

**Aware Confidentiality & Risk Management Policy**

| **Document Summary** |  |
| --- | --- |
| Ref No & Title: | Confidentiality and Risk Management Policy v9 |
| Version: | New Policy |
| Author(s) Job Title: | Director of Services  Clinical Director |
| Replaces: | Confidentiality and Risk Management Policy v8 |
| Ratifying Committee: | Services Committee  Clinical Committee |
| Primary Readers: | Aware Volunteers and Training Providers |
| Date ratified: | June 2023 |
| Date issued: | June 2023 |
| Date for Review: | April 2024 |
| Date archived: |  |

**Contents**

[**1.** **Introduction** 3](#_Toc130392242)

[**2.** **Definitions** 3](#_Toc130392243)

[**3.** **Guiding Principles** 4](#_Toc130392244)

[**4.** **General Care of information** 4](#_Toc130392245)

[**5.** **Safeguarding and Passing information to Other Agencies** 4](#_Toc130392246)

[**6.** **Responsibilities and Recording** 5](#_Toc130392247)

# **Introduction**

* 1. It is very important to Aware that people feel safe when using our services and they know that personal information shared with us is confidential within limits.

* 1. Absolute confidentiality cannot be guaranteed, and this will be made clear to Aware service users at the earliest possible opportunity.
  2. If we are concerned about serious harm coming to the individual or another person, we have a duty to share information to help keep them safe which may involve breaching confidentiality.
  3. This policy provides guidance for volunteers and training providers on the process of how confidentiality can be preserved and the exceptional circumstances where it is necessary to breach confidentiality.
  4. This policy is to accompany risk management procedures documents.

# **Definitions**

* 1. **Serious Harm**:

When a person has immediate plans to die by suicide

When a person has immediate plans to harm others

Where there is identifiable information that a child or vulnerable adult is at risk of, or has in the past been subjected to abuse/harm

**Vulnerable Adult :**

A Vulnerable Person considered to be ‘an adult who may be restricted in capacity to guard himself / herself against harm or exploitation or to report such harm or exploitation. Restriction of capacity may arise as a result of physical or intellectual impairment’, (Safeguarding Vulnerable Adults at Risk of Abuse: National Policy and Procedures. Incorporating Services for Elder Abuse and for Persons with a Disability 2014:3)

* 1. **Risk:**

The nature, severity, imminence, frequency/duration and likelihood of harm to self or others

* 1. **Duty of Care:**

An obligation to act within reason to prevent the occurrence of harm to another

* 1. **Identifying Details**

Full name, address and telephone or email contact information

* 1. **Mandated Persons**

“People who have contact with children and/or families who, by virtue of their qualifications, training and experience, are in a key position to help protect children from harm”. Mandated persons are legally obliged under the Children First Act 2015 to “report harm of children, above a defined threshold, to Tusla and to assist Tusla, if requested, in assessing a concern which has been the subject of a mandated report

# **Guiding Principles**

* 1. **Collaborative** – We seek to work together with people who use our services and encourage their own resilience and responsibility, especially in times of potential crisis. We undertake to come to a jointly agreed plan in the event of managing the risks of serious harm wherever possible.
  2. **Trauma informed** – A trauma informed system realises the impact of trauma on all involved with Aware services and seeks to avoid traumatising or retraumatising any individual in the process of safeguarding. Equally, we take our responsibilities in the area of safeguarding and confidentiality very seriously and meet our duty of care within this.
  3. **Training and support** – We commit to offering ongoing training and support to volunteers and training providers to aid in safeguarding practice.
  4. **Reflective practice:** We seek to offer safe services for all who use them, with the acknowledgement that it is not possible to eliminate risk. We aim to reduce risks where possible and promote an environment where confidentiality and risk management concerns can be considered, reflected upon and incidences of good practice as well as learning points for the organisation as a whole, can be acknowledged.

# **General Care of information**

* 1. Volunteers and training partners undertake not to share any information about Aware service users outside the organisation unless there is a significant risk issue as outlined below.
  2. It is understood that the practice of not sharing any personal or private information extends beyond just omitting the person’s name during a discussion.
  3. Volunteers and training partners ensure they cannot be overheard when discussing confidential information with a service user, Aware staff or employees.
  4. Aware does not typically seek identifying details from people using our services, beyond inviting people to offer their first names in the course of routine service delivery

# **Safeguarding and Passing information to Other Agencies**

* 1. If a person is expressing immediate plans to die by suicide or to harm others, identifying details will be requested by the volunteer/training partner and will then be shared with emergency services (999/112 and/or An Gardai Siochana).

Points of consideration include:

* Can this be information gathering be done collaboratively in as much as this is possible with the service user being made aware of what is being shared, why and with whom?
  1. Where there is a disclosure that a child or vulnerable adult is currently at risk of harm/abuse including neglect, the volunteer/training partner will seek to get identifying details such as name of person making the disclosure, name and contact details of person at risk and the alleged perpetrator.
  2. If details can be obtained, these will be passed on to emergency services (999/112 and/or AGS)
  3. Where there is identifiable information that an adult has been harmed/abused/neglected retrospectively (as a child, under 18 years), the volunteer/ training partner will seek to get relevant contact/identifying details of the individual making the disclosure, any child/children currently at risk of harm/abuse/neglect and the alleged perpetrator(s).
  4. If details of retrospective abuse can be obtained, these will be passed onto the Designated Liaison Person via the online portal, to ensure a report can be made to child protection services TUSLA
  5. Volunteers and training partners will report all disclosures to the DLP through the online form so Aware can ensure the case is properly documented and, if appropriate, reported to TUSLA or HSE.

# **Responsibilities and Recording**

* 1. Aware commits to providing ongoing support, guidance and training to all volunteers and training partners to aid in safe delivery of services.
  2. The current DLP is Amanda Vaughan (During office hours: 0861023578) and [confidentiality@aware.ie](mailto:confidentiality@aware.ie) Deputy DLP is Colette Rooney (During office hours: 085 8863280).
  3. Aware has two ‘Mandated Persons’: Stephen McBride, Director of Services (during office hours: [Stephen.mcbride@aware.ie](mailto:Stephen.mcbride@aware.ie) and 01 2374909) and Dr Susan Brannick, Clinical Director (during office hours: [susan.brannick@aware.ie](mailto:susan.brannick@aware.ie) and 0861526648).
  4. Volunteers and training partners are required to log details of disclosures relating to limits of Confidentiality and Safeguarding through the **Volunteer Area** under **Online Forms** – **Confidentiality and Risk Management Policy.** TheDLP and/or Director of Services will monitor this portal and report concerning information to TUSLA/HSE and/or An Garda Siochana where appropriate.
  5. Records relating to disclosures are routinely reviewed by senior management on an on-going basis through regular audit and volunteer/training provider support structures.