



BARNARDOS
MANCHESTER LEAVING CARE
SERVICE

POLICY ON CONFIDENTIALITY
AND DATA SHARING OF
INFORMATION CONCERNING
YOUNG PEOPLE KNOWN TO
THE SERVICE

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CONFIDENTIALITY & DATA SHARING

MANCHESTER LEAVING CARE SERVICE

1. GENERAL INTRODUCTION

To run a Leaving Care Service which has a 'young person centred approach' as one of its key principles means it is very important to establish for Workers and Young People from the very outset the nature of the relationship the Service expects its staff to have with young people using the Service. How information about young people is discussed, and with whom, is a key part of this process. Not only is the majority of such information very personal to that young person but its disclosure or non disclosure to other people reflects quite profoundly upon the power young people may feel they have over their own lives, their feelings of self respect, and consequently the level of trust and confidence they may be prepared to invest in the Service's workers.

The dilemma is that another basic principle of an effective Leaving Care Service is to work in close cooperation with many other Agencies. In so doing information about young people needs to be shared in order for young people to get a fair deal and in order for those other Agencies to give young people as relevant and meaningful a service as possible.

The following therefore tries to address these somewhat conflicting dilemmas and lays down guidelines for workers in the Leaving Care Service as to how they should approach the issues of confidentiality and young people using the Service. As a general point, Workers should consult with their Manager on some of the inevitable 'grey' areas in this policy and talk through the best way to proceed.

2. CONFIDENTIALITY WITHIN MLCS

It is permissible for Workers within the Service, including volunteers and students, to discuss issues to do with young people with other Workers within the Service. The most common examples of this will be:-

- With a Manager in supervision, formal or informal.
- With another Worker who may be jointly involved in the case
- To get advice or an opinion from another Worker as to what might be best for a young person.

- To carry out Duty.

However, even within the Service certain 'good practice' guidelines should apply. These will be:-

- Not discussing highly personal information about young people with other Workers who have no need to know that information.
- Not discussing young people in a negative and disparaging fashion.
- Not discussing young people's details in front of other young people, or visitors to the office.

Information about young people will be held on both computer (Livelink) and paper files. The latter should be kept in filing cabinets and locked away each evening and at weekends. Files should only ever be taken out of MLCS office if signed for in MLCS's book to this purpose and brought back as quickly as possible.

If Livelink is used in the office computers should be locked if the individual is no longer working on them at their desk. If Livelink is used and accessed at home, other people in that Workers household should not have access whatsoever to MLCS's 'file room' within Livelink.

3. GETTING INITIAL CONSENT FROM YOUNG PEOPLE TO SHARE INFORMATION

In every instance of first taking on a young person as an active case, MLCS will begin very early on in that process explaining to a young person the Service's confidentiality policy. This is substantively contained in the Service's Introduction Booklet 'MLCS – Information Booklet for Young People.' Additionally the Service has a specific leaflet called 'We keep information on you so we can work in the best way on your behalf'. This leaflet should be gone through with the young person and then their written consent obtained as per the tear off part of the leaflet. This portion should be attached to the front of young person's paper file and the fact they have given such permission recorded on Forms 2 and 7 within Livelink.

4. SHARING INFORMATION WITH OTHER AGENCIES

a) Generally

'Consent' to share information will be explained and gained from the young person as in Section 3 above. Thereafter, outside of MLCS, 3 basic principles will apply. These will be

i) '**Basic**' information, as described in the MLCS leaflet, will be shared with other parties on the basis described. However protocols will exist with all relevant services to ensure safeguards are written in as to how this information will be used.

ii) No personal information about individual young people will be passed to, or discussed with, anyone outside the Service without the young person's consent, knowledge of what is being said and (preferably) participation. However there will be three exceptions to this.

The exceptions will be:-

- a) Where the young person has a Social Worker who has 'case responsibility' for them.
- b) Where another Agency needs to know certain information about a young person to provide that young person with an appropriate service and where MLCS is being asked to refer that young person to that particular service.
- c) Where there are issues of abuse or the young person is putting their own, or third party's lives or safety at risk.

These are now considered in more detail:-

i) **Childrens Services**

The way the Leaving Care Service operates in partnership with Manchester Childrens Services, especially as regards young people at the younger end of the Service's age range, means that Leaving Care Workers will be involved at the same time a young person is legally Accommodated or under a Care Order and therefore still has a named Social Worker (or Manager) from the Childrens Services Department who has 'case responsibility' for that young person. In such instances the basic starting point is that staff will need to keep that Social Worker etc informed of any major issues in a young person's life that comes to their attention and feed this information into the Childrens Services planning and reviewing system. However it is permissible for a Leaving Care Worker to feel they need not impart to a Social Worker every piece of information they know about a young person as a balance needs to be achieved between keeping Childrens Services informed and establishing/monitoring a trusting and productive relationship with that young person. Likewise there are issues of how and when certain information might be passed on. Issues involving any form of abuse must be passed on immediately but for example a revelation about a young person's sexuality, or that they are pregnant, would need careful thought as to both whether, when and how such information was revealed. In such circumstances the Leaving Care Worker should always encourage and support the young person to themselves tell other key individuals like Social Workers/Carers etc this information and at the same time consult with their own Manager(s) within the Leaving Care Service as to how best to proceed.

ii) Other Agencies

The basic principle of not disclosing personal information without a young person's knowledge and involvement will apply. Thus whenever practicable the young person should be encouraged to fill in a referral form to another Agency themselves or to do so in conjunction with a Leaving Care Worker. Sometimes this will not be possible or practicable and the Leaving Care Worker will need to make the referral themselves.

In what ever situation a Leaving Care Worker is involved, it is important to be honest in the information given to the other Agency, though equally it is important that the information given is directly relevant to the 'Service' being requested. Therefore an accommodation provider will need to know of any behaviour relevant to how that young person is likely to be as a tenant/resident but not details of that young person's past sexual or physical abuse etc. Some judgement will obviously need to be exercised here and in so doing it is perfectly reasonable to clarify with the Agency being referred to why or in what detail they need to know certain information. Likewise in completing referral forms with young people it is important to ensure they are honest in what they put and have explained to them the reasons why another Agency will need to know certain relevant information. However the 'bottom line' will be that if a young person is adamant they do not want certain relevant information revealed, and that to take this position would mean the Leaving Care Worker would be lying or colluding if such information were not to be revealed, then the young person has the right not to make such a referral or the Leaving Care Worker would not do so likewise as they could not be associated with its accuracy.

iii) Issues of Abuse or Risk

In an extreme emergency workers should take whatever action is necessary – calling an ambulance, the police etc – and imparting whatever information about the young person is relevant to dealing with the emergency. In all other situations immediate discussion should take place with the Worker's Manager (or another Manager) so that a course of action can be jointly agreed. It must be remembered in particular that no issues relating to abuse should be kept confidential between worker and young person as such issues must be discussed with a Manager as soon as possible. It then becomes that Manager's decision to take the issue forward in keeping with the options described in the Service's Child Protection procedures, though in so doing the Worker may well be asked to write a report, make a referral in writing to the Contact Centre etc etc.

b. Information to Family/Friends/Other Young People

i) This should not be given without the express permission of the young person. Offering to pass on messages or letters (unless they are threatening) should be offered however, encouraging the young person to get in touch themselves if they so choose.

c) **The Police**

i) Information as to young people's addresses and telephone numbers should not be given routinely to the Police. However we should ALWAYS offer to pass on a message to the young person if we are in contact with them and in so doing be very proactive in encouraging they young person to get in touch with the Police themselves.

ii) However in some instances e.g. the young person is 'wanted' for a very serious offence, or could help the Police 'solve' such an offence – confidentiality can be broken under the serious harm/danger criteria. This will obviously require us to make a judgement as to the seriousness of the issue – so if in doubt consult a MLCS Manager.

d) **The Home Office**

i) Information as to young people's addresses and telephone numbers should not be given routinely to the Home Office. Once again however we would offer to pass on a message and encourage the young person to get in touch themselves. In so doing we should routinely advise a young person to consult their Solicitor and perhaps suggest the Solicitor may like to get in touch on behalf of the young person

e) **Dealing with Young People with outstanding Warrants**

i) Our Service's Policy is contained within our joint protocol with the Y.O.T. If the issue is what we should or shouldn't tell YOT please consult this document.

ii) **On a time limited basis** (eg two weeks—exactly how long to be agreed with a MLCS Manager) a 'basic' but not 'enhanced' service can be given until the young person surrenders to their warrant. Thus for example they may be entitled to maintenance (basic, so give it) and incentive (enhanced, so don't give it).

iii) Yet again within the time period we should proactively encourage the young person to see the sense of cooperating and help them if need be. For example the best time to surrender to a warrant is 8 or 9 am; you then go to Court that day and are often subsequently bailed, avoiding time in Police Stations/Custody.

f) **Some final general points**

i) Workers should never lie i.e. say we don't know a young person's address/telephone number if we do know it. Instead explain our Service's Policy and pass the choice on to

the young person, but encourage them to act responsibly and explain the probable consequences if they don't. Wherever possible give active help in getting them to act responsibly.

ii) If letters/faxes arrive from other Agencies demanding disclosure of information, consult a MLCS Manager as to how best to respond. This is because in certain circumstances we may be forced to cooperate "legally" – however we should always think these through and not just be intimidated or act upon the letter without thought.

iii) As a general rule young people should always be told what we have done and so for example if we were going to "break" confidentiality under the harm to self/others policy and for example give the Police the young persons address we should tell the young person that this is what we have done/intend to do. However occasionally there will be issues about this where either the MLCS's worker's safety, or the safety of somebody else could be jeopardised. Thus this will again call for us to exercise some judgement and therefore some discussion with a MLCS Manager should take place to decide this. In really difficult cases MLCS Managers will consult collectively as to the best course of action to take and decide on behalf of the Service.

5. RELATED POLICIES

MLCS Workers should read this Policy in conjunction with 3 other separate, but highly relevant and related, MLCS Policies. These are

- Service Safeguarding / Child Protection Policy
- Service Policy on Files and Recording
- Service Policy on suggestions & complaints

6. APPENDICES

MLCS confidentiality statement for Young People.