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CONFIDENTIALITY POLICY AND PROCEDURE

AND ACCESS TO INFORMATION

CONFIDENTIALITY

Mind in Tower Hamlets and Newham respects the right of the individual to privacy and therefore treat in confidence personal information about clients. Disclosure of information is usually between worker and client only. To ensure this, everyone involved with Mind in Tower Hamlets and Newham in a professional capacity is bound by this confidentiality policy. This includes full and part-time staff, sessional workers, students, volunteers and Executive Committee Members.

Information to be treated in confidence includes name and address, biographical details and other descriptions of the client's life and circumstances which might result in identification of the client.

'Treating in confidence' means not revealing any of the information noted above to any other person or through any public medium except to those whom workers are accountable or on whom workers rely for support and supervision. Permission from the client is required to pass information on outside of these situations which could identify the client.

Staff should make every effort to ensure that clients' information is protected and their confidentiality is maintained. Discussions about clients to others should be made in a private space where the staff cannot be overheard. At times clients might approach staff in a public space; however, staff should at all times offer the client the opportunity to have their discussion in a private space where their information cannot be overheard.

Mind in Tower Hamlets and Newham also works directly with a number of partner organisations, who also provide a range of psychological therapies and support. If your overall care and treatment involves your referral being passed onto a partner organisation, then your information from your engagement with MITHN may need to be shared with the partner organisation who are also bound by professional confidentiality policies. Where this is the case we will ensure that you are kept informed.

At MITHN we have staff working within different remits according to their service criteria. The provision of service clients receive from the Advocacy Service will not be shared with others in the team (unless there are exceptional circumstances).

Exceptions

In certain circumstances, where we are concerned about a service users' wellbeing, we may need to notify their next of kin, GP or other professional. There may also be the need to raise a safeguarding alert, during which the advocate would be required to contact a relevant senior Confidentiality Policy and Procedure Reviewed Feb 2022

professional involved in the service users' care, or the local Safeguarding Team. We will make every effort to do this with the consent of the service users but where we believe the service user or others are at risk then we may take a decision to breach their confidentiality. (This is outlined in the information we give to clients and throughout the advocacy process – Confidentiality Policy for Clients. At initial referral to our service we take time to discuss our confidentiality policy with them and clients are asked to sign a confidentiality document)

We do not take this decision lightly and will record our rationale for this on an incident form.

If there is a situation where a child is at risk we support the Children's Act 1989, which states that 'The child's needs are paramount' and therefore we will contact the relevant agency as necessary even without a discussion/or consent of the service user.

In the event where a client is unable to instruct, the Advocate working with them in a non-instructed capacity (within the confines of Mind in Tower Hamlets and Newham's Non Instructed Advocacy Policy) may make a decision to share information with other third parties where it is deemed to be in the clients best interest.

Reporting Disclosures

At the point at which information is felt to be one that needs to be shared with others the staff member will discuss this initially with their line manager:

- Describe the situation
- What the staff member feels should be disclosed
- Who the disclosure is too, and whether the Client has already given consent.
- Whether the client should be told of the disclosure
- Whether the client, or any other persons is at risk.

If it is agreed that a disclosure should be made then the staff member should make a clear record of this in the clients file and complete an incident form. The incident form once completed is handed to a senior manager or the CEO to ensure that the organisations policy has been complied with.

Information Storage

Written information has to comply with the same rules of confidentiality as verbal information.

Any information stored on computer will be coded to prevent identification by others with access to the computer.

ACCESS TO INFORMATION

1) Manual Records

All users of Mind in Tower Hamlets and Newham's services have the right to see any information held about them by staff, volunteers or students working for the organisation.

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Information will only be disclosed directly to the individual user, or to other people only with the individual's permission (see Confidentiality Policy).

Users wishing to see their files should approach their Support Worker, the Support Service Manager or any other appropriate member of staff. Requests will be dealt with as promptly as possible, but certainly within 21 days.

We are not able to share '3rd Party' information held on file without the consent of the 3rd party to do so.

Should this procedure not be satisfactory for any reason, or should the user be unhappy with any information held about her/him, s/he should discuss it with the worker concerned, in the first instance. If the client is still not happy, s/he should inform the CEO of Mind in Tower Hamlets and Newham.

2) Personal Data held on Computer

Mind in Tower Hamlets and Newham is registered under the Data Protection Act 1984. This means that individuals who are the subject of information contained in a computer file are given the right of access to check that information, to receive a copy of the record and to take action where data is inaccurate or has been misused, and shall be entitled to compensation.

In registering under the Act, Mind in Tower Hamlets and Newham acknowledges the following obligations:

- 1) The information to be contained in personal data shall be obtained, and personal data shall be processed, fairly and lawfully.
- 2) Personal data shall be held only for one or more specified and lawful purposes.
- 3) Personal data held for any purpose or purposes shall not be used or disclosed in any manner incompatible with that purpose or purposes.
- 4) Personal data held for any purpose or purpose shall be adequate, relevant, and not excessive in relation to that purpose or those purposes.
- 5) Personal data shall be accurate and, where necessary, kept up to date.
- 6) Personal data held for any purpose or purposes shall not be kept for longer than is necessary for that purpose or those purposes.
- 7) An individual shall be entitled:
 - a) at reasonable intervals and without undue delay or expense, i) to be informed by any Data User whether he holds personal data of which that individual is the subject, and ii) to access any such data held by a Data User;
 - b) Where appropriate, to have such data corrected or erased.
- 8) Appropriate security measures shall be taken against unauthorised access to or alteration, disclosure or destruction of, personal data and against accidental loss or destruction of personal data.

NB Mind in Tower Hamlets and Newham is registered as a Data User for four specified purposes:

- i) Marketing and Selling (distribution of publicity materials to potential supporters and users of our services)
- ii) Fundraising (administration of appeals)
- iii) Membership Administration (recruitment, annual subscriptions)
- iv) Research and Statistical Analysis (subcategory Health - databases for monitoring of OH and BEC users)

Information held on computer which identifies an individual or organisation will only be disclosed directly to the Data Subject, or to other people only with the Data Subject's permission. However, data on groups of people where no individual can be identified may be used without each Data Subject's permission, for the following purposes: output/presentation of results or findings, analysis for management purposes, evaluation and statutory returns.

Should this procedure not be satisfactory for any reason, or should the Data Subject be unhappy with any information held about her/him, s/he should discuss it with the Support Service Manager in the first instance. If the user is still not happy, s/he should inform the CEO of Mind in Tower Hamlets and Newham.

Procedure

On referral to our service we will inform clients of their right to receive a confidential service. We will discuss with them situations which may result in us disclosing information as outlined in our policy.

We will request that clients sign a **Declaration of Consent** form which agrees to us sharing information. This is particularly important when a client's mental health deteriorates or we are concerned about their wellbeing.

Even though we have asked for their permission, should we be concerned about them we will have a discussion with them prior to any disclosure.

Where there is a risk to others or to a child's wellbeing we will ensure that the client understands that we may breach their confidentiality without their permission or knowledge.

Our confidentiality policy complies with the Caldicott Principles. See attached.

Single Assessment Process

Caldicott Principles

The Caldicott Report set out a number of general principles that health and social care organisations should use when reviewing its use of client information and these are set out below:

Principle 1: Justify the purpose(s)

Every proposed use or transfer of personally identifiable information within or from an organisation should be clearly defined and scrutinised, with continuing uses regularly reviewed by the appropriate guardian.

Principle 2: Do not use personally identifiable information unless it is absolutely necessary.

Personally identifiable information items should not be used unless there is no alternative.

Principle 3: Use the minimum personally identifiable information.

Where the use of personally identifiable information is considered to be essential, each individual item of information should be justified with the aim of reducing identifiability.

Principle 4: Access to personally identifiable information should be on a strict need to know basis.

Only those individuals who need access to personally identifiable information should have access to it.

Principle 5: Everyone should be aware of their responsibilities.

Action should be taken to ensure that those handling personally identifiable information are aware of their responsibilities and obligations to respect patient/client confidentiality.

Principle 6: Understand and comply with the law.

Every use of personally identifiable information must be lawful. Someone in each organisation should be responsible for ensuring that the organisation complies with legal requirements.



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Author:	Michelle Kabia

Confidentiality Policy for clients

Mind in Tower Hamlets and Newham respects your right to receive a confidential service.

We do not disclose your information to any other party without your consent.

We have a confidentiality policy which all staff, volunteers and students have to comply with.

The exceptions to this policy are rare, however, where we believe you or others are at risk we may contact your next of kin, GP or other professionals.

Where we believe a child is at risk we are required under the Children's Act 1989 to disclose this, even without a discussion with you and without your consent.

At our initial assessment we will discuss our confidentiality policy with you and confirm how any information about you may be shared if you are unwell or we are concerned about your wellbeing.

If you would like further information please ask for a copy of our full confidentiality policy from Reception.

**Michelle Kabia
CEO**



Client Declaration of consent

Confidentiality policy:

Mind in Tower Hamlets and Newham respects your right to receive a confidential service. We do not disclose your information to any other party without your consent. We have a confidentiality policy which all staff, volunteers and students have to comply with.

The exceptions to this policy are rare, however where we believe you or others is at risk we may have to contact your next of kin, GP or care coordinator. Where we believe a child is at risk we are required under the Children’s Act 1989 to disclose this, even without a discussion with you.

At initial interview staff will provide you with information about our confidentiality policy, we will also discuss with you any circumstance where we may share information about you should you become unwell or if we are concerned about you.

If you would like further information please ask for a copy of our full confidentiality policy.

Name of client:

I give permission for staff from Mind in Tower Hamlets and Newham to approach the following to retrieve/ share information relevant to my care and treatment and any risk assessment or CPA document :

	Pleas tick	Name	Contact details
CMHT/care coordinator			
GP			
Psychiatrist			
Support Worker			
Next of Kin			
Other(please specify)			

I understand that this information will be used in order to help in my recovery and support and to manage any risk factors whilst accessing the services of Mind in Newham and Tower Hamlets. I am aware that in the case of emergency some of the above named may be contacted.

I have read, understood and accepted the client confidentiality policy.

Client Signature:

Date:

Staff Signature:

Date:

Staff Comments including details of review