

Confidentiality Policy

It is the policy of BHT to hold personal information respecting legal and ethical obligations of confidentiality, and not to use or disclose information given in confidence must not normally be used or disclosed in a form that might identify a client, tenant or other identifiable individuals without their consent. The same principles apply to information BHT holds about its employees and third parties.

Notwithstanding the above, it is also the policy of BHT to share information that would otherwise be regarded as confidential should a considered judgement be reached that the well being or safety of an individual (a client, tenant, member of staff or a third party) would be significantly compromised by maintaining confidentiality.

BHT's Confidentiality Policy is underpinned and guided by the following principles:

- Information given to an individual member of staff belongs to the organisation, and not the individual employee.
- Information held by the organisation should normally only be used for the purposes for which it was intended.
- Information held on an individual should be adequate, relevant and not excessive for the purpose required.
- Disclosures about individuals should only be made on a need to know basis to support the effective delivery of services to that individual.
- Employees must not discuss information relating to clients, other employees or the organisation outside of a professional context, i.e. gossip is not permissible either in or out of work hours.

Disclosures will normally be made once the individual concerned has given their consent. Exceptions to this include:

- The client or worker has entered into a contract with BHT (e.g. licensee, tenant or employee) which includes this consent
- BHT is legally obliged to process the information (e.g. PAYE)
- The legitimate interests of BHT are being pursued in processing the information without prejudicing the rights of the individual
- By sharing the information, the vital interests of an individual or third party are being protected
- The public interest is of sufficient weight to override the duty to maintain confidentiality

BHT must always be able to justify decisions about information sharing or disclosure.

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This Policy should be read alongside BHT's Data Protection Policy and other regulations that exist, such as the General Data Protection Regulations.

BHT Advice Services

BHT Advice Services are subject to compliance with Legal Aid Agency rules. These services are additionally regulated by the Solicitors' Regulatory Authority. These bodies have specific rules related to confidentiality. BHT Advice Services will operate confidentiality in the context of these rules. As they are professional rules, these rules must always prevail in these particular services.

Destruction of archived materials

It is the policy of BHT client files will normally be retained for six years after leaving the service. At the end of six years files will normally be destroyed / shredded unless there is a regulatory or legal requirement to vary this period, although records of clients' names and dates of service provision should be kept by the project.

Client access to files

It is the policy of BHT that any individual has the right to view records that are held on them by BHT. However, within some files, there may be sensitive information (e.g. risk assessments, referral information) which, if seen by the client, could cause anger or upset or compromise the well being / safety of a third party. The law provides exemptions from giving access to certain information within a file when it is judged this is necessary to:

- secure the health and safety of anyone concerned
- protect the privacy of a third party who may be identified if information is shared. This includes protecting the identity of a person who originated the information (e.g.: a mental health professional who provided a report)

Legal disclosures

It is the policy of BHT to comply with relevant legislation by disclosing certain information, but will limit such disclosure to the information required to comply with and fulfil the purpose of the law.

It is the policy of BHT to co-operate with courts, including coroner's courts and some tribunals and persons appointed to hold inquiries, who have legal powers to require that information relevant to matters within their jurisdiction be disclosed.

Where staff are concerned that a court order requires disclosure of sensitive information that is not relevant to the case in question, it is BHT's policy that they may raise ethical concerns with the judge or presiding officer. If however the order is not amended it must be complied with.

Terrorism Act 2000

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The Act requires, and it is the policy of BHT that anyone with information that may help prevent an act of terrorism or assist in apprehending or prosecuting such terrorists to disclose to the police, as soon as possible.

Money Laundering

It is the policy of BHT that all suspicions or knowledge regarding possible, suspected or actual money laundering should be reported to the Money Laundering Reporting Officer who will make the judgement whether information needs to be reported. (For more information please refer to the BHT Anti-Money Laundering Policy).

Welfare Benefit Fraud

It is the policy of BHT that if a worker knows or suspects a client is committing welfare benefit fraud, and where BHT is a beneficiary (i.e. the payment of rent or service charge), there is a legal duty to report such suspicions otherwise the individual employee will be committing an offence.

It is the policy of BHT that a worker should advise a client that they are committing fraud and the possible consequences of this. The worker must not collude with the fraud and may have to withdraw support if they are at risk of collusion by continuing support.

In other circumstances, requests for information from the DWP should only be acceded to if the DWP has gained the service users prior consent.

Where BHT is the landlord and receives direct payments, it is the policy of BHT that there is a duty to inform the relevant authority of any change of circumstance that could effect the amount of benefit payable. Prior to disclosure the issue should be discussed with the client, their options and BHT responsibilities explained.

Child protection

It is the policy of BHT and under child protection legislation, there is an overriding responsibility to act in the best interests of the child and information must be disclosed if it is required to protect a child. Where there is a conflict between the needs of the child and the needs of others, the child's needs are paramount. Consent to disclose should normally be sought unless doing so would place the child at greater risk or hinder enquiries, or compromise an investigation.

Adult Protection

It is the policy of BHT that if there is concern or evidence that a client or tenant is at risk of harm, abuse, or neglect, a safeguarding concern may be raised with the Local Authority. Whilst this should be raised with the client or tenant's consent, it may be

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necessary to make a disclosure either without consent or against the wishes of the individual. This may be because the adult lacks the capacity to make an informed decision, or that the individual poses a serious risk to themselves or others.

Please refer to the BHT Safeguarding Policy and Procedure.

Serious Crime

It is the policy of BHT to breach confidentiality in the event of actual or potential serious crimes or harm. The definition of serious crime includes murder, manslaughter, rape, treason, kidnapping, child abuse or other cases where individuals have suffered serious harm. Serious harm to the security of the state or to public order and crimes that involve substantial financial gain or loss will also generally fall within this category.

Sex Offenders

It is the policy of BHT that, in order to uphold public safety, where BHT is aware of a client on the Sex Offenders' Register changing their address, to notify to the Police as an overriding duty above client confidentiality.

In the course of working with clients in this category, it may also be necessary for staff to attend Multi Agency Protection Panels at which they are expected to share information about the client's progress and activities with a range of relevant agencies (e.g. police, probation, social services). It is the policy of BHT that the public interest justifies this disclosure with or without the client's consent. In all cases, disclosure of information and attendance at meetings should be approved by line or senior management.

This policy should be read in conjunction with the Confidentiality Procedure and Confidentiality Guidance notes that can be found on Global.

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