

HINCKLEY HOMELESS GROUP

Confidentiality

Guidance for delivering Confidentiality

The following are guidelines for any person working with Hinckley Homeless Group with staff or residents. Hinckley Homeless Group includes the Management Committee, all staff members and any volunteers working with the organisation.

Confidential information can be described as any information regarding any person or organisation that could cause that person or organisation physical or financial harm or embarrassment if circulated by e-mail, letter, rumour, gossip or other communication method to anyone else.

Confidentiality is not absolute. There is the need for certain personal and confidential information to be shared within the organisation to allow safe and prudent operation.

Confidential information may occasionally be required to be shared outside the organisation in cases where an individual could be at serious risk if information is not divulged. Before any confidential information is disclosed to an outside agency, consent needs to be sought from Project Manager, or in the absence of the Project Manager, from a member of the Management Committee.

Confidential information may also need to be shared in the context of dealing with approved statutory agencies, or on behalf of Hinckley Homeless Group in the normal discharge of the organisation's rights and obligations.

An employee / volunteer must not divulge information concerning the affairs of residents of Lawrence House other than in the context of dealing with an approved statutory agency, or on behalf of Lawrence Houses in discharge of the organisation's rights and obligations.

Information marked "Confidential" should not be divulged to persons or agencies without the Project Manager's consent. Breach of this rule will be a serious disciplinary offence.

All residents of the project will have a personal history which is sensitive, but about which certain staff and volunteers need to know in order to provide the best assistance. All such information should be treated as confidential.

Written Information is recorded daily in the daybook. This is a confidential record and a legal document detailing daily operation of the project. Daybook information should therefore be factual and not speculative or emotive. Residents must not have access to the daybook.

Personal information about residents should be recorded in their own individual personal confidential files, again this should be factual and not speculative. Residents can request and have access to their own personal confidential file.

Volunteers

Volunteer Workers must keep a record of the work they do with residents. Each resident should have an individual personal book. Residents are able to request access to their own personal information. Information in the personal books should again be factual and not speculative. This information will be stored in the personal files in the staff office. This should be kept locked at all times until access is required. Volunteers will not have access to the files kept by the staff team.

Staff will insert relevant information into an individual personal book, if they feel the Volunteer working with the resident needs to know.

Any Volunteers working at the project in any capacity will have only the relevant information that they need to know concerning the residents and should not share that information with other volunteers or residents.

Casual Volunteers / Specialised Volunteers must also keep a record whilst working alongside a resident or group of residents. This information should be given to the Project Manager who will enter relevant information into the resident's individual personal records. Any personal information that is relevant and necessary will be made available to volunteers on a need to know basis.

Confidentiality good practice

Within any premises operated by the Hinckley Homeless Group, the following should be observed at all times:

- Make sure discussions happen in an appropriate place, where it will not be overheard.
- Be aware of other people who may be able to hear. Keep voices down.
- Do not gossip about residents, staff or volunteers with other residents, staff or volunteers.
- Do not discuss personal facts about anyone with anyone other than those who 'need to know'.
- Keep written records about people truthful and respectful.
- Mark confidential Information "Confidential". Store it appropriately.
- Do not leave information lying around; replace it in the appropriate place.

- Do not let residents have access to confidential information relating to others.
- Keep computer information secure. Don't leave information visible on screens or printers when not being worked on. Use screen savers or log out of unattended computers.
- Protect confidential files and computer accounts with secure passwords. Don't share passwords with other users.
- Be careful with content of e-mails and distribution lists to which they are sent.
- Keep information on computers together in secure areas or file structures. Shared access should only be granted to those who 'need to know'.
- Make sure confidential or personal information is not left on photocopiers.
- Do not dispose of confidential information in normal bins, consider what should be kept and where. Shred other confidential waste.
- If involved in personal or confidential discussions with residents, keep yourself safe. Be aware of your body language and the content of your discussion. Maintain a professional approach with professional boundaries. Make sure someone else is aware of where you are and who you are with.

PROCEDURES SURROUNDING CONFIDENTIALITY

Telephone requests for information:

Not all residents will want it to be generally known where they are living. This could put them in danger.

When answering the phone, remember that what you say can break confidentiality. If somebody asks to speak to someone and you say they are not in, you have acknowledged that they actually live at Lawrence House.

1. Never confirm or acknowledge somebody lives here.
2. Explain you can not confirm that person either does or does not live here, but suggest that if they need to get a message to that person and they think they do live here then they are welcome to leave a message. (Do not confirm they will definitely get the message as again this confirms they live here.)
3. Requests may be made by anxious relatives who are trying to find out whether a member of their family is residing at the premises. Explain you can not confirm that the person lives here. Suggest that if they believe the person to be living at Lawrence House or at another hostel, to leave a

messages here and at the other hostels in the area, that way if the person is at one of the hostels they will get the message.

ALWAYS BE POLITE, EVEN IF THE PERSON ON THE END OF THE PHONE IS NOT. REMEMBER THAT THIS CAN BE VERY FRUSTRATING FOR A WORRIED PARENT OR OTHER ANXIOUS RELATIVE.

NEW RESIDENTS SHOULD BE INFORMED OF THE ABOVE PROCEDURE WHEN THEY MOVE IN. THIS WILL GIVE THEM THE OPPORTUNITY TO LET PERSONS THAT THEY WISH TO KNOW TO CONTACT THEM ON THE PAYPHONE.

Working with outside agencies:

Statutory Organisations such as the D.S.S. or Housing Benefit at the Council will request information to help speed up a person's claim. If this is likely the resident should be informed in advance that information might be required in this way and their consent obtained. Other information should only be passed on after checking with the resident.

Housing Benefit and other agencies may come to the project to check that the person who is applying for benefit actually lives in that room. To obstruct them in this duty would prevent our residents from obtaining benefits and it also protects our organisation from people who are not living here claiming falsely under the hostel address.

The agency will already know the name of the person and the room number but needs assistance in locating the room within the hostel, this assistance should be given.

Requests from Residents to liaise with agencies their behalf:

Whenever possible, residents should be encouraged to act on their own behalf to encourage independence.

Sometimes a resident might not have the confidence or skills required to carry out the action themselves. Support should be offered at the appropriate level and needs of that individual.

- Encourage the person to be with you and work alongside you whilst dealing with the request.
- Check with the resident if there is any information that they do not wish you to disclose, and include them throughout the conversation. Ask them the questions that the agency is asking you.

Occasionally because of personal circumstances, a resident may be unable to be present and work alongside the staff member. In this case, the staff member can agree to liaise on the residents behalf if appropriate, again checking beforehand if there is anything that the resident does not wish to be

disclosed. Ask the resident to sign a consent form authorising the work to be carried out on their behalf.

Confidentiality when dealing with visitors to the project:

It is the responsibility of the residents to ensure their visitors are aware of the correct signing in procedures and their room number. Residents should be made aware that unless procedure is followed then a visitor whom they might want to visit will be turned away.

Actions as well as what we say can breach confidentiality. If asked if someone lives at the premises, neither confirm or deny this.

For example, if you say you will go and fetch them, you have immediately disclosed that the person is living on the premises.

Again you politely explain that you are unable to disclose information but do offer the opportunity for them to leave a message and if the person does live here then they will get it.

After the visitor has left, if feasible, ask the resident if they want this person to visit. You are then giving resident the opportunity to make the decision.

When you have the opportunity, speak to the resident so that they are clear of procedure and they can then ensure that all their other potential visitors are aware of the visiting procedure.

Working with the Police

Telephone requests and visits from the Police:

Our objective when dealing with the police is not to be obstructive, however our residents do have a right to confidentiality. It is very important that we maintain a good working relationship with the police.

Explain our confidentiality procedure, give the same response as for other requests.

If the police are pressuring for information over the phone, request the name, badge number and phone number of the Police Officer. Check with the Project Manager what information you are able to disclose, and then call the officer back. This ensures that any information given is actually going to a real Police Officer.

In some circumstances and certainly in cases of a serious crime i.e. murder / rape, absolute confidentiality would not be appropriate. However it is unlikely that a telephone call would be received in these circumstances.

Visits from the Police

Police are not always required to have a warrant to search a person's room. However the Police must have reasonable grounds to enter or search a premises for a person or evidence and they may need to issue certain paperwork.

The Police Guidelines for Search and Arrest (PACE) are open to interpretation. (See appendix 1. Aspects of PACE.)

As a Project Worker, if you give your consent for a search then you are entitled to know the 'reasonable grounds' and to see any supporting paperwork.

Staff members should never allow the Police to search a resident's room alone. If the resident is not there, a staff member should be present whilst the search is carried out.

Ask the officer(s) to state specifically what they are searching for and be sure that this is being adhered to e.g. if they say they are looking for a person but start looking in drawers, the search is not being carried out correctly and should be challenged.

If paperwork is not forthcoming, then request a copy from the police station. This may come after the event but should be available. If not, the search has not been carried out legally.

If it appears that entries and searches have not been carried out legally, the Project Manager should liaise with the Police authorities at the earliest opportunity to ensure complaints are raised appropriately and logged accordingly.

Electronic recording and monitoring

Electronic recording and monitoring devices such as closed circuit television (CCTV) systems are in use to protect staff and residents on premises operated by the group.

Where possible, CCTV cameras and other monitoring devices must be only placed to cover public areas such as corridors and shared kitchens. Monitoring devices must not be used in positions that can see or hear residents' private space or bathrooms.

All staff and volunteers should monitor recordings to ensure this is the case, and report instances where breaches in confidentiality could potentially arise through use of electronic systems.

Where there is a request to view a recording, the Project Manager should view the material and report back. The Police will have reasonable access to recorded material where criminal activity is suspected or has occurred.

Recordings should be stored securely and treated as confidential.

Breaches of confidentiality

If you suspect or become aware of a breach in confidentiality, the Project Manager should be contacted in the first instance. If the Project Manager is not available or this is not appropriate, then a member of the Management Committee must be contacted.

If possible, a written record of the issue should be made as soon as possible. This should be kept safe and secure until required by the Project Manager or the Management Committee.

The following should be reported:

- Date and time of the incident.
- Nature of the suspected breach (discussion, paper or computer record etc).
- If a specific person or persons could be affected.
- If appropriate, the content of the suspected breach.

The Project Manager and / or Management Committee must investigate all reports as soon as reasonably possible and will make recommendations as to the follow up actions.

Breaches of confidentiality by staff or volunteers will be treated seriously and could possibly result in disciplinary action.

Breaches of confidentiality by residents will also be treated seriously and could cause the use of sanctions available to staff through the license agreements, up to and including eviction of the resident.

Follow up actions by the Management Committee will include a review of procedures surrounding the issue, making amendments as necessary.

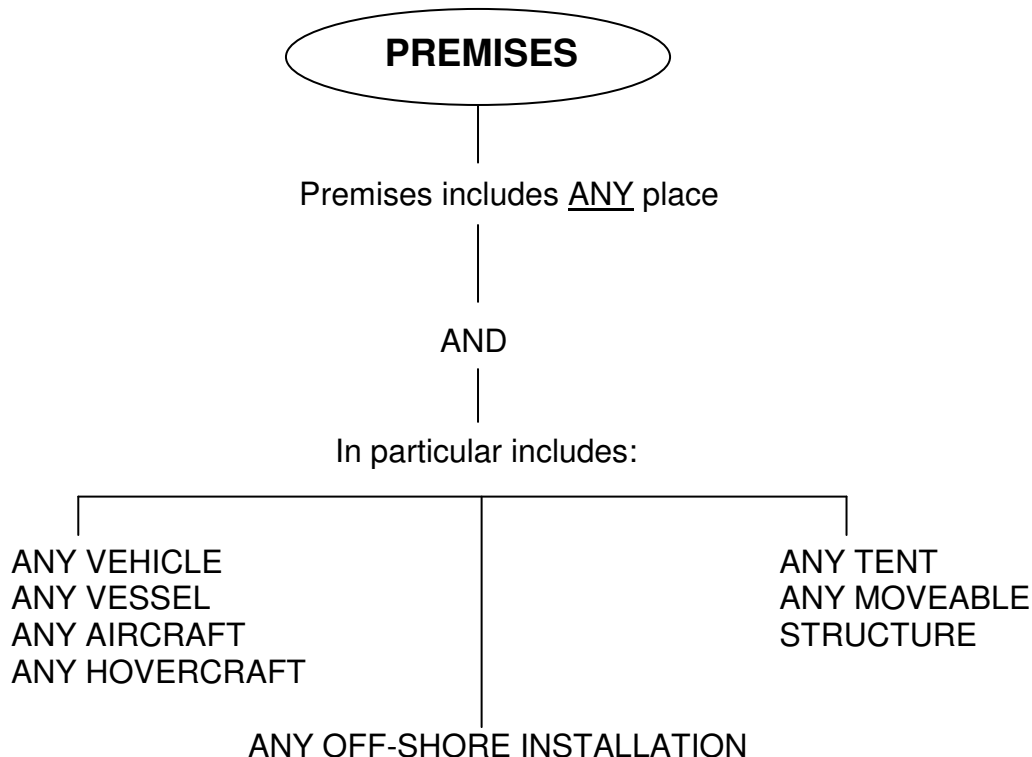
CONFIDENTIALITY APPENDIX 1

HINCKLEY HOMELESS GROUP

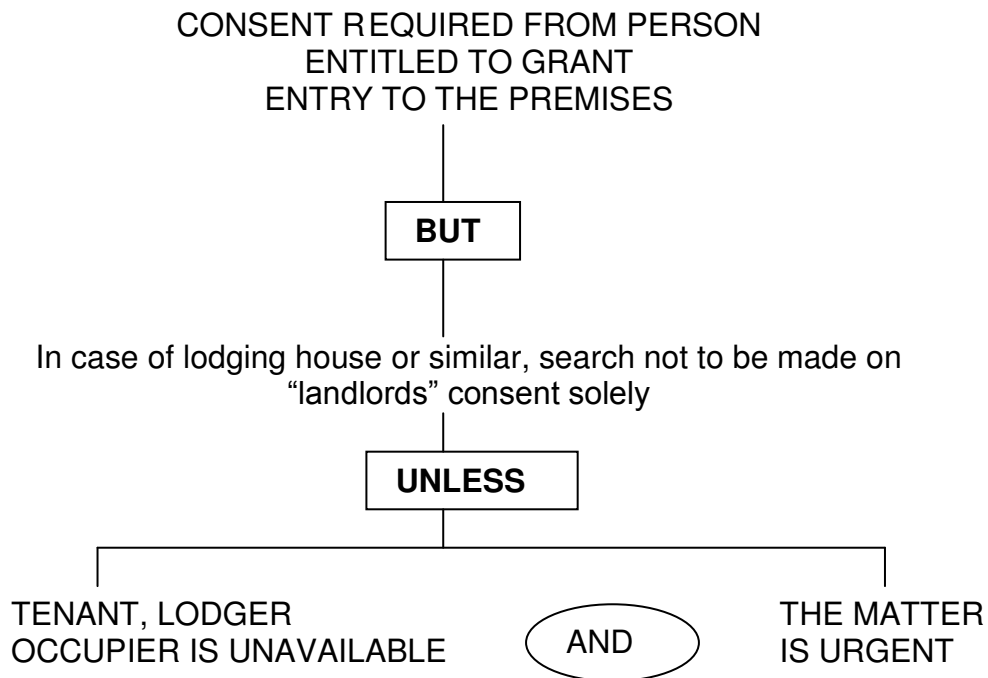
ASPECTS OF P.A.C.E.

“A.O.” ARRESTABLE OFFENCE

1. Any offence for which the sentence is fixed by law.
2. Offences for which a person, if over 21 years of age, maybe sentenced to imprisonment for a term of 5 years or more.
3. Offences for which any statute states the offence(s) to be A.O.’s.
4. Any conspiracy, attempt, inciting, aiding, abetting, counselling or procuring commission of 1,2,3 above.



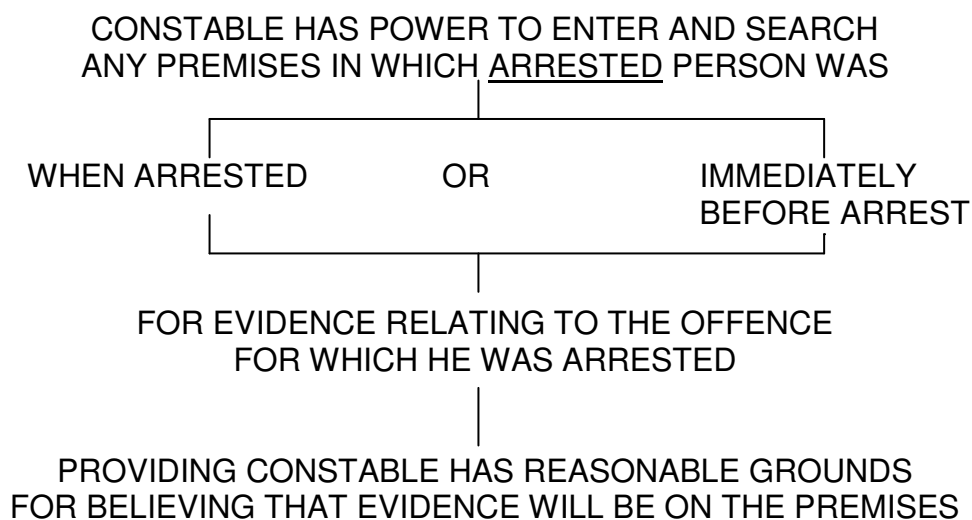
SEARCH BY CONSENT



Important exceptions are where delays could cause:

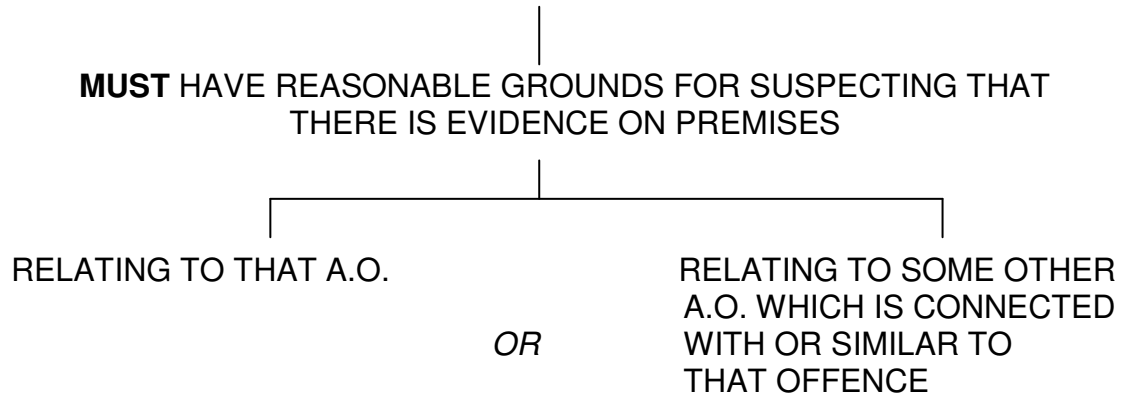
1. Movement or concealment of the object of the search.
2. Endangering the officers concerned.
3. Endangering others.

S.32 SEARCH OF PREMISES



S.18 SEARCH OF PREMISES

CONSTABLE MAY ENTER & SEARCH ANY PREMISES
OCCUPIED *OR* CONTROLLED BY PERSON WHO IS
UNDER ARREST FOR AN A.O.



Search is permitted **only** to the extent that is reasonably required for the
purpose of discovering such evidence.

Any Search must be authorised in writing by an inspector+.

BUT

Constable may conduct search before taking person to Police Station without
such written consent.

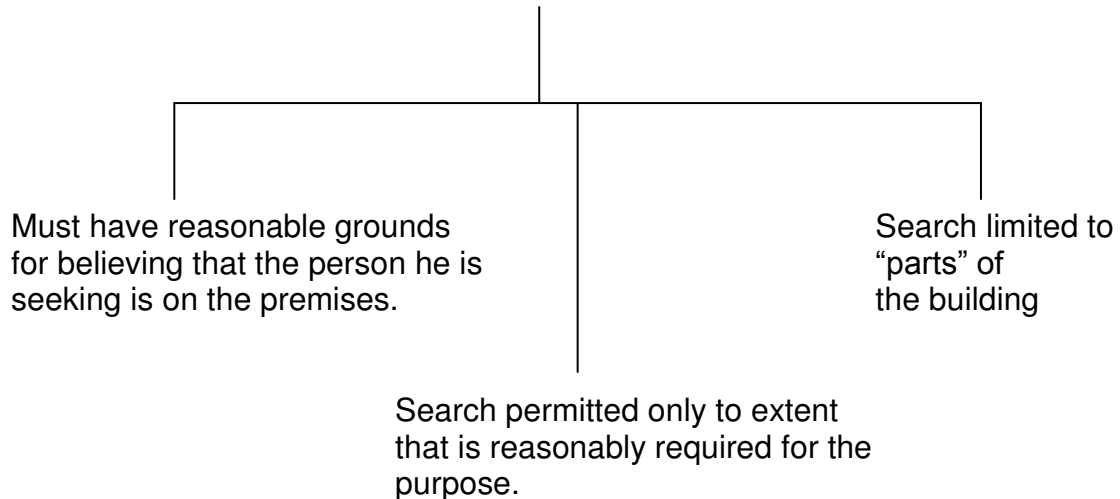
HOWEVER

Constable must inform inspector+ as soon as practicable after such search.

S.17 SEARCH OF PREMISES

CONSTABLE MAY ENTER AND SEARCH ANY PREMISES FOR THE PURPOSE OF:

1. Executing a warrant of arrest.
2. Arresting a person for an A.O.
3. Saving life, preventing injury, preventing serious damage to property.
4. To deal with or prevent a Breach of the Peace.



WRITTEN NOTICE OF POWERS AND RIGHTS

Standard format notice (copy) must be supplied to occupier etc. by constable.

1. Search under warrant
Search with consent
Search in exercise of S17, S18 or S32.
2. Summary of extent of powers of search & seizure.
3. Explanation of occupier, and owner of property seized, rights.
4. Explanation re: damage i.e. compensation, together with address of Chief Constable in order that application for compensation may be made.
5. Statement re: copy of Codes of Practice being for consultation at Police Station.

Copy of notice to occupier
+
P.C.'s name
+
Details of P.C.'s Police Station
+
Date & time of search.