



# Foodbank Advice Service Confidentiality Policy

Purpose of this Statement	To detail the Confidentiality Policy of the Churches Together in Bexhill Foodbank Advice Service (hereafter called the Advice Service).
Date Policy First Agreed	April 2024
Policy Review Date	April 2025
Review Frequency	Yearly
Policy Owner	Advice Service Manager

The Bexhill Foodbank Advice Service is committed to providing a confidential advice service to its users; to protect their interests and safeguard our service. The details of every users situation will be treated with respect and in confidence.

We also understand this to mean that any information held by the Advice Service may not be disclosed to a third party in any form that might identify the user without their express permission. (Where confidentiality has to be breached the proper organisational procedure will be applied, as detailed below.)

We identify the boundaries of confidentiality to be defined in practical terms as a set of relationships between:

- The client and the adviser
- The adviser and other members of the foodbank advice team (for the purpose of ensuring that the correct advice is delivered and a professional service is maintained)
- The advice team and the Foodbank Project Manager
- The Advice Service Manager and their case file supervisor (for the purpose of ensuring that the correct advice is delivered and a professional service is maintained)

Information, enquiries and cases may be discussed within these boundaries but the express permission of the client must be secured before any discussion can take place or any information be divulged outside of this set of relationships.

It is the responsibility of all staff to ensure that no discussions relating to an individual client's business can occur outside of the defined limits of the boundaries of confidence. Bexhill Foodbank Advice Service will not confirm a user's presence in the centre or use of the centre without permission. We will not give information or advice to parent, guardians, partners or friends of our client unless we have express authority to do so.

We recognise that users will need to feel secure in using the Advice service and so all advice interviews will take place in a confidential interview space.

## Consent, Case Recording and statistics

Client details and records of the case, including documents and correspondence are stored on the secure web-based case management system AdvicePro. AdvicePro is a system that has been developed in partnership with AdviceUK and ACM Solutions Ltd. ACM Solutions may have access to the information stored in order to maintain the system.

In accordance with the Data Protection Act, client consent is sought before recording any information on the system. Clients are asked for their consent to store personal data (that can be used to identify you) and for consent to store special categories of personal data (such as health, racial or ethnic origin, gender etc).

Bexhill Foodbank Advice Service is committed to effective statistical recording of enquiries and clients to enable the monitoring of service take up and to identify policy issues arising from the advice service.

It is the responsibility of The Advice Service Manager to ensure that all statistical records given to third parties (e.g. funders, the Trussell Trust, membership organisations or local authorities etc.) will be produced in anonymous form.

All physical case files and documents are stored in a secured filing cabinet, which is locked when the service is closed.

All details of expressed consent to store information or to share information with external organisations is recorded in AdvicePro.

## Conflict of Interest

Conflicts of interest must be managed appropriately and effectively in order to limit any potential impact on the service offered.

The following would usually be identified as a potential conflict of interest:

- When an advisor feels they are unable to give impartial advice;
- When an advisor feels they may be perceived to be unable to give impartial advice (for example in situations where the advisor is already dealing with another family member/ partner/ close friend)
- Where a client wishes to make a fraudulent claim, or wishes to withhold a change in circumstances from the DWP/ HMRC/ Local Authority. Advisors must not knowingly assist in a fraudulent claim in any way and any suspected fraudulent activity will result in our services being withdrawn.
- If the desired course of action could be damaging to Churches Together in Bexhill or one of their projects, such as the foodbank or foodbank advice service, or their staff or trustees.

If a potential conflict of interest is identified, the individual will be notified in due course that this has happened and they will be advised they cannot access our advice service at this time. Notifying an individual of a conflict of interest may inadvertently draw attention to another client's use of the service. Advice service team will endeavour to limit this wherever possible by only stating that a conflict has been identified and not disclosing any further information.

## Breaches of Confidentiality

Circumstances where confidentiality may have to be breached are treated with utmost seriousness. Sometimes it is necessary to break confidentiality in exceptional circumstances, these include –

- Where there is good reason to believe a person may cause serious harm to themselves, another person or group of people; and that person is unwilling to unable to take appropriate action themselves;
- Where there is a safeguarding issue;
- If a potential conflict of interest arises.

Where a member of the Advice team feels that confidentiality should be breached, the following procedure will be applied –

- The staff member/ volunteer will raise the matter with the Advice Service Manager immediately.
- They must discuss with the Advice Service Manager the issues involved in the case and explain why they feel confidentiality should be breached and what would be achieved by breaching confidentiality. The Advice Service Manager will take a written note of this discussion. The note will be agreed, dated and signed by both the Advice Service Manager and staff member/ volunteer.
- The Advice Service Manager will discuss with the staff member/ volunteer the options that can be applied in each circumstance.
- The Advice Service Manager will decide if confidentiality is to be breached. If it is decided that confidentiality will not be breached the Advice Service Manager will produce a written note outlining the circumstances and reasons for the decision. A copy will be placed in the client's case file.

If the Advice Service Manager decides that confidentiality should be breached then the following procedure will be applied –

- The Advice Service Manager will contact the Foodbank Project Manager at the soonest possible instance. The Foodbank Project Manager will be briefed on the facts of the case. The Advice Service Manager should seek authorisation from the Foodbank Project Manager to breach confidentiality.
- If the Foodbank Project Manager decides that confidentiality should not be breached then the Foodbank Project Manager will produce a note outlining the reasons for this decision. A copy will be placed in the client's case file. No further action will be taken.
- If the Foodbank Project Manager authorises a breach of confidentiality this authority should be given in writing.
- The client must be informed in writing, at this point, of the intention to breach confidentiality and a copy of the authorisation and this policy must be forwarded to the client. The only exception are where there is a legal obligation or requirement preventing this disclosure to the client, and in the case of safeguarding concerns.

A full written report of the circumstances and procedures applied (with all supporting documentation and including a record of any agreed course of action) must be prepared by the Advice Service Manager. It is the responsibility of the Advice Service Manager to ensure that the agreed action is taken.

Should the client submit a complaint regarding the breach of confidentiality then this complaint will be dealt with directly by the CTiB trustees or any other person[s] delegated by the chair. Complaints are dealt with separately under the CTiB Complaints Procedure.

## Disclosures required by law

Legal rules may affect client confidentiality in the following circumstances:

- Under the Terrorism Act 2006 advice service staff must disclose to the relevant authority if information is disclosed to them that may help prevent acts of terrorism or apprehend a terrorist.
- Under the Proceeds of Crime Act 2002, The Money Laundering Regulations 2003 and The Drug Trafficking Act 1994 advisors are obliged to report any disclosure of information about a transaction that they know, suspect or ought reasonably to have known or suspected, involves money laundering.

## Death of a client

Our duty of confidentiality to the client does not end with death. If a client has died, information relating to the records we hold should only be given to the dead person's executor or personal representative. Evidence of this status should be obtained and kept on file if information is released.

## Ensuring the effectiveness of the policy

All trustees, staff, management committee members and advice service volunteers will receive a copy of the policy. The policy will be reviewed annually by the Advice Service Manager and any amendments or alterations will be proposed and agreed by the Project Manager and Trustees.

All staff and volunteers must sign the confidentiality declaration before commencing service.



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