

**CONFIDENTIALITY POLICY**

**One of the main principles of advocacy is confidentiality.**

Records containing confidential information regarding any person connected with the scheme, e.g. volunteers, staff and those using the advocacy scheme (partners), will be kept in a safe and secure place.

No information will be shared with a third party without the express permission of the person concerned.

In exceptional circumstances there may be a time when an advocate or member of staff has to take action without the consent of an advocacy partner.

The Mental Capacity Act (2005) will be followed if there is any doubt that the person concerned has the mental capacity to make specific decisions about sharing information or accepting intervention in relation to their own safety.

In the event of disclosure of abuse or likely abuse, the advocate should accept what is being said and deal with the situation immediately. The nature, circumstances and seriousness of the abuse should first be considered and if the partner withholds consent to contact the appropriate authority, further judgement should be made as to how the partner may be affected if a breach of their confidentiality takes place.

Staff and volunteers should make every attempt to contact the Chief Officer or Volunteer Development Officer to discuss the situation. In the unlikely event of the Co-ordinator or the Chief Officer not being available and the advocate considers the partner or another person to be at risk of significant harm e.g. through abuse that is serious or life threatening, the matter should be reported without delay to the appropriate authority. This should happen even without your partner’s consent.

If the matter is less urgent and can wait until the Co-ordinator or Chief Officer can be contacted, a judgement will then be reached together as to whether to:

* Inform the appropriate organisation/person without the partner’s consent.
* Continue for a fixed amount of time to support the partner to decide whether they wish to report the abuse.
* Respect the wishes of the partner but explain the consequences of not reporting the abuse.
* Break the trust placed in the advocate by their partner which may lead to withdrawal and denial of the exposure.

Factors involved in this judgement will be:

* The level of understanding and communication with the partner.
* The seriousness, circumstances, and nature of the abuse.
* The timing of the abuse: did it occur some time ago, recently, is it on-going or likely to happen again.
* Is there any considered risk to a third party.

If there are any circumstances when a volunteer advocate or members of staff are aware that any individual using the service may be involved in criminal offences, the Volunteer Development Officer or Chief Officer needs to consider whether they may be assisting in the criminal offence by withholding information from the appropriate authorities. In such circumstances the Chief Officer in consultation with the management committee should consider whether they are perverting the course of justice and therefore likely to be at risk of prosecution or of a court order to make any disclosers.

Every effort must be made to explain the policy to partners enabling them to understand it to a level that their skills allow and to also explain why a breach of confidentiality might need to take place. The partners ability to consent, their mental capacity, their best interests and their safety should be taken into account when reaching a decision to break confidentiality.

If the person lacks capacity, before sharing any information with others, the advocate will ensure that it is deemed to be in the person’s best interests to share this information.

The effect of disclosure on the partner and their life must be considered before any disclosure is made. The advocate will need to remain confident that only in extreme circumstances will information be shared with people outside of the organisation so as not to hinder he development and trust that are fundamental principles of an advocacy partnership. If the advocate deems it necessary, the confidentiality policy should be explained as regular as deemed necessary.

If a third party is involved such as an interpreter, family member or any health and social professional, then the advocate must ensure that the partner has understood the issue of confidentiality and their consent for the advocate to act on their behalf is recorded.

**Withholding information**

If a volunteer or staff advocate believes it is in the partners best interest to withhold information from them for example, notes or records in any file that may be deemed to be detriment to their well-being, by the advocate or another professional involved in their care then the volunteer or staff advocate should discuss with their line manager the reasons why and a decision should be made based on the facts and that decision should be recorded in the case notes.

In any event a Safeguarding is raised then Dudley Advocacy’s escalation procedure should be followed.

Any breach of confidentiality should be recorded in case files and reported to the management committee and minuted.

**I confirm that I have read and understood the confidentiality policy outlined above.**

**Name of Advocate................................................................................................**

**Signature....................................................................... Date...............................**