**Gorse Hill Studios Creative Community**

**CONFIDENTIALITY AND INFORMATION SHARING POLICY**

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**POLICY STATEMENT:**

Gorse Hill Studios is a charity youth organisation who set out to engage with young people and offer a place where they can express themselves freely within creative arts, these include:

* Music
* Drama
* Dance
* Art
* Digital Arts

GHS are aware that every young person has unique needs, but also accepts that everyone has the right to express themselves in a friendly, safe environment. Everyone involved in the organisation is required to read this policy carefully and read any future updates;

**Introduction**

This Policy should be looked at alongside Yor-OK guidance on Integrated Working, Information Sharing, Yor-OK Child Index and the Common Assessment Framework (CAF). Information about this can be found in the Yor-ok website (www.yor-ok.org.uk)
This Policy also needs to be used in conjunction with the Sexual Health Policy.

**CONFIDENTIALITY**
Gorse Hill Studios offers an impartial and confidential service for young people.

**What we believe**
• Confidentiality is based upon mutual respect, trust and honesty.
• The boundaries of confidentiality are within Gorse Hill Studios unless there is specific permission granted by the young person or participants or there are child protection issues
• Individual young people have the right of access to personal information in all their records, written or computerised, in accordance with the Data Protection Act 1998. Other legislation, guidance and practices that govern Castlegate are the Common Law Duty of Confidence, the Caldicott Principles, Human Rights Legislation 1998, Information Sharing principles of YorOK, the Children Act 2004, the Learning and Skills Act 2000 and the Freedom of Information Act 2005
• Gorse Hill Studios is committed to the 5 Outcomes outlined in Every Child Matters (2003) and believes that good and appropriate information sharing is key to collaborative and appropriate interventions when supporting young people. We therefore share information with other agencies if the young person wants this and gives permission, or there is a duty to share

**What we do**
• Staff are expected to familiarise themselves with relevant legislation and policies as well as Gorse Hill Studios Child Projection Policy
• Staff must adhere to the law regarding abuse for those under the age of 18, whereby there is a statutory duty to inform Children Services of suspected or identified abuse. All workers including volunteers will complete Safeguarding training
• Workers discuss the confidentiality policy with young people, ensuring that they understand that confidentiality is held within the organisation rather than with an individual worker
• Young People’s details are not normally discussed or used outside the team without the specific agreement of the young person

Staff have a duty to release/share information under the following circumstances:
– Where there is a statutory duty to share
– Where a child is believed to be at risk
– When there is evidence of serious risk to an individual
– For the prevention, detection or prosecution of serious crime
– When instructed by a court (Data Protection Act)

**It is also good practice to break confidentiality**
– Where a worker believes that a young person is in an ‘at risk’ of harm to themselves or others

**Personal Information:**
• Information about young people should not be left lying around and any case files should be stored in a locked filing cabinet after use
• When staff are using computerised information about a young person in the they must ensure that the screen is not readable to other young people or members of the public (Data Protection Act)
• The main points of the confidentiality policy should be displayed in the buildings

**WORKING IN PARTNERSHIP WITH OTHER AGENCIES**
Where workers are working in other agencies it is essential that confidentiality processes and policies are discussed and agreed in advance so that it is clear whose confidentiality policies are being followed, as different agencies have different approaches. Where confidentiality levels are different to those usually applied to staff, young people being worked with should be informed at the beginning of any piece of work. Information shared electronically with other agencies will be password protected.

**INFORMATION SHARING**
Not all information is confidential but sensitive data is confidential. The Data Protection Act 1998 defines sensitive personal data as that which contains information about:
• Racial or ethnic origin
• Political opinions
• Religious or other belief systems
• Trade union membership
• Physical or mental health or conditions
• Details about an individual’s sexual life
• Commission or alleged commission of any offence
• Any proceedings for any offence committed or alleged, any proceedings or sentence of any court

**Personal Data must be**
• Fairly and lawfully processed – informed consent must be given
• Obtained and processed for specified and lawful purposes – personal data gathered for one purpose cannot be used for another unrelated purpose
• Adequate, relevant and not excessive – data has to be appropriate
• Accurate – data is inaccurate if it is misleading
• Not kept longer than necessary
• Processed in accordance with the person’s rights – these include the right to know what data is held and for what purpose and have the right to access information upon request
• Secure – all agencies must have appropriate arrangements to control access to personal information records and to ensure appropriate security for the transmission of such information. Practitioners should only have access to personal information when they need it in order to perform their duties. All personal files and confidential information must be kept securely
• Not transferred to a country outside the EEA without legal advice

**The Caldicott Principles – A Code of Good Practice**
Principle 1 - Justify the purpose(s). Every proposed use or transfer of personally identifiable information within or from an organisation should be clearly defined and scrutinised.
Principle 2 - Do not use personally identifying information unless absolutely necessary.
Principle 3 - Use the minimum necessary of personally identifying information.
Principle 4 - Access to personal information should be on a strict need to know basis.
Principle 5 - Everyone should be aware of their responsibilities with regard to personal information.
Principle 6 - Understand and comply with the law.

(See YorOK Website for further information.)

**YorOK/The Child Index**
Staff should actively seek permission from young people to share information if concerns emerge about their safety or well being and/or the welfare of their children, in order to provide the most appropriate services or support. Staff should discuss their concerns with their Manager who is Safeguarding Officer.

**Parent/Carers**
Parental consent is not required for young people to access Gorse Hill Studios but it is ideal that parents/carers are aware that their child is accessing the studios. Young people have the same right to confidentiality as adults. Gorse Hill Studios provides a confidential service to young people; information would not be disclosed to a parent/carer without the specific permission of the young person (unless subject to one of the exceptions detailed above). However it is good practice to work in an open and transparent way in partnership with parents. For example: Staff do not have to seek permission or inform parents that sex education can be offered, although it is recommended that they do so.

**Young People**
Staff do not disclose to other young people who is using the service without the permission of the individual concerned.

***Reviewed: July 2017***