

JU Confidentiality Policy 2014

Jamma Umoja JU is a social care resource, regulated by Ofsted. JU assesses families and children. The organisation receives and generates significant amounts of confidential data on service users, who are being assessed in person and also families who are referred by solicitors for paper assessments. It is the responsibility of JU's senior management to establish and maintain robust systems to maintain confidential storage of hard copy and electronic information.

It is also the responsibility of all staff within the organisation to maintain confidentiality and use their professional expertise and discretion to discern with whom it is appropriate to share service users' information and under what circumstances.

In general terms it would be appropriate to limit information sharing to those other agencies who are working directly with the family or who become involved because of statutory issues like safeguarding. However, staff also have to make judgements on a case by case basis and seek consent of the service user / advice from senior management where there is any uncertainty.

JU the organisation and its staff are bound by legislation and policy guidelines in relation to the sharing of information in relation to service users and also employees. Government guidance and policies may not always be in synergy and there may be conflicting interests and agencies may have differing opinions on what is appropriate professional practice. Again staff should always seek advice from senior staff where there is uncertainty.

On a day to day basis staff should take care to ensure that are not misled into sharing confidential information with bogus contacts by email or phone. This can be done by phoning people back, making other checks etc.

Any information which is prepared specifically to be submitted to court can only be shared with others who are parties. Staff need to be diligent in this area. For example they should share minutes with all professionals attending a midway review but should only share a midway report written specifically by court direction with the parties via the lead solicitor in the case.

Whilst confidentiality is vital, sharing information to protect children supersedes all other considerations. Here again senior staff should take the lead on providing training and guidance to staff in relation to striking the appropriate balance in managing confidentiality and children's safety.

Staff should be mindful that they are required to operate within the Data Protection Act 1998 and that if a service user requests information on themselves under the DPA arrangements

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then the agency may be required to disclose the information they have on hard copy file and e-file provided by other agencies, generated by JU staff in assessment and also from other third parties.

All DPA requests should be passed directly to Linda Daley Director. JU is subject to oversight by the Information Commissioners Office who investigate complaints made by individuals seeking information under DPA. Staff should be aware that all information may be required to be potentially passed on even if it is from a third party.

Occasionally JU can hold back information and are not required to give a reason. Further information about DPA 1998 and how it operations is available on the government website <https://www.gov.uk/data-protection/the-data-protection-act>

JU is not subject to the Freedom of Information Act – this only applies to statutory organisations.

On a day to day basis one aspect of confidentiality means not sharing information about service users with other service users.

It also means keeping accurate records, producing them in a timely way and ensuring that they are appropriately stored and accessed appropriately.

The organisation must also ensure that staff HR records are kept in safe storage as these may contain particularly sensitive information. Access to HR records should be limited to the relevant admin staff who handle the material and staff at Director level.

JU is regulated by Ofsted. JU is obliged to adhere to the National Minimum Standards for Residential Family Assessment Centres 2013. JU is required to follow the guidance laid down as follows:

STANDARD 20 – Records

Underpinning Legislation:

Regulations: 19. Records.

Outcomes:

Records are clear, up-to-date and stored securely, and contribute to an understanding of the parents' and children's life.

20.1 The centre implements an effective policy that clarifies the purpose, format and content

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of information to be kept on the registered person's files and information to be kept on the parents' and children's files. Records may be kept in electronic form, provided the information

is capable of being reproduced in a legible form.

20.2 Staff understand the nature of records maintained and follow the centre's policy for the keeping and retention of files, managing confidential information, and access to files (including files removed from the premises). There is a system in place to monitor the quality and adequacy of record keeping and take action when needed.

20.3 The registered person ensures there is a private and secure record for each family.

Parents and children understand the nature of records maintained and where possible, read their files, correct errors and add personal statements.

20.4 Information about individuals is kept confidential and only shared with those who have a legitimate need to know the information.

20.5 Entries in records are legible, clearly expressed and non-stigmatizing; and distinguish as far as possible between fact, opinion and third party information.

20.6 The registered person works with the responsible authority to share information held in the centre's records about the parent or child and information held in the responsible authorities' records. The registered person provides copies of the records and documents in relation to parents and children to the responsible authority immediately, on receipt of a written or electronic request.

Linda Daley

Director

21.10.14