



## Baobab Women's Project C.I.C. Confidentiality Policy & Procedure

### Introduction

Baobab is a CIC which manages a number of advocacy and related services working with refugee and migrant women. The organisation provides instructed advocacy.

All people who use the services provided by Baobab have the right to expect that our service will hold information about them in confidence.

Confidentiality is one of the key principles underpinning advocacy. We believe that confidentiality is central to the trust between our staff, our beneficiary's and local, regional or national service providers. Where Baobab works in partnership with other voluntary organisations to deliver a service, beneficiary data and referrals may be shared with partners as required. In these cases, the same standards of confidentiality will apply.

It is essential that all advocates, other workers and people who use Baobab services are aware of this policy and of its limitations.

### 1. General Principles

1.1 People who use Baobab's services have the right to believe, and be assured, that information given in confidence will only be used for the purposes for which it was given and will not be released to any person outside Baobab without their consent, unless conditions for breaching confidentiality are met.

1.2 It is a basic principle of advocacy that any information about the beneficiary provided to the advocate will be shared with the beneficiary. All professionals should be made aware that, when communicating with the advocate, they are communicating with the beneficiary.

There may be times when an advocate is asked not to disclose such information to a beneficiary. It would only be appropriate to comply with such a request in the following circumstances:

- It would cause a safeguarding concern
- It is detrimental to the beneficiary and may cause them significant harm

An advocate should speak with a line manager before any decision to withhold information from the beneficiary is made

1.3 Every effort will be made to explain this policy to all beneficiary's using Baobab's services and, where appropriate, the policy will be provided in writing or read to them, before they discuss the reasons for approaching the organisation. This includes explaining Baobab's policy on confidentiality and consent clearly to the beneficiary when any third-party language (or sign language) interpreter, family member or carer is involved in enabling communication and beneficiary understanding.

1.4 Beneficiary's should be periodically reminded of the contents of the confidentiality policy throughout their contact with the organisation.

1.4 This policy shall be explained to Baobab's funders, local Safeguarding Boards when

relevant, local agencies and, where appropriate to carers. Clarification must be sought with other statutory agencies that Baobab services come into contact with during the course of their work to establish their routine procedures when people disclose information which is of concern.

1.6 Baobab's handling of confidential personal information will:

- Promote, support and protect the privacy, dignity and rights of Baobab beneficiary's
- Be understood by beneficiary's, staff, volunteers and partner services
- Conform with best practice
- Comply with the law (including all relevant provisions within current Data Protection legislation and GDPR)
- Promote the care, welfare and safeguarding of beneficiary's and the effective operation of Baobab services

## **2. Breaching Confidentiality**

2.1 The limits to confidentiality must be explained to the beneficiary before gathering information from them.

2.2 Baobab will not divulge any information about the beneficiary without the beneficiary's permission unless disclosure is required or permitted by law.

2.3 Confidentiality can only be breached:

- a) In exceptional circumstances, if this is necessary in order to protect a person, if they tell the service something which leads Baobab to believe they or someone else may be at risk of serious harm or abuse or committing a serious criminal offence.
- b) If there is a court order for disclosure.
- c) If Baobab would be breaking the law by failing to disclose.

2.4 When confidentiality has to be breached without permission, wherever possible the advocate shall inform the beneficiary at the earliest opportunity of the reasons for doing so, giving them opportunities to discuss other alternatives and to plan for likely outcomes. Every effort should be made to ensure the beneficiary is given the maximum control possible over the process of breaching confidentiality, and to keep them informed at every stage of any action that Baobab intends to take.

2.4 Advocates/other service staff are not authorised to make the final decision about whether confidentiality is to be breached, unless in an emergency, or in exceptional circumstances if they are unable to contact any senior manager within the service or within the wider organisation.

## **3. Procedure For Breaching Confidentiality**

3.1 Any information from any source which gives rise to concern for the safety or wellbeing of a person or people, directly or indirectly, should be made known to the advocate's supervisor immediately.

3.2 Supervisors should ensure that their advocates are aware of how to contact them, or a colleague at a management level, in an emergency during the working day and out of hours, including ways of interrupting meetings.

3.3 If an immediate supervisor is unavailable, the concern should be escalated by the advocate in possession of the information to the Directors.

3.4 Any decision to take further action will be made by the relevant supervisor or director.

3.4 In circumstances where information has been received, or actions observed, which indicates that people other than beneficiary's of the organisation are at risk of harm, this information may be passed by a supervisor or director to relevant agencies, without identifying the source of information.

## **4. Information Sharing Externally**

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

4.2 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.

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

4.4 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.

4.5 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 this could cause delays and therefore harm to a vulnerable adult or a child. Practitioners should ensure that sufficient information is shared, as well as consider the urgency with which to share it.

4.6 Where a Safeguarding investigation is being undertaken, Baobab may be asked to provide confidential information. Such information will not be routinely provided without beneficiary consent unless the situation is life threatening or a criminal offence has been committed. If the beneficiary does not agree to the disclosure of information, this will only be provided if a Police Force requests this via a formal process.

4.7 Information should always be shared in an appropriate, secure way. Staff and volunteers must always follow their organisation's Data Protection, Information Security and Privacy policies on handling personal information.

## **5. Sharing Information Internally**

5.1 Information about people is confidential to Baobab as an organisation and not to individuals working in the name of Baobab. Information outside of internal meetings or supervision should only be shared with other Baobab workers/advocates if it is considered essential for the wellbeing of the person concerned.

## **6. Recording Information**

6.1 All manual and electronic information will be held securely and confidentially. For further detail, please see Baobab's Data Protection Policy, Information Security Policy, Privacy Policy, Safeguarding Adults Policy and Safeguarding Children Policy. Homeworkers must also consult the Baobab Homeworking Policy.

6.2 At the first contact with a beneficiary, a record should be made on the Baobab CRM system that the confidentiality policy and its limits were explained to the beneficiary, and the beneficiary accepted the policy and consented to work with Baobab (see 1.2 above).

6.3 A record should be made on the CRM system of all subsequent reminders to beneficiary's of the confidentiality policy; these should be dated.

6.4 All decisions on whether or not to share information, where the beneficiary has not given consent or is unable to give consent, must be recorded on the Baobab CRM system. If the decision is to share, reasons should be cited including what information has been shared and with whom. If the decision is not to share, the reasons should be recorded, and it is good practice to discuss these with the person requesting the information.

6.4 All information received/actions observed which may indicate cause for concern, including potential breaches of confidentiality, should be recorded in writing by the staff or volunteer. Detailed reports should be written which include a chronology of events which are dated and timed, people involved/present, details of the issue(s)/concern(s); recording of exact wording used by beneficiary/other wherever possible, and actions taken by staff or volunteer. All reports should be signed by the author.

6.6 Supervisors, and Directors should further record all action taken by them from the point at which they are alerted to a potential concern, issue and/or potential breach of confidentiality; recording action agreed to be taken and by whom; and progress on such action. All records should be dated, timed and signed.

## **7. Related Policies**

- Advocates' Code of Practice
- Data Protection
- Information Security
- Privacy
- Vulnerable Person Safeguarding Policy
- Child Protection Policy

## **Information**

This policy should be circulated to all Baobab employees, the Management Committee members and volunteers.

This policy will be reviewed annually by the Directors.

Last review August 2022.