



SUPPORTING PEOPLE WITH

EATING DISORDERS

ACROSS THE SOUTH & WEST

Confidentiality					
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Introduction

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 therapeutic workers 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. SWEDA may share anonymised or aggregated information with commissioners, funders, regulators and partner organisations for monitoring, contractual, research and service improvement purposes.

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 workers 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 workers will make contact on the client's behalf.

Where a client's eating disorder presents an immediate and serious risk to their physical health, SWEDA may need to share information with relevant healthcare professionals in line with safeguarding, clinical and legal responsibilities.

Therapeutic Workers 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. This includes therapy, learning and training groups. While all group participants are expected to maintain confidentiality, SWEDA cannot guarantee that other participants will always do so. This limitation will be explained when establishing group agreements.

During other areas of work where a contract is not drawn up, including triage, 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 Lead to resolve the difficulty.

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/young person (CYP) under the age of 18 years:**

SWEDA will want to seek appropriate help where there is a risk of grave harm to the CYP or others and/or where the CYP is talking or acting in a way that indicates they are seriously considering suicide. SWEDA will work with the CYP 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 CYP is considered to be at risk from the actions of others, SWEDA will support the CYP in accessing appropriate help. Where this is not possible, SWEDA will initiate 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 or SWEDA worker:**

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 a member of the SLT.

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 may be subject to disciplinary action.

Data Breaches

Any actual, suspected or potential data breach must be reported immediately to the Clinical Lead or nominated Data Protection Lead. Breaches will be investigated promptly and managed in accordance with SWEDA's Data Breach Procedure and relevant legal requirements. Where required, SWEDA will notify the Information Commissioner's Office and affected individuals.

Storing of information

- Sensitive, personal, financial or private information about clients and service users must be kept in lockable cabinets or on a secure database and accessed by relevant personnel only.
- Employees' personnel information must be kept on SWEDA's HR portal Breathe and accessed only by the relevant line managers/HR users.

- Following a court order for files to be made accessible to external agencies, the Clinical Lead should oversee this request.
- Electronic client notes will be stored on the SWEDA database and will be destroyed in accordance with the BACP ethical framework 7 years after the client has left our service, or their client portal has been inactive.
- Confidential information obtained via 365 platform (including email, Microsoft Teams Voice, Teams) and/or other electronic means must only be shared and stored through authorised systems and with individuals who have a legitimate need to access the information.
- Personal devices used for work purposes must be appropriately secured through passwords, encryption and other reasonable security measures.
- Employees, volunteers and contractors working remotely must take reasonable steps to ensure confidential information cannot be viewed, overheard or accessed by unauthorised individuals.

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. Requests for access to personal information will be managed in accordance with UK GDPR, the Data Protection Act 2018 and SWEDA's Subject Access Request procedures.
- Employees may have sight of information held about them in their personnel records by giving 14 days-notice in writing to the COO.
- Trustees may have sight of information held about them on request to the Chair of Trustees.
- The duty of confidentiality continues after employment, volunteering, placements, consultancy work or trustee service with SWEDA has ended.

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 and UK GDPR

SWEDA processes personal information in accordance with the UK General Data Protection Regulation (UK GDPR), the Data Protection Act 2018 and guidance issued by the Information Commissioner's Office (ICO). 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.

Colleagues accessing unauthorised files or breaching confidentiality may face disciplinary action. Ex-employees breaching confidentiality may face legal action.

Please note this policy should be read in conjunction with SWEDA's Data Protection, Privacy, Suicide and Working from Home policies.