



Confidentiality and information Sharing Policy

Statement:

Chesterfield FC Community Trust works with many children as well as people with disabilities, those affected by mental health issues, those in recovery, older people and many who have complex needs or are vulnerable.

This guidance is about confidentiality but also sharing information for the purposes of safeguarding and promoting the welfare of children and vulnerable adults. Sharing of information amongst professionals working with people at risk and their families is essential. In many cases it is only when information from a range of sources is put together that an individual can be seen to be in need or at risk of Significant Harm.

However the starting point is that information is not shared. Where it is determined that sharing data or confidential is appropriate this is not done lightly. All decisions and actions must be recorded.

Principles

Confidentiality is defined as 'something which is spoken or given in private, entrusted with another's secret affairs'. This includes information collected and subject to the normal data protection policy rules but also that obtained during the Trust's normal interactions with individuals including from conversations or observations.

We recognise that everyone a right to know that the information they share with us will be regarded as confidential, as well as to be informed about the circumstances when, and the reasons why, we are obliged to share information.

It is the Trust's policy that staff cannot offer or guarantee absolute confidentiality and will act in accordance with the best interests of the those we work with at all times. This applies to carers as well as participants.

Everyone who works for or volunteers with the Trust needs to know the limits of confidentiality that can be offered by individuals within our remit so they can make

informed decisions about the most appropriate person to talk to about any appropriate issue they want to discuss.

We are obliged to share confidential information without authorisation from the person who provided it, or to whom it relates if it is in the public interest. That is when:

- it is to prevent a crime from being committed or to intervene where one may have been, or to prevent harm to a child or adult; or
- not sharing it could be worse than the outcome of having shared it.

The decision should never be made as an individual, but with the back-up of the management team. The three critical criteria are:

- Where there is evidence that someone is suffering, or is at risk of suffering, significant harm.
- Where there is reasonable cause to believe that a child, young person or vulnerable adult may be suffering, or is at risk of suffering, significant harm.
- To prevent significant harm arising to children and young people or adults, including the prevention, detection and prosecution of serious crime.

Procedures

Our procedure is based on the seven golden rules for information sharing:

1. Remember that the Data Protection Act is not a barrier to sharing information but provides a framework to ensure that personal information about living persons is shared appropriately. Our policy and procedures on Information Sharing provide guidance to appropriate sharing of information with external agencies.
2. Be open and honest with the person (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.
3. Seek advice if you are in any doubt, without disclosing the identity of the person where possible.

4. Share with 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, that lack of consent can be overridden in the public interest. You will need to base your judgement on the facts of the case.
5. Consider safety and well-being: Base your information sharing decisions on considerations of the safety and well-being of the person and others who may be affected by their actions.
6. Necessary, proportionate, relevant, 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 people who need to have it, is accurate and up-to-date, is shared in a timely fashion, and is shared securely.
7. 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.

Consent

People have a right to be informed that their consent to share information will be sought in most cases, as well as the kinds of circumstances when their consent may not be sought, or their refusal to give consent may be overridden. We consider the following questions when we need to share:

- Is there legitimate purpose to sharing the information?
- Does the information enable the person to be identified?
- Is the information confidential?
- If the information is confidential, do we have consent to share?
- Is there a statutory duty or court order requiring us to share the information?
- If consent is refused, or there are good reasons not to seek consent, is there sufficient public interest for us to share information?

- If the decision is to share, are we sharing the right information in the right way?
- Have we properly recorded our decision?

Legal framework

- Data Protection Act (1998)
- Human Rights Act (1998)

Reviewed: 10 October 2016 Safeguarding Group

Trustee approval: November Board meeting