



SUPPORTING PEOPLE WITH

EATING DISORDERS

ACROSS THE SOUTH & WEST

Confidentiality Policy

Owner	Sam Best – Chief Operating Officer				
Date:	25/05/18	Version	3	CEO/Trustee Approved	04/01/2021

Maintaining confidentiality is an essential part of all services offered by SWEDA and contributes to creating a safe environment for staff, volunteers and clients. It enables clients to speak more freely and engage more meaningfully. It enables workers to function more effectively and ethically.

SWEDA employees, volunteers and trustees aim to respect the dignity and worth of every individual user and to maintain their rights to a private and confidential service.

Sharing of information

Access to and sharing of information is restricted and on a 'need to know' basis. However, confidentiality is between the client and SWEDA, to allow for sharing within supervision and line management. This is done only when necessary, to ensure the best possible guidance for an individual client and to support workers both paid and unpaid to work to best possible practice.

Information is not passed on outside of SWEDA without a client's expressed permission unless there is a requirement by law, or someone is believed to be at serious risk.

Where SWEDA determines that a breach of confidentiality has to be made, wherever possible the client will be fully informed of the details. Information shared in this way will be kept to the minimum necessary to deal with the issue directly leading to the breach of confidentiality.

In the case of immediate high risk, SWEDA clinicians will encourage or assist the client to contact their GP or care team. In the case that the client refuses to make contact with the appropriate healthcare professionals SWEDA clinicians will make contact on the client's behalf.

Counsellors and Therapists working within SWEDA services, agree confidentiality with clients as part of the contract of the therapeutic relationship. They are expected to work under the codes of practice and ethics of their professional governing body, in addition to following SWEDA guidelines and practice. Any use of client work for case study or other professional development purposes is clearly agreed with the client in advance and every effort made to ensure anonymity.

Clients have the right to withhold such agreement and this in no way affects the services they are offered.

Group Facilitators agree confidentiality as part of the groups' rules and boundary setting processes. Group members are expected and regularly reminded, to be as careful about maintaining confidentiality as workers. This includes therapy, learning and training groups.

During other areas of work where a contract is not drawn up, including Support & Guidance Sessions and College Work, confidentiality still applies equally.

All such contracts are expected to enhance SWEDA's basic confidentiality policy and practice. Any agreement that may potentially hinder or conflict with this must be discussed with SWEDA's Clinical Services Manager to resolve the difficulty. SWEDA's basic confidentiality policy and practice will always have priority and employees, volunteers, counsellors and therapists should note that where a resolution cannot be found that satisfies this, then placements and/or work offers may be withdrawn. However, there are a few instances where a breach of confidentiality, without the clients' permission, may become necessary:

1. Where there is deemed to be a serious concern over the welfare of a child under the age of 16 years:

SWEDA will want to seek appropriate help where there is a risk of grave harm to the child or others and/or where the child is talking or acting in a way that indicates they are seriously considering suicide. SWEDA will work with the child to agree a plan of action and to access help. Where such an agreement cannot be made and concerns remain, SWEDA will follow the procedure for breach of confidentiality (see below).

If the child is considered to be at risk from the actions of others, SWEDA will support the child in accessing appropriate help. Where this is not possible, SWEDA will initiate informal discussions with the appropriate service and where necessary follow the procedure for breach of confidentiality.

2. Where there is deemed to be an immediate risk to a member of the public, SWEDA employee (paid or unpaid) or Trustees:

SWEDA will take such action as is required to ensure the safety of the person concerned. This may include involving the police. SWEDA operates zero tolerance of abuse of any kind towards clients, employees and volunteers, from any source.

3. Where any breaches of confidentiality are related to The Prevention of Terrorism Act 2005, The Proceeds of Crime Act 2002, The Road Traffic Act 1991, The Female Genital Mutilation Act 1993, The serious Crime Act 2007, and the Children's Act 2007.

SWEDA is bound by law to disclose to the police some acts pertaining to the above or may be compelled to do so if asked.

Procedure for Breach of Confidentiality

Confidentiality should not be breached as an immediate response to a request for information from:

- a care plan co-ordinator, or other professional, including members of the eating disorder service team
- a medical practitioner
- social services
- the police
- a school or college staff member

- a client's family or friends
- the media
- A solicitor
- or with regard to a suicidal caller (see above and Suicide Policy)

Except where immediate action is required to preserve life, no breach of confidentiality will take place unless authorised by the Clinical Lead and/or a SWEDA Trustee.

At all times SWEDA will make every effort to obtain permission from the individual involved before breaching confidentiality and will inform the client of the reasons for our decisions and actions and to keep them updated with regard to our discussions.

Details of the breach of confidentiality should be recorded as fully as possible and independently, by all those involved. This should include the client providing their own record of events wherever possible.

In the rare event of a breach of confidentiality taking place the Clinical Lead will provide a report to the CEO and subject to legal restrictions, this report will be copied to the client.

In the event of any breach of confidentiality happening outside the procedures outlined above, an internal investigation will take place, even where no complaint is made. Anyone working within SWEDA, who fails to uphold the principles and standards of the policy and procedures on confidentiality, maybe subject to disciplinary action.

Storing of information

- Sensitive, personal, financial or private information about clients and service users must be kept in lockable cabinets and accessed by relevant personnel only.
- Employees' personnel information must be kept in lockable cabinets and accessed only by line managers, the administrator and the Chief Executive Officer.
- Documents containing confidential information should be marked or headed 'confidential'.
- Files containing confidential information should be labelled 'confidential'.
- Computer files should be password protected, using a 'strong' password.
- Following a court order for files to be made accessible to external agencies, only the Clinical Lead can oversee this request.
- Client paper records are kept for 7 years and then destroyed. Client counselling session notes will be stored on the SWEDA Information System (SIS) will be destroyed 3 years after the client has left our service. However, contact details such as name and address will be stored on the SIS indefinitely or until a request is made to remove this data is received, to allow SWEDA to keep the ex-client updated on SWEDA services and news

Access to information about employees, contract workers, volunteers, trustees

- Information is confidential to SWEDA as an organisation.
- Clients have a right to see their personal data and any supplementary information relating to them. Notes can be viewed at an agreed time under the supervision with the Clinical Lead.
- Employees may have sight of information held about them in their personnel records by giving 14 days-notice in writing to the CEO.
- Trustees may have sight of information held about them on request to the Chair of Trustees

Criminal Record Disclosures

SWEDA complies fully with the DBS Code of Practice regarding the correct handling, use, storage, retention and disposal of DBS disclosure information.

Data Protection Act

Information about individuals, whether on computer or on paper, falls within the scope of the Data Protection Act and must comply with the following data protection principles. Personal data must be:

- Obtained and processed fairly and lawfully.
- Held only for specified purposes.
- Adequate, relevant and not excessive.
- Accurate and up to date.
- Not kept longer than necessary.
- Processed in accordance with the Act.
- Kept secure and protected.
- Not transferred outside Europe.
- Colleagues accessing unauthorised files or breaching confidentiality may face disciplinary action. Ex-employees breaching confidentiality may face legal action

Confidentiality and Suicide (clients over 16 years of age)

Please refer to SWEDA's suicide policy in relation to confidentiality.