

INTRODUCTION

Confidentiality Principles

Youth support services, including Connexions, offer a confidential service to young people **as a fundamental principle**. This means that information is only disclosed with the young person's consent or where there are legal requirements to do so.

The boundary of confidentiality for each youth support worker or Personal Adviser (PA) is that information is only passed to someone who is authorised to receive it from someone who is authorised to disclose it. The main principle to be observed is that any disclosure should be kept to a minimum and on a need to know basis.

It is the view of the Information Commissioner (who is responsible for upholding the Data Protection Act) that young people of 12 and over are old enough to be able to make their own decisions about their information, unless there is a reason to suggest otherwise. You will need to use your professional judgement to decide if a young person is competent to make such decisions in line with what are known as the 'Fraser Guidelines'. These guidelines were laid down in a court case, which concerned contraceptive advice and treatment, but the principle can be extended to other situations. Broadly speaking, you need to be satisfied that the young person fully understands the choices that they are making and what the potential consequences may be.

There are Three Levels of Information:

1. Statistical Information

i.e. information from which the individual cannot be identified.

2. Basic Personal Information

e.g. name, address, date of birth, telephone number and/or email address.

3. Sensitive Information

additional personal information including:

- Racial or ethnic origin
- Physical or mental health/condition
- Sexual relationships/health
- Social activities
- Achievements
- Political opinions
- Religious or other similar beliefs
- Trade union membership
- Any offences committed or court proceedings.



LIMITS TO CONFIDENTIALITY

Young people aged 12 and over generally have the same right of confidentiality as do adults. However, PAs and youth support workers cannot offer or guarantee absolute confidentiality in the following circumstances:

- Where child protection issues are involved
- Where there is a significant threat to life
- Where the young person needs urgent medical treatment
- Where potential or actual serious criminal offences are involved.

Information about **young people under 12** years of age is subject to the same fundamental principles of confidentiality applying to the 3 levels of information on page one, but can only be shared **with the consent of their parent or carer.**

Limits to confidentiality should be made clear to young people at the earliest opportunity and where confidentiality has to be broken, you should seek to ensure that the young person is informed first or as soon as possible afterwards.

When young people use youth support services which share the CLC Core IYSS database, we can record their information as long as we tell them why we are doing so, how we use the information and the circumstances in which this information would be shared with agencies outside this area. This Practitioners Guide, together with the young person's leaflet, will help you discuss the issues with young people, particularly during their initial contact with you.

Always explain that young people's information is stored on a secure computerised database and that the only people who can access

this information are authorised staff involved, within the youth support services. We use this information to make sure that we can keep in touch with the young person, so that we understand the young person's circumstances and can provide the best advice and support possible.

Always explain to young people that there may be occasions when we need to share information with other agencies. The Basic Personal Information can be shared with organisations involved in their education, training or support to make sure that we are providing coordinated services. Use the Central London Connexions' 'Information and Confidentiality' leaflet to explain this to young people. Ensure that you have gone through this leaflet with young people.

If you need to share *Sensitive Information* (referred to as additional personal information in the young person's leaflet) you must always seek additional permission from the young



person, and can use the Young Person's Consent Form (unless there are child protection issues involved; there is a significant threat to life; the young person needs urgent medical treatment; and/or potential or actual serious criminal offences are involved). This form gives permission to share sensitive information with a named organisation. If you are working on a team basis within Children and Young People's Services including Youth Offending Service (YOS) and Social Care, you may need to get permission to share sensitive information from the outset. Refer to your manager if you are uncertain about this. If a young person does provide written or verbal consent for you to share information with another agency, you will need to record this on the Core IYSS client record.

If the young person refuses to give consent to share sensitive information with another agency then you should note this on the Core IYSS client record. In this case you will not be able to share information unless there are child protection issues as outlined above.

Youth support services can only share information relevant to the services provided for young people, in this case around their learning, training or support. Do not share more information about young people with other agencies than is necessary.

When sharing information about a young person with a colleague from another agency try not to use jargon. If you do use jargon, check that it means the same to the other person.

You will need to explain that it is important that youth support

services evaluate their programme. We may contact young people to ask them about the services that they have received from us. You will need to check if the young person is willing to be involved in surveys or research in the future. You will need to record the outcome of your conversation on the database as below.

When recording information about young people remember that they have a right to see what is on their records. If a young person requests to see their records, you should refer this to Central London Connexions for preparation of the report. A response to a formal request will be provided to you within one month for presentation to the young person, and the young person must be provided with their data within the statutory forty calendar day deadline.

Talk to your manager if you are concerned.

There may be occasional circumstances in which a record needs to be deleted, usually only when a young person is deceased. If young people do not want to be contacted by services, their names will be retained but their contact details will be removed, with educational destination shown as 'not known, refused to disclose activity'. This action would only be taken in exceptional circumstances and you should refer to your manager or the system administrators for advice.

Young people's records will only be kept on the system while they use youth support services in central London. When the young person reaches age 20 (or 25 in the case of young people with learning difficulties

and disabilities) their records will be archived. This means that their records cannot be viewed by anyone except the system's administrator who would only access these records if needed for audit purposes by the Department for Education or European Commission.

You will need to ensure that you have completed the Data Protection section on the client record. You will need to complete the following fields as appropriate:

1. Consent Denied
2. Consent Granted - Verbal (Young Person)
3. Consent Granted - Written (Young Person)
4. Consent Granted - Verbal (Parent/Guardian)
5. Consent Granted - Written (Parent/Guardian)
6. Privacy Notice (issued by School/College)
7. Requested record

Finally, this guidance relates to your responsibilities when recording and sharing information about young people. When an external agency gives you information about a young person as part of a referral, they will already have the agreement of the young person to give you this information, as part of their information sharing protocols. Your only responsibility in this case is to let the referring organisation know if you subsequently find that any of the information that they have passed to you is inaccurate.

ADDITIONAL GUIDANCE

Confidentiality in Schools

The approach to confidentiality described above should apply in all settings but will require the agreement of Head Teachers and/or the Governors in a school context. Therefore, through your service Partnership Agreement with the school, you and your manager should seek to agree the position on confidentiality on a school by school basis. Where agreement is not possible the school's own confidentiality policy applies and young people will need to give verbal or written consent to confirm their agreement to the information shared with the school.

Parents/Carers

Youth support workers including PAs should strongly encourage young people to discuss any support with their parents but must respect the right of the young person not to do so. If the young person gives their consent, the worker should be proactive in involving parents/carers, encouraging them to take an interest or, where appropriate, become actively involved in any action that is agreed with the young person.

You are not obliged to notify parents that their child is actively involved with the service. The exception to this may be if you are working with a young person in a school where it has been agreed that the school's confidentiality policy is followed, which may give the parents the right to know this information. If this is the case young people need to complete the Young Person's Consent Form to confirm their agreement to the information being shared with their parents.

Third Party Information

A young person may disclose information that is not relevant to their own learning and development. You must not pursue such information unless there is a risk to life or there are Child Protection concerns. Information about third parties must not be recorded in the young person's records.

Sex and Relationship Guidance

Lack of confidentiality is one of the main reasons why young people fail to seek appropriate advice about sensitive

issues. Young people need to be able to talk to a trusted adult about sex and relationship issues. Although it is desirable that this person is their parent or carer, this is not always possible. The law enables you to respect young people's rights to confidentiality when discussing sex and relationship issues. A disclosure of underage sex is not, in itself, a reason to break confidentiality but you should always bear in mind child protection issues.

If a young person is contemplating sexual activity, or is known to be sexually active, then you should give full, impartial advice and support that takes into account the young person's circumstances, includes full information on contraception services and allows the young person to make fully informed decisions. In addition, if a young person under the age of 16 is having or contemplating having sexual intercourse, you should also take steps to ensure that:

- Wherever possible, the young person is persuaded to talk to their parent or carer
- Any child protection issues are addressed.

Substance Misuse

(Drug and Alcohol) Guidance

Youth support workers should ensure that young people who have expressed concern about their own or other's substance misuse are given full and precise details about how to contact the FRANK helpline 0800 776 600 and other local services. You should also ensure that:

- Young people who report serious substance misuse problems and request help are referred to an appropriate agency for assessment and support
- Any child protection issues are addressed
- Safeguarding the young person's welfare is paramount.

Young People and The Police

There is no legal duty to report an offence to the police or to disclose information that criminal offences have been committed. However, PAs and youth support workers working with young people should be careful to avoid anything which could constitute aiding

and abetting offences. Where information is requested by the police this can be given where consent has been obtained or where, for example, the information requested is likely to prevent a crime from being committed or to prevent harm to individuals and the general public. If there is any doubt, you must seek advice from your Line Manager.

Runaways

The Children Act 1989 provides that parents have 'parental responsibility' for their children until they are 18. If the young person is 16 and 17 parents have limited powers to force them home. Under the age of 16 parents' rights are greater but are not absolute.

In general PAs and youth support workers should seek to involve parents/carers, but the primary concern should be to ensure and safeguard the young person's welfare and safety. You may have to negotiate with parents/carers and other professionals and will often need to refer on to external organisations i.e. Social Services, Police, and Family Mediation. You will need to be sensitive to the young person's needs but ensure that support mechanisms are in place and where appropriate, services informed.

Check immediately with your manager if you are worried that a young person may be in danger, if there are concerns about child protection, if you are asked to share information in order to investigate a crime or there is a warrant or court order for the information, as information can be shared for these purposes.

For More Information

If you have any queries about information sharing that are not covered in this guidance, always check with your manager. This publication has been produced with reference to Information Sharing Practice and Every Child Matters.

This information is available in alternative formats, please call 020 7938 8080. All information is stored and shared securely. If you have any comments on this publication, email: info@centrallondonconnexions.org.uk.