



Confidentiality Policy

Reasons for a Confidentiality Policy

This policy should be seen as an integral part of ensuring that Education Otherwise provides a safe environment where individuals are treated with respect. The main reasons for producing a policy are:

- to comply with legislation;
- to provide practical guidelines;
- to protect people who benefit from EO's services, members, volunteers, staff and trustees.

Purpose

The purpose of this policy is to detail the basic standards that volunteers, staff and trustees should adhere to, and which can be incorporated as part of normal working practice

Statement on Confidentiality

Education Otherwise offers confidentiality. Any sensitive information given will not be passed on except in very rare circumstances where this is necessary to protect a vulnerable person from harm, or to comply with the law. In such circumstances, the information will only be passed on as permitted in this policy. This must be confirmed with the EO Data Protection Officer or Database Administrator. Wherever possible and appropriate the person will be informed that this action has been taken.

Legal context

- The Human Rights Act 1998 guarantees respect for a person's private and family life, home and correspondence.
- The Data Protection Act 1998 (DPA) concerns personal information, which includes facts and opinions about an individual which might identify them. The DPA ensures that information held about any person cannot be used for purposes other than those for which it was originally supplied, without the person's consent. Exceptions to these Acts are allowed where this is necessary to protect a vulnerable person from harm.
- Some restricted and specific areas of legislation over-ride the Human Rights Act and the Data Protection Act, for example in the area of suspected terrorist activity or over specific safeguarding concerns.
- Trustees are legally responsible for all the activities of Education Otherwise volunteers and may ask for information at any time to ensure that agreed policies are being implemented. Trustees are not entitled to an individual's personal information.

Implementation

Education Otherwise will ensure that all volunteers, staff and trustees are issued with this policy. Volunteers should be aware of the remit and contact details for the EO Data Protection Officer and Database Administrator to whom they should report any concerns regarding confidentiality. This policy will be reviewed regularly.

Confidentiality in Practice

The vast majority of enquiries can be treated in strict confidence. It is not necessary to inform all enquirers of the confidentiality policy as a matter of course, as to do so may be off-putting to those simply seeking information.

However, should the enquirer ask about confidentiality, or indicate that they are about to disclose information of a sensitive and serious nature, they should be made aware of the EO policy statement on confidentiality. The following easy to read phone statement should be read out in these circumstances:

Education Otherwise offers a confidential service. This means that usually, anything you tell the person from EO will be kept private. But sometimes I may have to 'break confidentiality' – this means telling someone in a position of authority. This is very rare. I only have to do this if someone is in danger, and needs help. I will only tell the people who need to know.

Callers have the right to decide what information they choose to share with EO. Cases should not be discussed in any out-of-work context, even when the enquirer cannot be identified.

No attempt should be made to retain an enquirers contact details other than for sending information that has been requested. As soon as the requested information is sent all identifying information must be destroyed. If details need to be sent to the enquirer, e.g. membership forms, the contact details should be written directly on an envelope for mailing to prevent accidental retention of personal information. Occasionally more than one person will contact EO regarding a third party. This is not cause for an exception to the general principles of confidentiality set out in this policy. No personal details of any member of staff, EO member or volunteer will be disclosed without their agreement. Postholders in EO generally agree to their contact details being in the EO newsletter.

Permission must be gained from EO's Data Protection Officer or EO's Database Administrator to ensure DP compliance before publishing case studies (e.g. for training or information materials). Alternatively, fabricated case studies may be used for these purposes, but in either case details must be sufficiently disguised that the original enquirer cannot be identified. Contact details for the Data Protection Officer and Database Administrator may be found in the newsletter.

Informing service users of the confidentiality policy

Any user of the service can see a copy of the confidentiality policy and our privacy policy on the website and in the Members Forums at this url: <http://forum.education-otherwise.org/viewforum.php?f=59> Enquirers can obtain a paper copy of these policies by sending a self addressed envelope to Education Otherwise, PO Box 325, Kings Lynn, Norfolk PE34 3XW. These can be sent in larger font on request.

Exceptions to confidentiality

The only exceptions to complete confidentiality are when:

- The enquirer describes a situation which raises concerns about the safety of a child or vulnerable adult;
- The enquirer is in immediate danger, e.g. suicidal;
- The enquirer discloses information about an alleged crime or discloses information that an alleged crime is going to happen.

In the case of concerns about a child or vulnerable adult in immediate danger, or an enquirer who is in immediate danger themselves, the volunteer must call the police by dialling 999 immediately.

In all other cases of concerns about children or vulnerable adults, the volunteer **must** contact the NSPCC helpline or their local safeguarding children's board and explain the information they have received and follow the advice they are given. If you are unsure about phoning the NSPCC or authorities you can call EO's Designated Safeguarding Children Person who will help you decide what course of action to take.

Any information about any crime or criminal activity must be passed on to the police. In an emergency situation, the volunteer should contact the police and then notify the EO Data Protection Officer or EO Database Administrator as soon as possible. In all other situation EO's Data Protection Officer or Database Administrator should be notified first that an outside service will be contacted, giving details of the situation without identifying information unless absolutely necessary.

Unauthorised breaches of confidentiality

Volunteers who breach these guidelines by communication, dissemination or solicitation of non-essential and/or identifying information about current or former staff, volunteers, members or enquirers in any way other than authorised above may be asked to cease their volunteer role within EO.