

## **Community Transport Waltham Forest**

### **Confidentiality Policy**

#### **Statement**

Community Transport Waltham Forest is committed to providing a confidential advice service to its users.

Community Transport Waltham Forest believes that principles of confidentiality must be integrated across all aspects of services and management of the organisation safeguarding information relating to individuals who access our services through provision of transport services.

Community Transport Waltham Forest believes its users deserve the right to confidentiality to protect their interests and safeguard Community Transport Waltham Forest Services

#### **Definition of Confidentiality**

Community Transport Waltham Forest understands confidentiality to mean that no information regarding a service user shall be given directly or indirectly to any third party which is external to the Community Transport Waltham Forest, without that service user's prior expressed consent to disclose such information.

Community Transport Waltham Forest recognises that information may be indirectly given out through staff informally discussing service provision. All staff should ensure that no discussions relating to an individual user of Community Transport Waltham Forest Services can take place outside of the organisations premises. The Management Committee will not receive details of individual users.

This policy is linked to the following policies of Community Transport Waltham Forest:

*Data Protection Policy*

*Safeguarding children, young people and vulnerable adults.*

*Equal Opportunities Policy*

#### **General principles**

- 1.1. Community Transport Waltham Forest recognises that Community Transport Waltham Forest colleagues (employees, volunteers, Trustees, 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 colleagues may have to exercise common sense and discretion in identifying whether

information is expected to be confidential. This policy aims to give guidance but if in doubt, seek advice from your manager, the Director or the Chair.

- 1.2. CTWF staff are able to share information with their manager in order to discuss issues and seek advice.
- 1.3. CTWF staff should avoid exchanging personal information or comments (gossip) about individuals with whom they have a professional relationship.
- 1.4. It is not appropriate to discuss a person's sexuality (eg. 'outing' a gay person) without their prior consent.
- 1.5. CTWF staff should avoid talking about member organisations or individual service users in social settings.
- 1.6. CTWF staff will not disclose to anyone, other than their manager, any information considered sensitive, personal, financial or private without the knowledge and consent of the individual, or, in the case of an organisation, an officer.
- 1.7. There may be circumstances where staff would want to discuss difficult situations with each other to gain a wider perspective on how to approach a problem. The organisation's consent must be sought before discussing the situation, unless the staff member 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.
- 1.8. Where there is a legal duty on Community Transport Waltham Forest to disclose information, the person to whom the confidentiality is owed will be informed that disclosure has been or will be made.

## **2. Why information is held**

- 2.1. Most information held by Community Transport Waltham Forest relates to voluntary and community organisations members of CTW, as well as service users accessing related to group travel services.
- 2.2. Information is kept to enable CTWF staff understand the history and activities of organisations in order to deliver the most appropriate services to its members.
- 2.3. CTWF staff has a role in putting people in touch with voluntary and community organisations and keeps contact details which are passed on, except where the organisation or individual expressly requests that the details remain confidential.

- 2.4. Information about volunteer drivers is given to known groups or statutory agencies which request volunteer drivers, but is not disclosed to anyone else.
- 2.5. Information about ethnicity, disability and gender of users is kept for the purposes of monitoring our equal opportunities policy and also for reporting back to funders.

### **3. Access to information**

- 3.1. Information is confidential to Community Transport Waltham Forest as an organisation and may be passed to colleagues, managers or Trustees to ensure the best quality service for users.
- 3.2. Where information is sensitive (e.g. it involves disputes or legal issues) it will be confidential to the member of staff dealing with the case and their 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.
- 3.3. CTWF staff will not withhold information from their manager unless it is purely personal.
- 3.4. CTWF members or service members may have sight of Community Transport Waltham Forest records held in their name or that of their organisation. The request must be in writing to the Director giving 14 days' notice and be signed by the individual, or in the case of an organisation's records, by the Chair or Director Sensitive information as outlined in para 3.2 will only be made available to the person or organisation named on the file.
- 3.5. Staff may have sight of their personnel records by giving 7 days' notice in writing to the Director there may be admin fee applicable.
- 3.6. When photocopying or working on confidential documents, colleagues must ensure they are not seen by people in passing. This also applies to information on computer screens.

### **4. Storing information**

- 4.1. General non confidential information about organisations is kept in the level arch filing system of membership records with open access to all community transport staff. The CATSS system records membership details it only accessible via CATSS password.

- 4.2. Information about volunteer drivers and other individuals will be kept in lever arch files cabinets by the staff members directly responsible. These colleagues must ensure managers know how to gain access.
- 4.3. Personnel information is kept in lockable filing cabinets by managers and will be accessible to the Director. The HR system on line is accessible by Director and named colleagues via password entry only.
- 4.4. Files or filing cabinet drawers bearing confidential information should be labelled 'confidential'.
- 4.5. In an emergency situation, the Director may authorize access to files by other people.

## **5. Expressed Consent to give information**

- 5.1 It is the responsibility of all staff to ensure that where any action is agreed to be taken by Community Transport Waltham Forest on behalf of a service member that service member must firstly sign an authorisation form. This should be placed on the service member file.
- 5.2 Community Transport Waltham Forest staff are responsible for checking with service members if it is acceptable to call them at home or work in relation to their case. All staff must ensure they make reference to Community Transport Waltham Forest when making telephone contact with clients.

## **5. Statistical Recording**

- 5.1 Community Transport Waltham Forest is committed to effective statistical recording of service users to enable Community Transport to monitor take-up of service and to identify any policy issues arising from services feedback.

It is the Directors responsibility to ensure all statistical records given to third parties, such as to support funding applications, monitoring reports for the local authority shall be produced in anonymous form, so individuals cannot be recognised.

## 6. Breaches of Confidentiality

- 6.1 Community Transport Waltham Forest recognises that occasions may arise where individual workers feel they need to breach confidentiality. Community Transport Waltham Forest recognises, however, that any breach of confidentiality may damage the reputation of Community Transport Waltham Forest services and therefore has to be treated with the most serious of approaches.
- 6.2 On occasions where a staff member feels confidentiality should be breached the following steps must be taken:
- The staff member should raise the matter immediately with the Director.
  - The staff member must discuss with the Manager the issues involved in the case and explain why they feel confidentiality should be breached and what would be achieved by breaching confidentiality. The Director should take a written note of this discussion.
  - The Director is responsible for making a decision on whether confidentiality should be breached. In this case they will *contact the Chair* in the first instance, or Vice Chair of the Management Committee. The Director will brief the Chair/Vice Chair on the full facts of the case, ensuring they do not breach confidentiality in doing so. The Director should seek authorisation to breach confidentiality from the Chair/Vice Chair.
  - If the Chair/Vice Chair agrees to breaching confidentiality, a full written report on the case should be made and any action agreed undertaken. The Manager is responsible for ensuring all activities are actioned.
  - If the Chair/Vice Chair does not agree to breach confidentiality then this is the final decision of the organisation.

### Legislative Framework

- Community Transport Waltham Forest will monitor this policy to ensure it meets statutory and legal requirements including the Data Protection Act, Children's Act, Rehabilitation of Offenders Act and Prevention of Terrorism Act. Training on the policy will include these aspects.

**Ensuring the Effectiveness of the Policy**

- All Management Committee members will receive a copy of the confidentiality policy.  
Existing and new workers will be introduced to the confidentiality policy via induction and training. The policy will be reviewed annually and amendments should be proposed and agreed by the Management Committee.

Date procedure was agreed: \_\_\_\_\_

Date of review: \_\_\_\_\_

Person responsible for review: \_\_\_\_\_