

Confidentiality Policy

The United Nations Convention on the Rights of the Child

Article 3 – *all organisations concerned with children should work towards what is best for each child*

Article 12 – *children have a right to say what they think should happen when adults are making decisions that affect them and to have their opinions taken into account*

Article 13 – *children have a right to get and share information as long as the information is not damaging to them or to others*

Article 16 – *children have a right to privacy. The law should protect them from attacks against their way of life, their good name, their families and their homes*

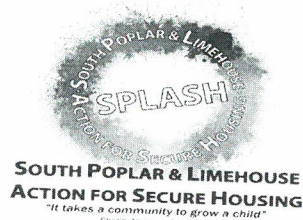
This Policy applies to all staff, external agencies/visitors/volunteers working with young people.

Information sharing is essential to enable early intervention to help young people and their families access additional services and support. Such early intervention can contribute significantly to the happiness and success of young people as they develop towards adulthood.

Information sharing is also vital to safeguarding and promoting the welfare of children and young people.

The following provides a summary of the approaches that SPLASH takes to information sharing and confidentiality:

1. Any information that a young person discloses to a member of staff or volunteer should not be passed on to other colleagues indiscriminately but should only be passed on a 'need to know basis'.
2. Members of staff must not offer young people or their parents/carers, unconditional confidentiality.
3. When making decisions about information sharing, SPLASH will consider the safety and welfare of the young person. Where there is concern that the young person may be suffering or is at risk of suffering significant harm, the young person's safety and welfare will be the over-riding concern.
4. SPLASH will, where possible, respect the wishes of young people and their families regarding information sharing and confidentiality. However, information may still be shared, when consent has not been given, if in SPLASH's judgement on the facts known and assessed, there is sufficient need to override the lack of consent.



5. SPLASH will endeavour to ensure that information that is shared is accurate and up to date, necessary for the purpose for which it is being shared, shared only with people who need to receive it and shared securely
6. Any information concerning a young person's behaviour or conduct that is likely to cause harm to themselves or to others should be passed on to the worker in charge or the Youth Work Manager.
7. Where there are activities that may well touch on sensitive and/or controversial issues staff should consider clarifying with young people the issue of confidentiality. An unrealistic confidentiality agreement should not be offered to young people. The youth club is a public place and confidentiality cannot be offered. However, staff should establish ground rules with their groups in order to avoid inappropriate questions and answers in group sessions which may lead to personal disclosures. Staff should also however be alert to the needs of young people whose words or behaviour may indicate that they are seeking an opportunity to disclose information about anything that is troubling them.
8. Effective sex education, which brings an understanding of what is and is not acceptable in a relationship, can lead to disclosure of a child protection issue. If a personal disclosure is made in the hearing of other pupils, staff should explain to those pupils that such information should be kept confidential. However, it should be explained that some information may need to be passed on to colleagues (*see Child Protection Policy*).
9. Where a young person discloses information about physical, sexual or emotional abuse or neglect, the member of staff or visitor must follow the organisations Child Protection Procedures (*See Child Protection Policy and other guidance including the Code of Conduct*) and refer this to a member of the Safeguarding Team. In **all** cases the Designated Safeguarding Lead (DSL) (currently Alkhad Ali) will be informed and appropriate referrals will be made in line with Local Children's Safeguarding Board Procedures. If a young person discloses information of this nature regarding a member of staff or other adult in the organisation, this must be referred to the Designated Safeguarding Lead.
10. In the case of illegal activity of a non-child protection nature, any action that the School takes will be in the best interests of the young person. This does not always mean that the police will be informed.
11. Some external agencies may be working at SPLASH offering specific advice and support directly to individuals. If this is the case their professional code of confidentiality must be shared with SPLASH and any deviation from the SPLASH's policy must be agreed with SPLASH and shared with the young people concerned. Confidentiality will not be agreed where there are child protection concerns.
12. Young People are informed about where they might seek confidential help beyond SPLASH eg GPs, Health Centres, Youth Services and helplines.



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Information sharing and Confidentiality

The seven 'golden rules'

Key principles for deciding what to share

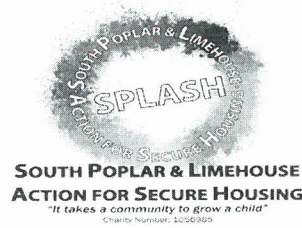
1. The Government guidance, Information sharing advice for safeguarding practitioners, describes the '7 Golden Rules' of information sharing:
2. **Remember that the Data Protection Act 2018 and human rights law are not barriers** to justified information sharing, but provide a framework to ensure that personal information about living individuals is shared appropriately.
3. **Be open and honest with the individual** (and/or their family where appropriate) from the outset about why, what, how and with whom information will, or could be shared, and seek their agreement, unless it is unsafe or inappropriate to do so.
4. **Seek advice from other practitioners** if you are in any doubt about sharing the information concerned, without disclosing the identity of the individual where possible.
5. **Share with informed consent where appropriate** and, where possible, respect the wishes of those who do not consent to share confidential information. You may still share information without consent if, in your judgement, there is good reason to do so, such as where safety may be at risk.
6. **Consider safety and well-being:** Base your information sharing decisions on considerations of the safety and well-being of the individual and others who may be affected by their actions.
7. **Necessary, proportionate, relevant, adequate, accurate, timely and secure:** Ensure that the information you share is necessary for the purpose for which you are sharing it, is shared only with those individuals who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely.
8. **Keep a record of your decision and the reasons for it** – whether it is to share information or not. If you decide to share, then record what you have shared, with whom and for what purpose.

The principles of Information Sharing

The principles set out below are intended to help practitioners working with children, young people, parents and carers share information between organisations. Practitioners should use their judgement when making decisions on what information to share and when and should follow organisation procedures or consult with their manager if in doubt. The most important consideration is whether sharing information is likely to safeguard and protect a child.

Necessary and proportionate

When taking decisions about what information to share, you should consider how much information you need to release. The Data Protection Act 1998 requires you to consider the impact of disclosing information on the information subject and any third parties. Any information shared must be proportionate to the need and level of risk.



Relevant

Only information that is relevant to the purposes should be shared with those who need it. This allows others to do their job effectively and make sound decisions.

Adequate

Information should be adequate for its purpose. Information should be of the right quality to ensure that it can be understood and relied upon.

Accurate

Information should be accurate and up to date and should clearly distinguish between fact and opinion. If the information is historical then this should be explained.

Timely

Information should be shared in a timely fashion to reduce the risk of harm. Timeliness is key in emergency situations and it may not be appropriate to seek consent for information sharing if it could cause delays and therefore harm to a child. Practitioners should ensure that sufficient information is shared, as well as consider the urgency with which to share it.

Secure

Wherever possible, information should be shared in an appropriate, secure way. Practitioners must always follow their organisation's policy on security for handling personal information.

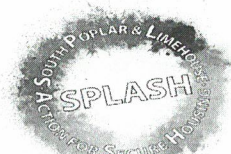
Record

Information sharing decisions should be recorded whether or not the decision is taken to share. If the decision is to share, reasons should be cited including what information has been shared and with whom, in line with organisational procedures. If the decision is not to share, it is good practice to record the reasons for this decision and discuss them with the requester. In line with each organisation's own retention policy, the information should not be kept any longer than is necessary. In some circumstances this may be indefinitely, but if this is the case there should be a review process.

Manager signature: Dr. Christine Frost Date: 09/03/2019

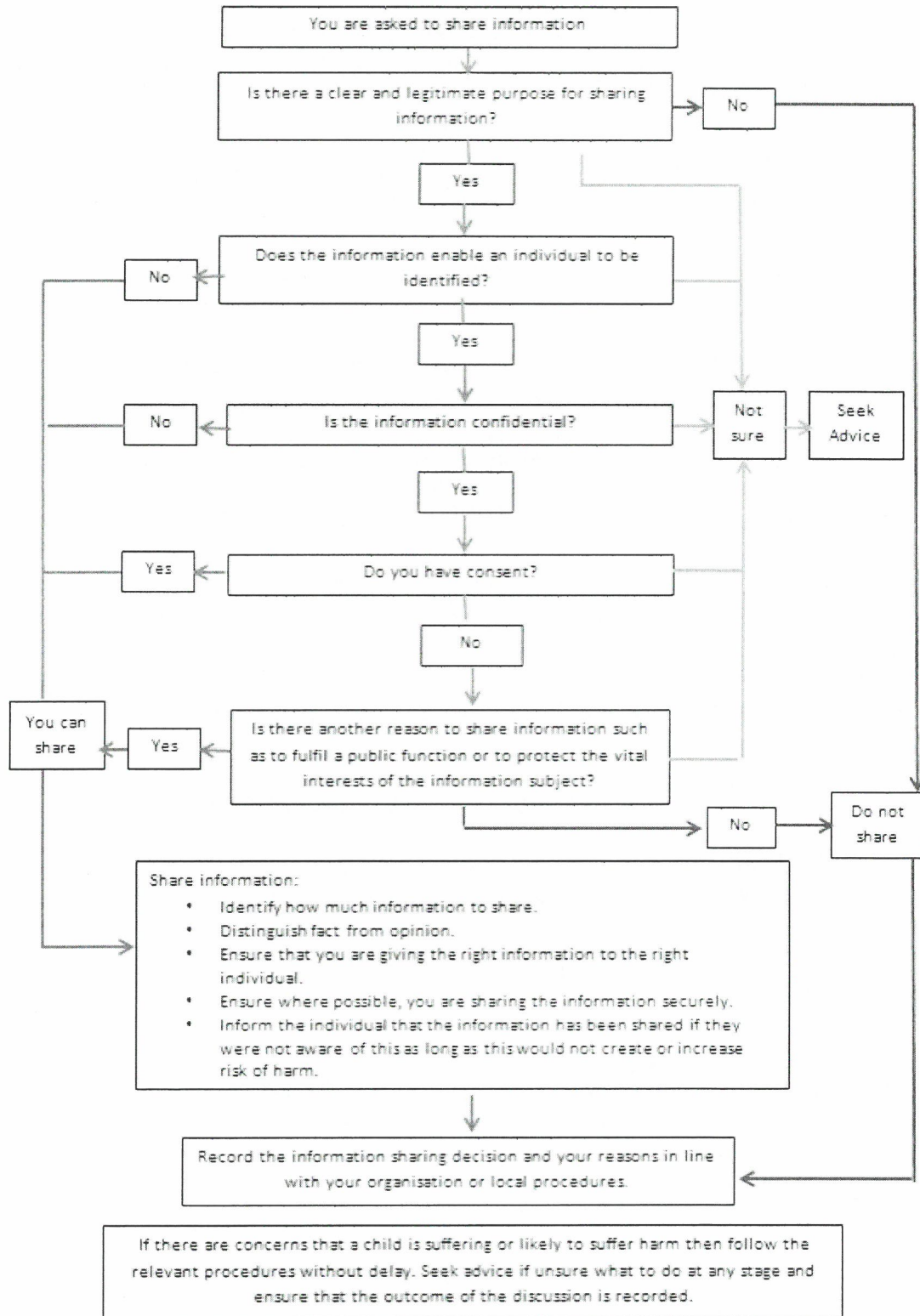
Review date

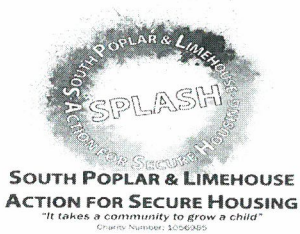
This policy will be reviewed every two years or sooner in the event of legislative changes or revised policies and best practice.



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Flowchart of when and how to share information





Confidentiality Policy
Declaration Agreement for SPLASH Employees & Volunteers

First Name: Faisal Uddin Last Name: UDDIN

I have read and understood the Confidentiality Policy and Declaration Agreement for SPLASH Employees and Volunteers.

I confirm that I have been briefed by an authorised member of SPLASH and have had the opportunity to ask any clarifying questions.

I also confirm that I understand the specific contents and nature of working with young people have discussed and received a copy of the Confidentiality Policy and the Safeguarding Policy for my own use.

I undertake to always be aware of the nature and importance of confidentiality and understand that the consequence of any breach associated to me may mean the termination of employment.

Employee Signature: F. Uddin Dated: 25/03/19

Declaration by the authorised manager conducting the briefing

I confirm that I have briefed.....accordance with the Confidentiality Policy and Declaration Agreement for SPLASH Employee & Volunteers.

Full Name: Alkhad Ali

Manager Signature: Ali Dated: 25.03.19