

Confidentiality Policy

April 2024

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Confidentiality Policy

Introduction

This policy is written for ECS and the local Healthwatch contracts it delivers.

ECS is committed to ensuring all the information it receives remain confidential. Confidential information will not be disclosed, divulged, or made accessible where it belongs to, or is obtained through ECS or Healthwatch activities. This includes, friends, relatives, business associates or others unless there is a legitimate need to share information and where ECS has authorised disclosure. Good judgement and care at all times is needed to avoid unauthorised or improper disclosure.

The ECS board, staff, Independent Strategic Advisory Board (ISAB) members, volunteers, and others who work or volunteer at ECS must respect the need for confidentiality of information held about anyone who comes into contact with the organisation, and about any organisation business. This is expected to continue even when contact has ceased with this person, and when the board member, volunteer or staff member no longer works for volunteers for ECS.

The data covered by the confidentiality policy includes:

- Information about the organisation, for example, its plans or finances
- Information about other organisations
- Information about individuals

This policy should be read in conjunction with the ECS Data Protection Policy.

Information about individuals.

ECS is committed to ensuring confidential services to all individuals. The confidentiality is between the individual and the organisation, not the members of staff delivering a particular service. Confidential information will not be sought unless necessary for the delivery of the service or expressly in the interests of that person, i.e., to enable a better service delivery. Information will only be passed to another agency or to other individuals outside of the organisation with the consent of the person, where possible this will be with written consent. If a member of staff or volunteer intends to get information from another agency to help the person or to refer them to another agency, then this must be explained to the person and their permission given. No personal information about staff, volunteers or people will be given to any third party including a member of their family, without the consent of the person.

Information will only be divulged on a “need to know” basis. Information will be treated in confidence and will not be divulged to anyone outside the organisation except where extenuating circumstances exist (see below). However, in order that we can provide the best possible help to people it may be necessary to share information with a manager or colleagues within ECS.

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All customers and persons are entitled to privacy and will be made aware that they can specifically request to be seen in private. In no circumstances should details of a person be discussed by anyone outside of the organisation or in an open plan area in such a manner that it is possible to identify the person. Staff and volunteers should take due care and attention when speaking to people and using the telephone or. No person should be able to hear a conversation or personal details of another service user.

Email - Sending personal information via email.

The following practise must be followed when sending information about members of the public via email outside of the organisation:

- Personal information should not be included in the body of the email e.g., address, photos or details of a condition or case.
- Where personal information is required to be shared via email, it should be attached as a document which is password protected. The password must then be sent in a separate email.
- If the information is especially extensive or sensitive, it is advisable to post by recorded delivery and acknowledgement of receipt from the recipient.
- If in doubt about the most secure way to share information, discuss with a senior manager. It may also be helpful to discuss with the intended recipient to find out their organisation's policy.

Email - Receiving personal information via email.

Use of person information for publicity, reporting or training purposes.

ECS does need to be able to give information where appropriate about the impact of our services. If one of our services has an outcome which would provide useful material for publicity, reporting or training purposes, then wherever possible the permission of the person will be sought in writing before the story is told to anyone else. If permission cannot be obtained, then any details that would enable identification of the person to be made will be changed. Where the subject is under 16 the permission of a parent or guardian will be sought. If permission cannot be obtained, then any details that would enable identification of that person will not be used.

Limits to person confidentiality

In certain circumstances ECS reserve the right to break confidentiality should this be deemed necessary. These circumstances include:

- If a member of staff believes that a person could cause danger to themselves or to others
- If a member of staff suspects abuse or has knowledge of abuse
- If the person gives information which indicates that a crime has been committed

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- If disclosure is required by law, for example, by the police
- If a person is felt to lack the mental capacity to make a decision.

In such cases staff or volunteers will discuss with a manager and they will only act in the person's best interest:

- If the person gives information which indicates a possible terrorist threat

The decision on whether to break confidentiality will be decided on a case-by-case basis and always in conjunction with a manager.

Access to data

This Policy operates on a "need to know" basis and apart from staff and volunteers in the office of ECS; no-one will have access to person or organisational information unless it is relevant to the service or their work. All persons and customers have the right to request access to all information stored about them and have a right to see a copy of this confidentiality policy on request. If any party concerned has a sensory or physical impairment, efforts will be made to ensure that all aspects of this policy and exchanges between parties are understood. Significant breaches of this policy will be handled under the ECS disciplinary procedures.

Evaluation and Monitoring

All board members, staff and volunteers will be given a copy of the policy when they join ECS and will sign the confidentiality statement that they will abide by this policy. ECS will ensure that sufficient training is provided in the application of this policy.

Policy Breach

A breach of the confidentiality policy is considered gross misconduct and will be dealt with appropriately. Please refer to disciplinary and grievance policy.

Policy Review

This policy was approved by the ECS Board in April 2024. And will be reviewed annually.

This policy may be revised sooner if there is a change in working premises, conditions or laws directly affecting this policy.

Decision Making Policy and Procedure	
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