

Tees Valley Arts Confidentiality Policy

Reasons for a Confidentiality Policy:

This policy should be seen as an integral part of ensuring that Tees Valley Arts provides a safe environment where individuals are treated with respect. The main reasons for producing a policy are:

- to comply with legislation;
- to provide practical guidelines;
- to protect people who benefit from TVA's services, members, staff, trustees and volunteers.

Purpose:

The purpose of this policy is to detail the basic standards that staff, trustees and volunteers should adhere to, and which can be incorporated as part of normal working practice

Statement on Confidentiality:

Tees Valley Arts offers confidentiality. Any sensitive information given will not be passed on except in very rare circumstances where this is necessary to protect a vulnerable person from harm, or to comply with the law. In such circumstances, the information will only be passed on as permitted in this policy. This must be confirmed with senior TVA personnel. Wherever possible and appropriate the person involved will be informed that this action has been taken.

Legal context:

The Human Rights Act 1998 guarantees respect for a person's private and family life, home and correspondence.

The Data Protection Act 1998 (DPA) concerns personal information, which includes facts and opinions about an individual which might identify them. The DPA ensures that information held about any person cannot be used for purposes other than those for which it was originally supplied, without the person's consent. Exceptions to these Acts are allowed where this is necessary to protect a vulnerable person from harm.

Some restricted and specific areas of legislation over-ride the Human Rights Act and the Data Protection Act, for example in the area of suspected terrorist activity or over specific safeguarding concerns. Trustees are legally responsible for all the activities of Tees Valley Arts staff and may ask for information at any time to ensure that agreed policies are being implemented. Trustees are not entitled to an individual's personal information.

Implementation:

Tees Valley Arts will ensure that all staff, trustees and volunteers are issued with this policy. Volunteers should also be made aware of the remit, and should be given contact details for the person/s to whom they should report any concerns regarding confidentiality.

This policy will be reviewed regularly.

Confidentiality in Practice:

The vast majority of enquiries to TVA and/or involvement in a TVA project, do not raise any issues of confidentiality; hence it is not necessary to inform all enquirers or participants of the confidentiality policy as a matter of course, and to do so would be off-putting to those simply seeking information.

However, some of the groups we work with – for example young people in the care of the local authority, or people seeking asylum – may occasionally mean that we could receive queries or hear comments that raise confidentiality issues.

In all cases, such matters should be referred to the Director, and/or to the Board, in the first instance. Should an enquirer ask about confidentiality, or indicate that they are about to disclose information of a sensitive and serious nature, they should be made aware of the TVA policy statement on confidentiality. The following easy to read phone statement should be read out in these circumstances:

Tees Valley Arts follows a confidentiality policy. This means that usually, anything you tell the person from TVA will be kept private. But sometimes we may have to 'break confidentiality' – this means telling someone in a position of authority. This is very rare. We only have to do this if someone is in danger, and needs help. We will only tell the people who need to know.

Individuals involved in projects should not be discussed in any out-of-work context, even when the enquirer cannot be identified. No attempt should be made to retain an enquirer's contact details other than for sending information that has been requested. Occasionally more than one person will contact TVA regarding a third party. This is not cause for an exception to the general principles of confidentiality set out in this policy.

No personal details of any member of staff, TVA member or volunteer will be disclosed without their agreement. Post-holders in TVA generally agree to their contact details being on the TVA website. Permission must be gained from TVA senior personnel to ensure DP compliance before publishing case studies (e.g. for training or information materials). Alternatively, fabricated case studies may be used for these purposes, with details sufficiently disguised so that participants cannot be identified.

TV A can be contacted via the website www.teesvalleyarts.org.uk, or info@teesvalleyarts.org.uk or 01642 264651.

Informing associates and project participants of the confidentiality policy:

Any associate or project participant can see a copy of the confidentiality policy on TVA's website at www.teesvalleyarts.org.uk. Enquirers can obtain a paper copy of these policies by sending a self addressed envelope to Tees Valley Arts, Royal Middlehaven House, 21 Gosford Street, Middlesbrough, TS2 1BB. These can be sent in larger font on request.

Exceptions to confidentiality:

The only exceptions to complete confidentiality are when:

- The enquirer/ reporter describes a situation which raises concerns about the safety of a child or vulnerable adult;
- The enquirer/ reporter is in immediate danger, e.g. suicidal;
- The enquirer/ reporter discloses information about an alleged crime or discloses information that an alleged crime is going to happen.

In the case of concerns about a child or vulnerable adult in immediate danger, or an enquirer who is in immediate danger themselves, the staff member must call the police by dialling 999 immediately, and then contact and inform senior TVA personnel.

In all other cases of concerns about children or vulnerable adults, the staff member should first raise the matter with senior TVA personnel or member/s of the TVA Board, and when that is not possible **must** contact the appropriate authorities, which may be the police or social services.

Any information about any crime or criminal activity must be passed on to the police. In an emergency situation, the staff member or affiliate should contact the police and then notify the TVA senior personnel as soon as possible.

In all other situation TVA senior personnel should be notified first that an outside service will be contacted, giving details of the situation without identifying information unless absolutely necessary.

Unauthorised breaches of confidentiality:

People who breach these guidelines by communication, dissemination or solicitation of non-essential and/or identifying information about current or former staff, volunteers, members, participants or enquirers in any way other than authorised above may be asked to cease their role within TVA.

Last reviewed: September 2013

Last amended: 6th August 2015