group. Details will be edited so that individuals cannot be recognised or identified, unless explicit written permission is given to identify the client or their dependent.

A service user has both the right to reveal information to Dhiverse in the knowledge that the information is privileged and will not be passed on outside the organisation and the right to use the services of Dhiverse without being identified as a service user to anyone outside the organisation without his/her written consent.

At the point of referral, by agency or self, service users are made aware that Dhiverse aims to provide the best possible support to all service users and in order to do this we may need to share information with other agencies but that this will only be done with the service user's agreement. Service users are also made aware of our duty and their rights under the Data Protection Act 1988.

1. Client Confidentiality

(a) Confidentiality cannot be assured where the following situations apply:

- If Dhiverse is obliged to disclose confidential information by a court order
- If a service user gives us information concerning abuse of a child
- If, by keeping confidentiality, a service user might suffer severe injury or abuse
- If, by keeping confidentiality, someone else might suffer severe abuse (including death or serious injury through violence and/or sexual assault.)

NB: Please refer to Dhiverse Adult & Child Safeguarding Policy in respect of the above points

Service user confidentiality means confidential to staff employed by Dhiverse.

In any situation, where a volunteer or staff member believes that information has been disclosed that may require confidentiality to be broken this should be discussed with the service user if possible and appropriate and with the appointed person (see below). The views of the service user should always be taken into account, however it may be that the service user does not wish action to be taken; does not wish to become involved in an investigation and/or does not want confidential information to be shared with other individuals and agencies. In such a situation the staff member or volunteer should inform the service user that they have a duty to discuss the disclosure with an appointed person within Dhiverse. The matter must then be referred to an appointed person to make a decision as to whether Dhiverse will breach the confidentiality

Confidentiality Policy

of the service user. The appointed persons are: **Named Safeguarding Leads and Sharron Spindler, Dhiverse Chief Executive Officer (CEO)**

Dhiverse will only breach confidentiality without service user consent or contrary to the wishes of a service user in the circumstances of serious abuse or serious risk of self-harm or abuse to a child as outlined above. If appropriate without causing prejudice to the protection of individuals at risk or to a subsequent investigation the consent of the service user will be sought and in any event full support will be offered. Only an appointed person can authorise a disclosure where consent has not been given or has been refused, and the disclosure would only be made to relevant agencies.

Nothing in this section should prevent volunteers covered by inter-agency child protection procedures from complying with their statutory professional duties.

(b) Service user files

All service users have the right to view their files. Hard copy files must be maintained in line with the Information Governance Framework and must be stored securely at all times on Dhiverse premises. All computer records will be password protected and compliant with Dhiverse's IT security procedures. Named Dhiverse staff will have access to service user files at all times. Other Dhiverse staff are allowed access to a service user file for purposes of supporting the service user when support staff are unavailable and for reporting/safeguarding purposes as agreed with the CEO or delegated person.

No service user file should ever leave the Dhiverse office without prior consent from the CEO or delegated person.

All Dhiverse staff must sign the Service User Information guidelines, a copy of which will be held on their staff file. The Service User Information guidelines should be used in conjunction with this policy.

If any staff needs to take home Service User files, they must transport the files in a locked briefcase and keep the briefcase with them at all times. If the staff member needs to take public transport, this is fine as long as the briefcase is with them at all times and is locked. When removing files from the office to go to see a Service User, the file must be accounted for by the Office Manager. When the file is returned, the staff member must make the Office Manager aware.

2. Transmission of HIV

Legal precedents for the interpretation of case law have been created that have led to the successful prosecution of people living with HIV who pass on the virus through sexual contact, where the sexual behaviour is deemed 'reckless'. These cases do **not** however place a legal responsibility on Dhiverse to take action to breach the confidentiality of a service user where we believe that the service user may be transmitting HIV to other persons. Dhiverse would, however, be required to comply with any court order compelling the disclosure of confidential information as part of legal proceedings being brought in such a case. Dhiverse does however have a duty of care to all our service users and thus where the actions of one service user may cause serious harm (including the transmission of HIV) to another consideration may be given, following explicit discussion with the service user, to a breach of confidentiality. Should this situation arise the matter must be referred to one of the appointed persons named overleaf.

3. Volunteers/Placements & Confidentiality

It is down to the discretion of individual Dhiverse volunteer as to whether or not they identify themselves as a Dhiverse member to anyone outside of Dhiverse.

An individual's involvement with Dhiverse should never be disclosed by anyone within the organisation to anyone outside the organisation without that individual's permission.

Volunteers should not give out their home contact details to service users in the course of their volunteering, nor should they give out the home contact details of other Dhiverse volunteers to third parties.

Each volunteer agrees to abide by the Dhiverse Confidentiality Policy by signing the Dhiverse volunteer agreement and renewing this annually if appropriate.

Volunteers/placement workers must abide by the fact that a service user has both the right to reveal information to Dhiverse in the knowledge that the information is privileged and will not be passed on outside the organisation and the right to use the services of Dhiverse without being identified as a service user to anyone outside the organisation without his/her written consent.

4. Staff & Confidentiality

It is a contractual requirement for staff to be familiar with and adhere to the Diverse Confidentiality Policy. At induction staff will be shown how to access the policy on the system or given a hard copy if they prefer. The implications of the procedure for their work will be explained. A request for an employee's home address and telephone number will always be referred to the individual concerned before any information is disclosed. This is done via the line manager. There are some agencies that have some automatic right of access to certain parts of personnel information e.g. Inland Revenue or tax queries. The line manager will notify any staff member of any legal requirements whereby Diverse is obliged to provide such information. Staff should never divulge a colleague's personal circumstances, including their address, future work place etc to anyone without permission of the worker

All staff must sign the Confidentiality Agreement when they begin working at Diverse.

Any confidential information must be kept securely at all times.

5. Inter- agency Confidentiality

The guidelines set out under 'Service User Confidentiality' above should be followed when dealing with other agencies.

With written authorisation Diverse may liaise with other agencies on behalf of the service user. This will be discussed with clients at the point of referral & assessment and formal permission (a signed statement) must be obtained from the service user before Diverse can liaise with any other agency regarding the service user. An agreement on use of information given to other agencies should be made at the time of giving them that information.

If we are asked to abide by another organisations' confidentiality rules, we should do so as long as they do not lead to a contravention of our own. If this is the case, we should inform the other organisation.

6. Business Confidentiality

Diverse is dependent on the generation of income through fundraising, grant applications and corporate support. Business information is defined as any files, information, documents, or any copies relating to Diverse except for materials published for public dissemination. Such material and/or information may not be used or retained by employees, service users or volunteers for their own purposes or conveyed to

Confidentiality Policy

another organisation / body without the explicit permission of the Chief Executive (CEO) or where required within the normal duties of their post/role. In any event information that identifies or relates to individual service users will not be passed on without their consent except in the circumstances described in Section A of this policy.

7. Information Governance

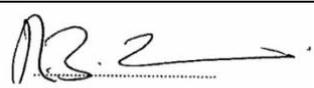
Information concerning service users or staff is strictly confidential and must not be disclosed to unauthorised persons. Disclosures of confidential information or disclosures of any data of a personal nature can result in prosecution for an offence under the Data Protection Act 1998 or an action for civil damages under the same Act in addition to any disciplinary action taken by Dhiverse.

8. Training

Training on the confidentiality policy and its implications should be a standard part of induction procedures for staff, volunteers and Board Members and update training will be given as necessary.

9. Disciplinary Action

Any breach of this confidentiality policy may result in disciplinary action being taken. This could mean expulsion from Dhiverse, or a limitation or withdrawal of the right to access services. In the case of staff a breach of this policy could be considered to be gross misconduct and would be dealt with through the staff disciplinary procedure.

Signed (Employer)	Signature: 			Rob Turner, Chair
Responsible for policy review and update:	Sharron Spindler, CEO	Every:	3 years	or sooner if work activity, a specific situation or legislation dictate that a review is necessary/required
How will the policy be reviewed:	With the involvement of staff, trustees and volunteers. The reviewed and updated policy will be approved by the Board of Trustees.			
Revised & introduced: September 2010	Reviewed and approved dates:			
	Feb 2013	March 2017		