Forest Churches Emergency Night Shelter (FCENS)

Confidentiality Policy

January 2023

To be next reviewed in January 2024

Introduction

FCENS believes in the intrinsic worth of each individual and their right to confidentiality where appropriate. It recognises too that colleagues gain information about individuals and organisations during the course of their work or activities. In most cases such information will not be stated as confidential and employees and volunteers may have to exercise common sense and discretion in identifying whether information is expected to be treated as confidential.

This policy gives guidance to FCENS's staff, volunteers and guests about its standards relating to confidentiality.

This policy should be read alongside the FCENS Privacy Policy, which sets out how FCENS uses and protects personal information.

A) General principles

1. Employees/volunteers are able to share information with their line manager/the Venue Coordinator/Shelter Caseworker/trustees in order to discuss issues and seek advice.

2. Employees/volunteers/trustees should avoid unnecessarily exchanging personal information or comments (gossip) about guests, volunteers, employees or trustees.

3. It is not appropriate to discuss a person's sexuality without their prior consent.

4. Employees/volunteers/trustees should avoid talking about FCENS individuals or organisational issues in social settings.

5. Employees/volunteers/trustees should not disclose to anyone, other than their line manager (the Venue Coordinator, Shelter Caseworker or trustees in the case of a volunteer), any information considered sensitive, personal, financial or private without the consent of the individual, or an officer, in the case of an organisation.

6. There may be circumstances where colleagues would want to inform or discuss difficult situations with others, including church Venue Co-ordinators, to gain a wider perspective on how to respond to a challenging problem with an individual guest. FCENS's consent must be sought before discussing such situations, unless the colleague is convinced beyond doubt that the organisation would not object to this. Alternatively, a discussion may take place with names or identifying information remaining confidential.

7. During the course of working with an individual guest, sensitive information may become known e.g. guest recently released from prison, transgender/sexuality issues. Where there are ongoing concerns regarding the safety of this guest or of volunteers or staff, Venue Co-ordinators will be informed, ensuring appropriate confidentiality.

8. In exceptional circumstances, following discussion with FCENS staff and where maintaining safety is paramount, the Venue Co-ordinator may inform their volunteers of an immediate, known risk.

9. Where there is a legal duty on FCENS to disclose information, the person to whom the confidentiality is owed will be informed that disclosure has or will be made, to the extent this is permitted.

B) Sharing of information

Most information held by FCENS relates to guests, volunteers, employees, trustees or services which support or fund them. This will only be shared in line with our Privacy Policy.

C) Access to information

Some information is confidential to FCENS as an organisation and may be passed to employees, volunteers, or trustees (in line with our Privacy Policy where this includes personal information) in certain circumstances.

1. Where information is sensitive, for example it involves disputes or legal issues, it will be confidential to the employee dealing with the case and their line manager. Such information should be clearly labelled 'Confidential' and should state the names of the colleagues entitled to access the information and the name of the individual or group who may request access to the information.

2. Employees may have sight of their personnel records by giving 14 days' notice in writing to the Chair of Trustees.

3. Access to personal information can be requested as set out in the Privacy Policy.

D) Storing information

1. Personal information will be stored in line with the FCENS Privacy Policy.
2. General non-confidential information about organisations may be kept in unlocked filing cabinets with open access to all FCENS colleagues.

3. Information about volunteers, guests and other individuals will be kept in filing cabinets by the employee directly responsible, who must ensure line managers know how to gain access.

4. Employees' personnel information will be kept in lockable filing cabinets by the HR Trustee and line managers and will be accessible to the Trustees.

5. When photocopying or working on confidential documents, colleagues must ensure they are not seen by other people in passing. This also applies to information displayed on computer screens.

6. Files or filing cabinet drawers bearing confidential information must be labelled 'confidential'.

7. In an emergency situation, the Trustees may authorise access to files by other people.

E) Data Protection Act/GDPR

The FCENS Privacy Policy sets out how FCENS complies with the Data Protection Act/General Data Protection Regulation (GDPR).

F) Duty to disclose information

There is a legal duty to disclose some information:

i. Abuse of guests will be reported to the Social Services Department (please refer to Vulnerable Adults policy)

ii. Drug trafficking, money laundering, acts of terrorism or treason will be disclosed to the police.

iii. Employees/volunteers believing an illegal act has taken place, or that a user is at risk of harming themselves or others, must report this to the Shelter Coordinator who will report it to the appropriate authorities. Users should be informed of this disclosure.

G) Disclosures

General principles

1. As an organisation using the Disclosure and Barring Service (DBS) checking service to help assess the suitability of applicants for positions of trust, FCENS complies fully with the code of practice regarding the correct handling, use, storage, retention and disposal of certificates and certificate information.

2. FCENS also complies fully with its obligations under the GDPR, Data Protection Act 2018 and other relevant legislation pertaining to the safe handling, use, storage, retention and disposal of certificate information and has a written policy on these matters which is available to those who wish to see it on request.

Storage and access

3. Certificate information will be kept securely, either online or in hard copy. If in hard copy it is kept in lockable, non-portable, storage containers with access strictly controlled and limited to those who are entitled to see it as part of their duties.

Handling

4. In accordance with section 124 of the Police Act 1997, certificate information is only passed to those who are authorised to receive it in the course of their duties. We maintain a record of all those to whom certificates or certificate information has been revealed and it is a criminal offence to pass this information to anyone who is not entitled to receive it.

Usage

5. Certificate information is only used for the specific purpose for which it was requested and for which the applicant's full consent has been given.

Retention

6. Once a recruitment (or other relevant) decision has been made, we do not keep certificate information for any longer than is necessary and no longer than six months. This retention will allow for the consideration and resolution of any disputes or complaints, or be for the purpose of completing safeguarding audits. Throughout this time the usual conditions regarding the safe storage and strictly controlled access will prevail.

Disposal

7. Once the retention period has elapsed, we will ensure that any DBS certificate information is immediately destroyed by secure means, for example by shredding, pulping or burning. While awaiting destruction, certificate information will not be kept in any insecure receptacle (e.g. waste bin or confidential waste sack).

8. We will not keep any photocopy or other image of the certificate or any copy or representation of the contents of a certificate. However, notwithstanding the above, we may keep a record of the date of issue of a certificate, the name of the subject, the type of certificate requested, the position for which the certificate was requested, the unique reference number of the certificate and the details of the recruitment decision taken.

Acting as an umbrella body

9. Before using an umbrella body (an umbrella body being a registered body which countersigns applications and receives certificate information on behalf of other employers or recruiting organisations), we will take all reasonable steps to satisfy ourselves that they will handle, use, store, retain and dispose of certificate information in full compliance with the code of practice and in full accordance with this policy.

10. We will also ensure that any body or individual, at whose request applications for DBS certificates are countersigned, has such a written policy and, if necessary, will provide a model policy for that body or individual to use or adapt for this purpose.

H) Breach of confidentiality

Employees/volunteers who are dissatisfied with the conduct or actions of other colleagues or with FCENS or its trustees should raise this with their line manager/the Shelter Coordinator/the trustees using the grievance procedure if necessary, and not discuss their dissatisfaction with other FCENS individuals or outside FCENS. Please see the FCENS Grievance Policy for more information.

Employees accessing unauthorised files or breaching confidentially may face disciplinary action. Ex-employees breaching confidentiality may face legal action.

I) Grievances

Anyone making a complaint has the right to confidentiality and every attempt will be made to ensure that both the complainant and FCENS maintain confidentiality. However the circumstances giving rise to the complaint may be such that it may not be possible to maintain confidentiality. If this is the case, the situation will be fully explained to the complainant (please refer to Grievance policy).

J) Whistleblowing

Where any member of staff, volunteer or other person has concerns about the use of FCENS funds, he or she may refer directly to the Chair of Trustees outside the usual grievance procedure.

Signed:
(Chair of Trustees)



Date: 31st January 2023

This policy is subject to review, monitoring and revision every 12 months (or sooner if work activity or legislation changes.)