

## **THE CHALLENGING BEHAVIOUR FOUNDATION CONFIDENTIALITY POLICY**

### **1. INTRODUCTION AND GENERAL STATEMENT OF POLICY**

The Challenging Behaviour Foundation (CBF) exists to demonstrate that individuals with severe learning disabilities who are described as having challenging behaviour can enjoy normal life opportunities when their behaviour is properly understood and appropriately managed, and to support parents and carers through education and information to enable this to happen.

The Challenging Behaviour Foundation (CBF) understands confidentiality to mean that no information regarding a client of the CBF shall be given directly or indirectly to any third party which is external to the staff, volunteers, Chair of Trustees and Board of Trustees, without that client's prior expressed consent to disclose such information except where there is a question of serious risk to a person(s).

The CBF recognises that information may be shared through staff, volunteers or trustees discussing cases in order to provide the best possible service to clients and to aid staff training and development.

The anonymous details of clients' situations may be used for funding applications, administration and to campaign for better services for individuals with a severe learning disability and challenging behaviour and their families and for any other purpose that will benefit our client group. Details will be edited so that individuals cannot be recognised, unless explicit permission is given to identify the client or their dependent.

### **2. IMPLEMENTATION OF POLICY**

#### **2.1 General implementation**

The CBF will not use caller display facilities or 1471 to obtain details of a client's telephone number except where there is a question of serious risk to a person (s). Ordinarily permission will be explicitly obtained to acquire details of a client's telephone number.

All staff, trustees and volunteers will be asked to sign a statement confirming they will maintain confidentiality as stated in this policy.

#### **2.2 Data protection**

- The Challenging Behaviour Foundation conforms to the data protection act 1998. Data provided to the CBF may be used for administration and other purposes connected with influencing policy matters relating to challenging behaviour.
- Client details are stored on a database. All computers with access to the database are password protected. Additionally the database is also password protected.
- Written records containing client details are stored in locked cabinets/drawers.
- Records containing client details are shredded before being disposed of.

- The Challenging Behaviour Foundation is committed to effective statistical recording of client's details to enable the CBF to monitor service use and to identify any policy issues arising. It is the Development Manager's responsibility to ensure all statistical records given to third parties, such as to support funding applications, shall be produced in anonymous form, so individuals cannot be recognised, unless explicit permission is given to identify the client or their dependent.
- All clients of the Challenging Behaviour Foundation have a right to see any files or records held by the Challenging Behaviour Foundation containing personal information about them. Such access can only be provided during normal office hours and on providing reasonable advanced notice. If you wish to have access to your records please contact the CBF office to arrange an appointment. If you wish to question the accuracy, validity or legitimacy of any information held on file about you, please do so by writing to the Development Manager.

### **2.3 Child and Vulnerable Adult Protection**

Where the safety or wellbeing of a child or vulnerable adult is at risk, the need to respond to a protection issue will override the preservation of confidentiality, and this should be clearly stated. Where child protection issues arise and, in accordance with guidance as laid out in WTDIYWACIBA absolute confidentiality should not be promised. Where vulnerable adult protection issues arise absolute confidentiality should not be promised.

If a member of staff receives information regarding child protection or vulnerable adult protection issues they must follow procedure as set out in Section 5 of the CBF child protection policy/ adult protection policy as applicable.

Breach of confidentiality relating to a child protection or vulnerable adult protection issue, where it is necessary to do this, should only ever be done on a *need to know basis*. It must only be done for this purpose and no other.

Sharing information on a need to know basis should take into account

- The nature and extent of the information involved
- The purpose of disclosing such information
- Whether the disclosure of information is an appropriate response in the context of safeguarding the welfare of the individual to whom it relates

### **2.4 Suicide Calls**

Where a client explicitly states their intention to take their life the concern for their wellbeing will override the preservation of confidentiality and this should be clearly stated. Where a client states their intention to commit suicide absolute confidentiality will not be promised.

In the rare event that a person discloses they have taken steps to commit suicide staff must follow procedure as set out in the CBF Crisis Calls procedure (currently under development)

### **2.5 Terrorism**

Under the Prevention of Terrorism Act 2005 Helplines are under a legal obligation to break confidentiality if they receive a terrorist related call. If a member of staff/volunteer receives such a call the following procedure applies:

- 1.) Take as many details of the call as possible, including gender, approximate age, distinctive accents and background sounds.
- 2.) Contact the police immediately. Inform the Development Manager as soon as possible.
- 3.) Make a clear written record of all details of the call and pass this to the Development Manager. This record may be accessed by the police should an investigation follow.