## D05c

## Confidentiality and disclosure guidance for staff

This document is provided to Carers Trust Crossroads West Wales(now referred to as ‘the organisation’) as a Network Partner of Carers Trust.

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# SCOPE

1.1 This guidance is written for employees. There is separate guidance (D05d) for volunteers.

1.2 The aim of the document is to ensure that service user[[1]](#footnote-2) information is kept confidential. However, the same principles apply to information about your colleagues and other professionals with whom you come in contact.

1.3 You need also to read:

* data protection guidance for office staff (A03c), OR
* data protection guidance for community staff (A03d), whichever applies to you.

# 2.0 HANDLING SERVICE USER INFORMATION

2.1 You will only be given access to personal information about a service user if you are directly involved in providing services to them (for example, as a care worker) or if you are required to handle their files in an administrative capacity. Access to such information will be on a ‘need to know’ basis, in line with the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018.

2.2 All service users have a basic right to expect staff to treat personal information about them with respect and to keep it confidential.

* Make sure you only pass on information where there is a genuine ‘need to know’.
* Do not share confidential information about a service user with others (such as their family, friends, carers) against the person’s wishes.
* Never disclose information about a service user carelessly or casually; never gossip about them or discuss their private affairs, either verbally or in electronic correspondence such as email, text or via social media. Remember that each service user has the right to view all information the organisation holds about them.
* When you and your colleagues have a legitimate need to discuss confidential information about a service user (for example when you both work with the same person or when you are asked to cover a visit) make sure you do so in a responsible, respectful manner and that your conversation cannot be overheard.
  1. There will always be a member of staff available who can help with any concerns you have regarding confidentiality. Make sure you know whom to contact (in and out of office hours) and that you have their contact details. Concerns could include:
* other staff not keeping to the confidentiality policy
* information you have been given in confidence that worries you.

# 3.0 DISCLOSURE AND EXCEPTIONAL BREACHES OF CONFIDENTIALITY

3.1 Under normal circumstances you are not permitted to share (that is, disclose) confidential information about a service user with others outside the organisation without the person’s consent and are only allowed to share it in the organisation on a need-to-know basis.

3.2 If someone asks you to share / disclose confidential information about a service user, you will need permission from the person concerned before doing so. If you are unsure what to do, contact your line manager / person on call for advice before saying anything.

3.3 There are exceptional circumstances, however, when you may need to disclose confidential information **without** first getting consent from the person concerned. This is referred to as ‘breaching confidentiality’. Examples of this are:

* to protect someone from grave and imminent danger
* to prevent abuse or harm (see safeguarding guidance B05c, C01c)
* if there is likely to be a violent response if you ask for consent to pass on information
* if you learn a criminal offence has been or is likely to be committed
* to safeguard national security.

3.4 In such a situation:

* where possible, consult the person’s representative (such as parent, carer)

and / or

* contact your line manager / person on call for immediate guidance and support
* contact the emergency services as necessary by phoning 999 or 112.

# 4.0 INAPPROPRIATE BREACHES OF CONFIDENTIALITY

4.1 If you share / disclose confidential information about a service user without a legitimate reason for doing so, and without their permission, this is referred to as an inappropriate breach of confidentiality. Such a breach may occur intentionally or by accident and may badly affect a service user’s trust in the organisation and its staff.

4.2 All such incidents will be treated as a serious matter and may be dealt with under the organisation’s disciplinary procedure.

# 5.0 LEARNING AND DEVELOPMENT

5.1 Your manager will assess the level of training you need depending on your role in the organisation. For staff providing regulated care and support to people with care needs, see the learning and development guidance (E13c) for general training requirements relevant to this document.

# 6.0 ACCEPTANCE

6.1 You are required to sign to indicate that you have received, read and understood the content of this guidance as directed by your line manager.

6.2 If there is anything in the content that you do not understand or have questions about, let your line manager know. You will be given the opportunity to discuss your concerns and provided with additional training as necessary.

6.3 On completion of training, it is your responsibility to comply with this guidance. Failure to do so may result in disciplinary proceedings.

1. The term ‘service user, refers to parents, carers and people of all ages with care and support needs. [↑](#footnote-ref-2)