



Advice &  
Support at  
Keele SU

## CONFIDENTIALITY POLICY

Advice & Support at Keele SU (ASK) is committed to providing a confidential advice service and believes that the principles of confidentiality should be instigated across all aspects of our service and its management. Confidentiality means establishing a relationship of trust between the organisation and the client so that all personal details are kept private and not passed on to a third party without the express consent of the client. Confidentiality ensures that the client's privacy is protected especially when handling sensitive, often highly personal information. It involves having secure systems that limit access to client records to certain persons in the organisation. The data covered by the confidentiality policy includes:

- Information about the organisation, for example, its plans or finances
- Information about other organisations
- Information about volunteers and staff whether recorded electronically or in paper form.
- Information about clients, their files and supporting documents.

All staff, Elected Officers, volunteers, and others who work in ASK will respect the need for confidentiality of information held about anyone who comes into contact with ASK. This continues even when contact has ceased with this person, and when the staff member, Elected Officer or volunteer no longer works for ASK / Keele SU or a client is no longer in receipt of services.

### **Breaching Client Confidentiality**

In certain circumstances it may become necessary to breach confidentiality should this be deemed necessary. These circumstances include:

- If a member of staff believes that a client could cause danger to themselves or to others
- If a member of staff suspects abuse or has knowledge of abuse
- If the client gives information which indicates that a crime has been committed
- 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 the Membership Services Manager (ASK & Volunteering) and/or Deputy Chief Executive Officer (Membership) and they will only act in the client's best interest

- If the client 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, where possible, in conjunction with the Membership Services Manager (ASK & Volunteering) and/or Deputy Chief Executive Officer (Membership).

### **Client Consent**

In many situations where a client is simply being given general information about their problem, offered leaflets, or is signposted to another organisation there is no need to obtain the client's authorisation to act.

Information will only be passed to another agency or to other individuals outside of ASK with the consent of the client, 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 client or to refer them to another agency, then this will be explained to the client and their permission given.

Client Consent is also required for AQS assessors to access a sample of files and complete a file audit during an on-site assessment.

### **Access to Data**

All clients 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.

For further information on access to data please see a copy of our [Privacy Policy on the KeeleSU website](#).

Where clients, service users or staff have a sensory or physical impairment, efforts will be made to ensure that all aspects of this policy and exchanges between parties are understood.

### **Information discussions off the premises**

Details of a client are not discussed by anyone outside of the organisation or in an open plan area in such a manner that it is possible to identify the client.

Staff and volunteers take reasonable care and attention when speaking to clients and using the telephone or Microsoft Teams to maintain confidentiality. ASK takes steps to ensure that no client can hear a conversation or personal details of another service user.

All clients are entitled to privacy and are made aware that they can specifically request to be seen in private.

### **Confidentiality and other People**

If a client asks someone to act on their behalf, e.g., bringing in or collecting documents, it is the ASK Adviser's responsibility to ensure that permission has been given. It is best to get permission in writing.

ASK will not disclose that a client has visited the organisation unless the client has given consent to do so. This includes to a:

- partner
- members of the extended family
- children
- friends

The same applies if the police or social services ask about a client unless a court order is produced.

### **Contact with Clients**

- ASK ensures we have permission to contact clients and will only contact clients by telephone, email, post, and Microsoft Teams where we have permission to do so.
- ASK does not leave messages on telephone or Microsoft Teams answerphones, as we do not know who has access to them (unless ASK has specific consent to do so).
- ASK will only send emails where we have consent to do so. If a client uses email to contact ASK for advice we will assume we have consent to reply by email.

### **Confidentiality in the Advice Service**

The client's right to confidentiality applies to prevent details of their case being released outside the ASK Confidentiality Policy. Within KeeleSU only members of staff and volunteers involved in providing information, giving advice or supervising or managing ASK (including the Deputy CEO Membership and Keele SU CEO):

- have access to clients' records
- only the above staff and volunteers take part in discussions relating to the enquiry
- all staff and volunteers receive training on the organisation's confidentiality policy

Each year the following Keele SU Elected Officers sign the ASK Confidentiality Policy:

- Wellbeing Officer,
- Education Officer.

Keele SU Elected Officers do not have access to the ASK electronic case management system and are required to show a legitimate reason to the Membership Services Manager (ASK & Volunteering) to access client records.

ASK uses IT systems to store confidential data about clients. The IT systems are hosted and/or maintained by external organisations (including Keele University) who will have access to those records. There may be occasions where it is necessary for Keele SU and / or Keele University IT staff to access confidential data for purposes such as maintenance, repair, or development of those systems.

The Trustee Board is not part of the staff team therefore, unless they are acting as supervisors, legitimate file reviewers or advisers they:

- do not have access to clients' records
- are not aware of any individual who has come into the organisation

**They are however:**

- aware of this policy with training for new members.
- have responsibility to deal with any potential breach of confidentiality
- responsible for ensuring that the confidentiality policy is implemented

Issues around individual clients are not discussed by the whole Board of Trustees unless it is to deal with a complaint, breach of confidentiality issue or another issue which fits into the Trustee strategic role.

### **Premises**

Particular attention is paid to the following:

**Waiting area**

- Waiting areas are away from the ASK interview rooms to avoid any possibility of others overhearing details of another client's case.
- If a client requires absolute privacy, ASK arranges an appointment at a time when no other clients will be present.

### **Interview rooms**

Interview rooms are confidential in terms of:

- Visibility (interview rooms are discrete and private rooms)
- Sound (music can be used to reduce the chances of overhearing)

If there is no private interview space available, ASK Advisers check with the client whether they are happy with that situation.

### **Working Space**

ASK ensures that advice staff making telephone calls, discussing cases, etc, cannot be overheard either in the interview room or the waiting area.

### **Outreach Sessions**

If ASK Advisers need to take client records to an outreach session or make notes, etc, they will try and bring them back to the organisation to store them on the same day. Where there is not possible, files/notes are stored in a lockable cabinet which has limited access to other members of staff.

If files/notes must be taken home, staff will make sure they are not left where family members or children will be able to read them. The records will be brought back to the ASK office at the first available opportunity.

### **Client Information for Publicity, Reporting or Training Purposes**

From time to time ASK 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 client will be sought. If permission cannot be obtained, then any details that would enable identification of the client to be made will be changed.

### **Storage of Records**

Client records are stored in lockable filing cabinets. Computer records are password protected. All client files are locked away at the end of the day and not left on desks. Any client files are kept for a minimum of 6 years.

### **Monitoring**

Statistics that are presented to the Board of Trustees and funders are in an anonymous form so that individuals cannot be identified. Where ASK use case studies as part of an annual or other report, individuals are not identified unless they have expressly agreed.

### **Breaching Confidentiality**

#### **Terrorism**

The legislation regarding terrorist activities is constantly changing and being updated by Government. **The Terrorism Act 2000, The Anti-Terrorism Crime and Security Act 2001 (ATCSA), Terrorism Act 2006, Counter Terrorism Act 2008, Terrorism Prevention and Investigation Measures Act 2011 and Counter Terrorism Act 2015** and other more recent legislation have made it a criminal offence not to inform on others where you suspect them of being involved in an act of terrorism.

#### **Drug trafficking**

**The Drug Trafficking Act 1994** makes it a criminal offence not to report to the police suspicion or knowledge of drug money laundering gained during the course of contact with a client.

#### **The Social Security Administration (Fraud) Act 1997**

ASK must not knowingly assist with a fraudulent claim for benefits in any way, for example helping someone claim for Job Seekers Allowance when they are in paid employment.

#### **Child Protection Legislation**

The Children Act 1989 (updated 2004), Protection of Children Act 1999 and Safeguarding Vulnerable Groups Act 2006 are just some of the relevant pieces of legislation regarding the protection of children.

ASK Advisers may come across these issues in several ways:

- We may suspect that a child is in need or being abused.
- An accusation of abuse may be made about a member of staff or a volunteer.
- An adult client may reveal an incident of abuse about a child.

Advisers should discuss any information about child abuse with their line manager before informing Social Services or other outside bodies.

## **General Data Protection Regulations (GDPR) 2018**

The General Data Protection Regulation (GDPR) is EU legislation relating to data protection, which applies from 25th May 2018. It replaces the Data Protection Act 1998 (DPA) and introduces greater protections for how personal data is used and stored. Although it is a European law, GDPR was transferred to the UK statute books upon the UK's exit from the European Union and thus will remain in force.

Compliance is crucial due to the impacts personal data processing can have upon people's lives. GDPR revises and enhances the requirements on organisations to consider data protection and accountability, providing individuals new rights over how their data is used.

ASK ensures its systems and processes are compliant with the new regulations and meet the essential privacy by design and accountability principle concepts.

## **Police and Criminal Evidence Act 1984 (PACE)**

This Act gives the police powers, lawfully in any premises to seize anything they reasonably believe is evidence in relation to an offence under investigation which otherwise might be concealed, lost, altered or destroyed.

The police can summons a member of staff as a witness. ASK should inform the client that the summons has been received but will not discuss the evidence to be given with the client.

## **Crimes committed in the Organisation**

If the police are called following a burglary, ASK ensures that case files are in locked cabinets. If client records are stolen, ASK will inform the police they are confidential and should be returned unread.

## **Risk of Harm**

If there is a possibility that a client may harm themselves or others, ASK Advisers will discuss this with the Membership Services Manager (ASK & Volunteering) and consider the appropriate action.

- If there is an imminent risk of harm to someone, ASK should call the police. Staff will inform the client that you are doing this (if appropriate) or if they feel that this would be unsafe, they can decide not to inform the client.
- It may be appropriate to contact the Keele University Safeguarding Lead, Social Services, or a doctor. ASK should generally only do this with the client's consent. Again, if ASK staff feel that asking for the client's consent would be unsafe or the client refuses consent, they may decide to contact a doctor or Social Services without consent.

Employees raising a concern should be aware of the need to follow the whistleblowing procedure and in particular to maintain confidentiality.

Allegations of unauthorised breaches in confidentiality will be dealt with in accordance with our Disciplinary Procedure.