

Confidentiality Policy & Procedures

Derbyshire Mind is committed to providing confidential services.

The aim of this policy is to ensure that the boundaries of confidentiality are clear and understood by all Derbyshire Mind staff, volunteers and trustees together with the people who use our services and others that we work with.

Derbyshire Mind staff, volunteers and trustees have a duty under data protection legislation and in accordance with this policy to keep information confidential.

Confidential information will only be shared with individuals or agencies outside of Derbyshire Mind where there is a clear, legitimate reason for doing so and with the prior consent of the individual concerned **or someone with formal authority to act on their behalf.**

Where a person lacks capacity to agree to disclosure, Derbyshire Mind will act in accordance with Chapter 16 of the Mental Capacity Act 2005 Code of Practice.

Exceptional Disclosure of Information.

Derbyshire Mind recognises that exceptional circumstances may arise, in which a breach of confidentiality must be considered even when consent has been refused.

These circumstances are:

- An individual discloses information that raises concerns about their safety, or the safety of others
- An individual discloses information which must legally be disclosed as not doing so would be a criminal offence (eg, act of terrorism, drug trafficking)
- An individual raises concerns about the safety of a child or vulnerable adult
- Disclosure is required by Court Order

Use of contractors

When arranging or employing the services of an external contractor eg, interpreter, Derbyshire Mind staff must satisfy themselves that the confidentiality policies of the contractor are in line with this policy. They should require the contractor to sign the Derbyshire Mind Confidentiality Agreement.

Exceptional Disclosure Procedures

If you believe a breach of confidentiality is necessary and the individual or child is in immediate danger you must contact 999. You must then inform your line manager or authorised person.

If you believe a breach of confidentiality is necessary but the individual or child is not in immediate danger you must:

Contact your line manager or authorised person as soon as is reasonably possible

Your line manager will discuss the situation with you to make the final decision whether a breach of confidentiality is necessary. This may be following discussion with the Chief Executive or other member of the Operational Management Team.

If a decision is made that confidentiality will be breached, wherever possible you will inform the person at the earliest opportunity of the reasons for doing so. Every effort should be made to ensure the person is given the maximum control possible over the process of breaching confidentiality, and to keep them informed at every stage of the action Derbyshire Mind intends to take.

All breaches of confidentiality must be recorded on the same day in accordance with the Derbyshire Mind Accident and Incident Reporting and Recording Policy

THESE GUIDELINES CANNOT COVER EVERY EVENTUALITY YOU MAY ENCOUNTER DURING YOUR WORK WITH DERBYSHIRE MIND. IF YOU ARE IN DOUBT ABOUT HOW TO DEAL WITH ANY SITUATION OR UNUSUAL CIRCUMSTANCES YOU SHOULD CONTACT YOUR LINE MANAGER OR AUTHORISED PERSON.

'Authorised Persons'

Members of the Operational Management team

This policy should be read in conjunction with:

Derbyshire Mind Data Protection Policy

Derbyshire Mind Safeguarding Adults at Risk Policy

Derbyshire Mind Safeguarding Children Policy

Derbyshire Mind Advocacy Code of practice

Derbyshire Mind Confidentiality Agreement for contractors

Derbyshire Mind Accident and Incident Reporting and Recording Policy