

## Confidentiality Policy

### Introduction

Following from the DfES Sex and Relationship Education Guidance (July 2000) which states that sectors which work with young people, such as charities and the charitable sector should have a clear and explicit confidentiality policy which is advertised to young people, employees, parents and volunteers.

The Data Protection, Freedom of Information and Human Rights Acts all need to be taken into consideration. Human Rights Act 1998: Gives everyone the right to "respect for his private and family life, his home and his correspondence", unless this is overridden by the 'public interest', e.g. for reasons of Young person Protection, for the protection of public safety, public order, health or morals or for the rights and freedoms of others. Data Protection Act 1998: Applies to personal data of living, identifiable individuals, not anonymous data; manual and electronic records.

Charities, organisation which work with young people need to be clear, when collecting personal data, what purposes it will be used for. Charities should have policies to clarify this to employees, young people, partner charities and parents.

Freedom of Information Act 2000: Amends the Data Protection Act, gives everyone the right to request any records a public body, including charities, holds. A charity may withhold information it has if it is considered the information may damage the recipient, if disclosed.

Anyone working or volunteering in The US Charitable Trust may be privy to confidential data, medical or personal information or information about behaviour or home circumstances. This information must stay in the charity and should not be discussed with anyone apart from other employees whom you work closely with.

Any questions about confidentiality should be directed to a member of the Senior Leadership Team. In this instance, the two members of employees would be Chair, Serena Balfour and COO, Tiffany Li. Please contact : [info@uscharitabletrust.org](mailto:info@uscharitabletrust.org) or [t.li@uschairtabletrust.org](mailto:t.li@uschairtabletrust.org) .

### The US Charitable Trust believe:

- The safety, wellbeing and protection of our young people are the paramount consideration in all decisions made by the US employees about confidentiality. The appropriate sharing of information between employees is an essential element in ensuring our young people's wellbeing and safety.

- It is an essential part of the ethos of our charity that trust is established to enable young people, employees, and parents/carers to seek help both within and outside the charity and minimise the number of situations when personal information is shared to ensure young people and employees are supported and safe.
- Young people, parents/carers and employees need to know the boundaries of confidentiality in order to feel safe and comfortable in discussing personal issues and concerns, including sex and relationships.
- The charity's attitude to confidentiality is open and easily understood and everyone should be able to trust the boundaries of confidentiality operating within the charity.
- Issues concerning personal information including sex and relationships and other personal matters can arise at any time.
- Everyone in the US Charitable Trust and partners needs to know that no one can offer absolute confidentiality.
- Everyone in the US Charitable Trust community needs to know the limits of confidentiality that can be offered by individuals within the charity community so they can make informed decisions about the most appropriate person to talk to about any health, sex and relationship or other personal issue they want to discuss.

### **Definition of Confidentiality**

The dictionary definition of confidential is "something which is spoken or given in confidence; private, entrusted with another's secret affairs" When speaking confidentially to someone the confider has the belief that the confidant will not discuss the content of the conversation with another. The confider is asking for the content of the conversation to be kept secret. Anyone offering absolute confidentiality to someone else would be offering to keep the content of his or her conversation completely secret and discuss it with no one.

In practice there are few situations where absolute confidentiality is offered in The US Charitable Trust. We have tried to strike a balance between ensuring the safety, wellbeing and protection of our young people and employees, ensuring there is an ethos of trust where young people and employees can ask for help when they need it and ensuring that when it is essential to share personal information young person protection issues and good practice is followed. This means that in most cases what is on offer is limited confidentiality. Disclosure of the content of a conversation could be discussed with professional colleagues but the confider would not be identified except in certain circumstances. The general rule is that employees should make clear that there are limits to confidentiality, at the beginning of the conversation. These limits relate to ensuring young person's safety and wellbeing. The young person will be informed when a confidence has to be broken for this reason and will be encouraged to do this for themselves whenever this is possible.

## **Levels of Confidentiality**

Different levels of confidentiality are appropriate for different circumstances.

1. In the location of the US Charitable Trust programmes given by a member of the US team or an outside visitor, including health professionals. Careful thought needs to be given to the content of the lesson, setting the climate and establishing ground rules to ensure confidential disclosures are not made. It should be made clear to young people that this is not the time or place to disclose confidential, personal information. When a health professional is contributing to a charity programme in a setting chosen by the charity, s/he is working with the same boundaries of confidentiality as a professional teacher.

2. One to one disclosures to members of charity employees (including voluntary employees). It is essential all members of employees know the limits of the confidentiality they can offer to both young people and parents/carers (see note below) and any required actions and sources of further support or help available both for the young person or parent/carer and for the employees member within the charity and from other agencies, where appropriate.

All employees at the US Charitable trust encourage young people to discuss difficult issues with their parents or carers, and vice versa. However, the needs of the young person are paramount and the US employees will not automatically share information about the young person with his/her parents/carers unless it is considered to be in the young person's best interests. (Note: That is, that when concerns for a young person come to the attention of employees, for example through observation of behaviour or injuries or disclosure, however insignificant this might appear to be, the member of employees should discuss this with the Designated Senior Persons (DSP) as soon as is practically possible. More serious concerns must be reported immediately to ensure that any intervention necessary to protect the young person is accessed as early as possible. Please report to Chair, Serena Balfour or COO, Tiffany Li.

3. Disclosures to the charities mental health first aider or a professional member of staff within the relevant partner schools, such as a counsellor, nurse or health professional.

Health professionals such as school nurses can give confidential medical advice to young people provided they are competent to do so and follow the Fraser Guidelines (guidelines for doctors and other health professionals on giving medical advice to under 16s). Nurses are skilled in discussing issues and possible actions with young people and always have in mind the need to encourage young people to discuss issues with their parents or carers. However, the needs of the young person are

paramount and the nurse will not insist that a young person's parents or carers are informed about any advice or treatment they give.

### **The legal position for The US Charitable Trust employees:**

Employees (including voluntary employees) should not promise confidentiality. Young people do not have the right to expect that incidents will not be reported to his/her parents/carers and may not, in the absence of an explicit promise, assume that information conveyed outside that context is private. No member of this The US Charitable Trust employees can or should give such a promise. The safety, wellbeing and protection of the young person are the paramount consideration in all decisions employees at The US Charitable Trust make about confidentiality.

Employees are NOT obliged to break confidentiality except where young person protection is or may be an issue, however, at The US Charitable Trust Charity we believe it is important that employees are able to share their concerns about young people with colleagues in a professional and supportive way, on a need to know basis, to ensure employees receive the guidance and support they need and the young people' safety and wellbeing is maintained. The US Charitable Trust employees should discuss such concerns with the Chair or COO.

### **Safeguarding Lead, mental health first aider, teacher:**

Professional judgement is required by safeguarding Lead, mental health first aider, teacher, in considering whether he or she should indicate to a young person that the young person could make a disclosure in confidence and whether such a confidence could then be maintained having heard the information. In exercising their professional judgement the safeguarding Lead, mental health first aider, teacher must consider the best interests of the young person including the need to both ensure trust to provide safeguards for our young person and possible protection issues.

All employees at this charity receive basic training in the protection of young people as part of their induction to The US Charitable Trust and are expected to follow the charities' young person protection policy and procedures.

### **Visitors and voluntary employees:**

At The US Charitable Trust, we expect all employees, including voluntary employees, to report any disclosures by young people or parents/carers, of a concerning personal nature to the Chair or COO as soon as possible after the disclosure and in an appropriate setting, so others cannot overhear. This is to ensure the safety, protection and wellbeing of all our young people and employees.

The Chair will decide what, if any, further action needs to be taken, both to ensure the young person gets the help and support they need and that the member of employees also gets the support and supervision they need.

### **Schools, Parents/Carers:**

The US Charitable Trust Charity believes that it is essential to work in partnership with schools and parents/carers and we endeavour to keep schools, parents/carers abreast of their young person's progress at the charity, including any concerns about their progress or behaviour. However, we also need to maintain a balance so that our young people can share any concerns and ask for help when they need it. Where a young person does discuss a difficult personal matter employees at The US Charitable Trust will be encouraged to also discuss the matter with the young person's school, parent or carer themselves. The safety, wellbeing and protection of our young people are the paramount consideration in all decisions employees at this charity make about confidentiality.

### **Complex cases:**

Where there are areas of doubt about the sharing of information advice should be sought from the Chair or COO initially who may need to consult other appropriate professionals.

### **Links to other charity policies and procedures:**

This policy is intended to be used in conjunction with the charities other policies i.e.

- Young people and staff code of conduct
- Grievance procedure
- Staff and volunteer code of conduct
- Whistleblowing

**More serious concerns** must be reported immediately to ensure that any intervention necessary to protect the young person is accessed as early as possible.

- Tell the young person we cannot guarantee confidentiality if we think they will:
- hurt themselves
- hurt someone else
- or they tell us that someone is hurting them or others
- Not interrogate the young person or ask leading questions
- We won't put young person in the position of having to repeat distressing matters to several people unless we are required to do so
- Inform the young person first before any confidential information is shared, with the reasons for this

- Encourage the young person, whenever possible to confide in his/her own parents/carers

Volunteer employees may have support needs themselves in dealing with some of the personal issues of our young people. At The US Charitable Trust Charity we prefer you to ask for help rather than possibly making a poor decision because you don't have all the facts or the necessary training, or taking worries about young people home with you. There are many agencies we can refer young people to who need additional support which and we have procedures to ensure this happens. We all work together as part of a team to support our young people and asking for help is a way we ensure that The US Charitable Trust Charity programmes are happy and safe learning environments. All employees should discuss any concerns about young people with the Chair or COO.

**Onward referral:**

The Chair, Serena Balfour and COO, Tiffany Li is responsible for referring young people to outside agencies from the charity. Please do not make referrals yourself unless you believe a referral to the police or Social Services teams is necessary and the designated person does not agree. ('What to do if you're worried a young person is being abused', DfES, HO, etc., 2003).