



CONFIDENTIALITY POLICY AND GUIDELINES

Version:	2.3
Effective From	06.11.2024
Author:	Practice Governance and Training Sub-Committee
Review date:	06.11.2026

Contents

Introduction	1
Aim	1
Scope of the policy	2
Legal/regulatory framework	3
Information sharing/disclosures	3
Confidentiality, child protection and protecting vulnerable adults	4
Management/compliance of this policy	5
Changes sheet	6

Introduction

Confidentiality is central to the trust between all Cruse Scotland volunteers, staff (including agency staff) and the clients who use our services. This policy should be read in conjunction with the Confederation of Scottish Counselling Agencies (COSCA) Statement of Ethics and Code of Practice.

Under normal circumstances, clients have a statutory right to expect that information about them will remain confidential this is a contractual obligation for Cruse Scotland volunteers and staff.

Without assurances about confidentiality, clients may be reluctant to give Cruse Scotland volunteers and staff the information required to enable the most effective use of our service.

All volunteers and staff must be aware of their responsibilities for safeguarding confidentiality and preserving information security. All client information must be treated with complete confidentiality and not be divulged to anyone who does not have the right to access.

Information refers to all information including that held in paper documentation and electronically. Access to information pertaining to clients is restricted to those who have been given permission by the client, with limited exceptions as specified in this policy.

Aim

To provide guidance on the principles of clients' rights to confidentiality within the current statutory framework. This must be achieved whilst ensuring Cruse Scotland volunteers and staff share client information with informed consent and disclose information when required to do so by law.

Scope of the policy

This policy applies to all information where a client can be identified and applies to all types of media where client-identifiable data is processed including, but not limited to:

- Paper or manual records,
- administrative records,
- email,
- telephone conversations,
- text messages,
- social media.

In addition, volunteers and staff must store, analyse and process client information in accordance with other Cruse Scotland policies including the Data Protection policy and the Social Media policy.

Recognising our service can be provided in different settings and modalities, including community settings and a client's home, it may be necessary to adjust practice and procedure to location.

This policy applies to:

- all volunteers and staff of Cruse Scotland,
- all trainees on placement within Cruse Scotland, or under the mentorship of Cruse Scotland volunteers and staff in other settings
- staff from partner agencies working in Cruse Scotland premises
- agency and independent contractors working for, or on behalf of, Cruse Scotland.

Legal/regulatory framework

Client information is held under legal and ethical obligations of confidentiality within the Cruse Scotland volunteer and staff teams. Information provided in confidence should not be used or disclosed to those outside the volunteer and staff team in any form that might identify a client without their consent.

It is important to note that the responsibility of confidentiality is not absolute: there are occasions where breaching client confidentiality is a legal requirement.

The Data Protection Act 2018 (DPA) is the primary legislation that clarifies Cruse Scotland's responsibility to process client information confidentially.

The DPA is supported by the Human Rights Act 1998 (HRA) and Common Law on Confidentiality.

Article 8 of HRA gives citizens the qualified right of privacy. Any breach of this Article must be justified and proportionate to the purpose for which the Article is being contravened.

Common Law gives individuals an expectation of confidentiality in their relationship with Cruse Scotland volunteers and staff.

Professional Codes of Conduct produced by regulatory authorities such as the COSCA Statement of Ethics & Code of Practice also place obligations on our volunteer and staff teams.

All volunteers and staff have a duty to ensure that clients understand their rights to confidentiality and where it may be breached.

Interpreters should be used to avoid any confusion in ensuring service users are informed.

Information sharing/disclosures

Information sharing is regularly required to avoid harm and provide the best quality service for a client, and this is considered good practice.

Cruse Scotland participates in audits and research, where information sharing occurs at both the point of delivery and for secondary purposes. When Cruse Scotland shares information for a secondary purpose, such as research or Large Language Models like ChatGPT, information will be anonymised.

There are limited circumstances where information can be disclosed without a client's consent.

An example of appropriate disclosure without consent is for the prevention and detection of serious crime, as it is considered within the public interest.

Confidentiality, child protection and protecting vulnerable adults

Sharing relevant information is an essential part of protecting children and vulnerable adults.

We recognise those providing our bereavement counselling service to adults and children may be concerned about balancing their duty to protect children and vulnerable adults from harm with their general duty towards their client.

However, the over-riding priority must always be the safety of the child or vulnerable adult.

Whenever possible, consent should be obtained before sharing personal information with third parties

However, concerns about a child or vulnerable adult's safety should take precedence over public interest, when considering information sharing.

It is worth recognising that a minor concern raised may create a picture when combined with information from agencies to highlight major concerns that need acted upon by authorities.

For more information, please see the National Guidance for Child Protection in Scotland (2010) National guidance for child protection in Scotland - gov.scot (www.gov.scot)

Management/compliance of this policy

Cruse Scotland is committed to managing client information in accordance with the industry standard in conjunction with recommendations and guidance from the COSCA Statement of Ethics & Code of Practice.

Corporate responsibility for the standards set out in this policy lies with the Chief Executive Officer.

All personal data relating to clients and volunteers are stored on our database which requires a 2-step identification process to maximise confidentiality. Any paper documentation should only ever reference the client or volunteer ID number in accordance with the data protection policy. Staff members with access to confidential information such as applications, references, salary and financial information must ensure these are filed appropriately within our secure Microsoft 365 SharePoint folders.

The use of portable media devices to access confidential data can only be used by adhering to the guidance as set out in our IT security and safeguarding policy.

Any transfer of identifiable data must be carried out with an adequate level of protection given to the data in transit in accordance with current Cruse Scotland information security standards. In most circumstances this will require data transferred to be encrypted during transit.

Confidentiality training will be provided as part of the mandatory induction programme for new Cruse Scotland volunteers and staff. All volunteers and staff are expected to be aware of the following principles;

- justify the purpose(s) for using confidential information,
- only use it when absolutely necessary,
- use the minimum that is required,
- only share with those necessary and relevant,
- everyone must understand their responsibilities,
- understand and comply with the law.

In addition, managers must provide volunteers and staff with an adequate support framework and ensure that appropriate training is provided so that they act in accordance with this policy.

Unauthorised breaches of confidentiality will be taken seriously and will result in an investigation into the breach and may result in system review and disciplinary action in accordance with Cruse Scotland Staff Disciplinary Policy or Volunteer Policy.

Changes sheet

Date	Change Details	Author
08.03.2021	Replacing previous policy dated 03.07.2015 with organisational policy agreed by Exec Board January 2021	Wendy Diack
25.11.2022	Replaced old loo with new	Wendy Diack
26.09.2024	General rewording throughout. Removed reference to DPA key principles (a remnant of 1998 legislation)	Ed Strutt John Fyfe
06.11.2024	-Specified 'secondary purpose' for information sharing. -Expanded on 2-step verification process for securely storing information.	Ed Strutt Fiona Arnott-Barron
25.07.2025	Reformatted document to 2025 house style	Ed Strutt