

Main/Registered Office: Signposts, 58 Regent Road, Morecambe, LA3 1TE

Telephone : (01524) 419021

Fax : (01524) 411541

Community
Legal Service



Help Point



E-mail: signpostsmarc@signposts.org.uk

Website: www.signposts.org.uk

**“Working to Empower the Community”
in Lancashire and Cumbria**

Pamela Beswick - Chief Executive Officer

CONFIDENTIALITY POLICY
(Including Child & Vulnerable Adult Protection)

Introduction

- 1.1** The purpose of this document is to ensure that everyone using Signposts has a clear understanding of the nature of the service offered in regard to confidentiality. It is hoped that it will clarify the position for users of the service, staff, volunteers and workers from other agencies, Above all Signposts seeks to ensure that enquirers can access it's services and feel confident that the information given will be respected.
- 1.2** Signposts have a complicated management structure in that it is a Multi-Agency Resource Centre and offers both its own services and provides a base for other agencies to offer services. Enquirers need to be confident that information will not be passed inappropriately by one agency to another. The only exceptions to this are outlined in paragraph 4,1. Agency workers will need to be careful to ensure that they are working within the Policies of their own organisation. In addition they must ensure that they are not in breach of the Policies of Signposts (see Guidelines for Use Booklet) when offering a service based at the organisation.
- 1.3** Signposts offer confidentiality to enquirers. All information received will be respected and the rights of the individual will be paramount. Signposts consists of a team of paid staff and volunteers together with substantive workers from other agencies who will be designated as part of the team. Information received by an individual worker can be shared with that team on a need-to-know basis. Confidentiality is to the team and not to the individual. However, workers should be careful to discuss enquiries appropriately in a way that would put the rights of the individual first.

1.4 The Signposts Team is: -

As outlined in the Information Pack on the Signposts website: www.signposts.org.uk

The following paragraphs outline this Policy in more detail.

Charity Registration Number: 1117645
Member of AdviceUK (previously FIAC)

Company Limited by Guarantee: 5990592
Registered in England and Wales



North Lancashire
Teaching Primary Care Trust



INVESTOR IN PEOPLE

Additional major funding from Preston City Council, the FC Scott Charitable Trust and Tudor Trust

Other Agencies and Third Parties

- 2.1** Information, including the fact of an enquirer's visit, may not be passed on to a worker who is working at Signposts on behalf of another agency or Project e.g. Health Visitor. They are not a member of the Signposts Team (unless specifically designated as such) and the enquirer's permission would need to be sought before information is passed on.
- 2.2** Where possible the permission should be obtained from an enquirer before any information is passed on to another agency and, where possible, the individual should be in the presence of the worker when consented information sharing is taking place. If this is not possible the enquirer should be informed of the contact and substance of the conversation as soon as possible. The only exceptions to this are contained in 4.1
- 2.3** No information will be requested of third parties regarding individuals by staff without prior permission of the person concerned.
- 2.4** Confidential information about enquirers should not be given to the Signposts Executive Committee without the enquirer's agreement.

Legal Responsibilities

- 3.1** It is not the intention that Signposts will support enquirers where an enquiry relates to legal proceedings. The enquirer should be advised of the relevant agencies who have the ability to deal with enquiries of this nature.
- 3.2** Workers need to be aware that the police cannot compel potential witnesses, including Signposts workers, to make statements to them. Workers cannot be forced by the police to disclose to them what has been said in confidence or otherwise. Everyone, including Signposts workers, have the right to remain silent when being questioned by the police.
- 3.3** Under the 1984 Police and Criminal Evidence Act the police are empowered to search for and seize 'relevant evidence' to assist in the detection of crime. However, certain material is excluded. Excluded material includes personal records relating 'to counselling or assistance given to him for the purposes of his personal welfare, by any voluntary organisation or by any individual who (i) by reason of his office or occupation has responsibilities for his personal welfare or (ii) by reason of an order of a court has responsibilities for his supervision. Access to such material can be obtained on application to a judge but will be granted only in circumstances where a search of the premises for the material could have been authorised under a previous enactment". Such circumstances are likely to be extremely rare. Where criminal proceedings have started the Crown Prosecution Service or defence may apply for a witness summons compelling the personal attendance at court of the advisor/counsellor together with any personal records. As in civil proceedings, court intervention overrides the confidential relationship.
- 3.4** The court in enacting legal proceedings will require disclosure of all relevant information even though that information may have been obtained in confidence.
- 3.5** There may be occasions when a Signposts worker either suspects or is certain that a client is involved in or is about to be involved in a criminal activity. No criminal offence is committed by someone who fails to pass on knowledge of a crime, unless either they do so for a reward of some kind or the crime could be construed as an act of terrorism.

Exceptional Circumstances

- 4.1** Although there is not a legal duty to do so, Signposts workers are authorised to speak to a third party where a person or third-party are at risk and in immediate danger. If a worker feels that action needs to be taken, they should discuss this with their line manager. If their line manager cannot be contacted then they need to consider whether the situation requires immediate action. The situations where action may be required are:
- i)** Where the person is clearly not in control of his or her own safety i.e. involved in an accident, suffering from a drug overdose.
 - ii)** Where the emotional or mental state of the person concerned is such that it puts their own, or a third parties lives or safety at risk.
 - iii)** Where a third party is at risk of danger or abuse e.g. where a sibling is left with the family and being abused.
 - iv)** Where the work falls within Signposts' Child and Vulnerable Adult Protection procedures.

Administrative and Record Keeping Responsibilities

- 5.1** Records of interviews with enquirers should be kept to a minimum needed to progress the enquiry and should be kept in a safe place. Records should be destroyed once the enquiry has been completed.
- 5.2** Particular care should be taken when making telephone calls or discussing information with enquirers in public places.
- 5.3** When participating in preventive work involving the collection of evidence, Signposts must continue to observe strictly the confidential nature of its enquirers' circumstances, unless of course the enquirers have agreed that their experience should be used in order to benefit others.
- 5.4** In no circumstances should details which could enable an enquirer to be identified, or appear to have been identified be made public.
- 5.5** Signposts should, however, be willing to make public statistics regarding callers of a particular type and with composite or fabricated case histories, which must always be described as such.
- 5.6.1** It is a function of Signposts to draw attention to need in our area of benefit. In no circumstances, however, must this involve a breach of confidentiality.
- 5.6.2** The team should adhere to Data Protection Guidance in relation to casework and other documentation

Conclusion

- 6.1** This confidentiality policy applies equally to workers, volunteers and students and all staff should have a clear understanding of it. Training will be undertaken at regular intervals.
- 6.2** If anyone is in any doubt about the status of a worker at Signposts in regard to confidentiality they should check with the Chief Executive. It is not safe to assume that because someone is working within Signposts that they are automatically part of the Team.

CHILD and VULNERABLE ADULT PROTECTION POLICY

Child Protection

- 1.1** In regards to Child Protection Signposts does not offer unqualified confidentiality.
- 1.2** For the purposes of this Policy the definitions of Child Abuse have been taken from *Working Together under the Children Act (1991)* Department of Health. The categories of abuse are: -
- Neglect:** The persistent or severe neglect of a child, or the failure to protect a child from exposure to any kind of danger, including cold or starvation, or extreme failure to carry out important aspects of care, resulting in the significant impairment of the child's health or development, including non-organic failure to thrive.
- Physical Injury:** Actual or likely physical injury to a child, or failure to prevent physical injury (or suffering) to a child including deliberate poisoning, suffocation and Munchausen's syndrome by proxy.
- Sexual Abuse:** Actual or likely sexual exploitation of a child or adolescent. The child may be dependent and/or developmentally immature.
- Emotional Abuse:** Actual or likely severe adverse effect on the emotional and behavioural development of a child caused by persistent or severe emotional ill treatment or rejection. All abuse involves some emotional ill treatment. This category should be used where it is the main or sole form of abuse.
- 1.3** This policy applies to people aged 17 and under.

Vulnerable Adult Protection

- 1.1** In regards to Vulnerable Adult Protection Signposts does not offer unqualified confidentiality.
- 1.2** The definition of a vulnerable adult is a person who is or may be in need of community care services by reason of mental or other disability, age or illness; and who is or may be unable to take care of him or herself, or unable to protect him or herself against significant harm or exploitation. For the purposes of this Policy the definitions of Vulnerable Adult Abuse have been taken from *No Secrets in Lancashire (2001)* Lancashire County Council Social Services Directorate. The categories of abuse are: -
- Physical Abuse
 - Sexual Abuse
 - Psychological Abuse
 - Financial or Material Abuse
 - Neglect or Acts of Omission
 - Discriminatory Abuse
 - Institutional Abuse
 - Multiple abuse
- 1.3** This policy applies to any vulnerable adult.

Procedures

- 1.1** If a worker considers that they are dealing with a situation where they either know, or suspect, that abuse is taking place; they should discuss This with their line manager. If they cannot contact their line manager then the procedure contained in the Confidentiality Policy should be adhered to (points 3 and 4).

- 1.2** If a person approaches a worker about abuse, the worker should give the person the opportunity to talk. The worker should explain in detail the possible consequences of involvement of other people and agencies and seek the person's views. If the worker feels the person is capable of understanding the implications then the worker should seek the permission of the person for action to be taken.
- 1.3** Similarly, if a worker observes behaviour, or physical symptoms or signs, or hears allegations from a third party that suggest abuse, they should first give the person (who can express a view) the opportunity to talk. For vulnerable adults who lack capacity please see Mental Capacity Act Policy and associated codes of practice (www.signposts.org.uk). The approach should be non-coercive and non-leading. If it leads to any disclosure, then that information and any action should be discussed with their line manager. The worker can advise a third-party of the actions they should take in respect of any abusive situations they suspect, but should not act on third-party referrals.
- 1.4** Wherever possible the permission of the person should be sought. If this is not forthcoming, the person must be informed of the proposed action and its likely consequences. The action taken will be to inform managers through the line management procedure and then to contact the Adult Social Care, Childrens Integrated Services or the Police.
- 1.5** Workers should not make promises, which cannot be kept, and, in the light of possible court proceedings, should not promise that what is told in confidence can be kept in confidence.
- 1.6** If a worker decides not to inform a line manager of known, or suspected abuse then they are legally entitled to do so. However, they must realise that they are in breach of Signposts Policy (as set out in this document). The only agencies, which, on receiving information suggesting that abuse may have taken place, have specific duties to investigate and possibly take other action, are Adult Social Care, Childrens Integrated Services or the Police.
- 1.7** If a person is seeking advice and information about abuse and is requesting absolute confidentiality, then the worker can refer that individual to an agency that offers this e.g. CAB or Child Line. The worker could then support that individual in seeking help without becoming liable. The worker should ask themselves whether the enquirer falls within the categories 1 - 3 of Signposts' Confidentiality Policy.

Chief Executive
Reviewed September 2011