

# **Richmond Legal Advice Service**

## **Confidentiality Statement**

### **Introduction**

RLAS is committed to providing a confidential advice service to its users. RLAS believes that principles of confidentiality must be integrated across all aspects of services and management. RLAS believes its clients deserve the right to confidentiality to protect their interests and safeguard RLAS's services. The following statement will be available when RLAS holds a session, referred to on the RLAS information leaflet ("How we can help you") and will also be available on the RLAS web site ([www.rlas.org.uk](http://www.rlas.org.uk)):

“RLAS offers a confidential service—nothing you tell us will be shared with any other organisation or individual without your expressed permission.”

### **Seeing clients and interview rooms**

RLAS only sees and provides clients in interview rooms at the premises RLAS rents for such purposes. But RLAS does not have premises of its own and has to take the premises it can afford at the standard they are provided. This can mean that RLAS cannot ensure that each room is perfectly or in some cases adequately sound-proofed. Where there is clearly inadequate sound-proofing a volunteer adviser will inform a client of this fact and at the client's request either terminate the interview, and/or if available allow the interview to take place in another room (if available) or by other means.

### **Definition of confidentiality**

RLAS understands confidentiality to mean that no information regarding a client shall be given directly or indirectly to any third party which is external to RLAS, without that client's expressed consent to disclose such information.

RLAS recognises that all clients should be able to access its service in confidence and that no other person should ever know that they have used RLAS' services except to the extent where this is unavoidable because of the way that RLAS provides its services. RLAS provides its services in premises that it rents and clients may be seen entering or exiting those premises by other users of those premises.

Information provided by a client to one RLAS volunteer adviser will be provided to another RLAS volunteer adviser for the purpose of providing advice and assistance to clients. Because RLAS does not have its own premises, such provision of information is likely to take place over the telephone, through email or via meetings outside of the place(s) where RLAS holds its sessions RLAS's premises.

RLAS recognises that users need to feel secure in using RLAS' services in a confidential manner. But RLAS does not have premises of its own and has to take the premises it can afford at the standard they are provided. This can mean that RLAS cannot ensure that each room is perfectly or in some cases adequately sound-proofed. Where there is inadequate a volunteer adviser will inform a client of this fact.

RLAS will not confirm a client's presence at a RLAS advice session or the use of the services provided by RLAS without obtaining the user's consent. Statistical recording

RLAS is committed to effective statistical recording of clients to enable RLAS to monitor take-up of service and to identify any policy issues arising from advice services.

It is the responsibility of the trustees of RLAS to ensure all statistical records given to third parties, such as to support funding applications, monitoring reports for the local authority shall be produced in anonymous form, so individuals cannot be recognised.

### **Case records**

It is the trustees of RLAS' responsibility to ensure all case records are kept in locked filing cabinets. At the end of each advice sessions all case records are taken away from the place(s) where RLAS holds its session(s) and held by the secretary of RLAS or taken by another volunteer adviser who passes them on to the secretary. All information relating to a client (once it reaches the secretary of RLAS) will be stored in a locked filing cabinet (this includes note books, copies of correspondence, calculation sheets and any other sources of information).

### **Expressed consent to give information**

It is the responsibility of a volunteer adviser to ensure that where any action is agreed to be taken by RLAS on behalf of a client, that client must firstly sign an authorisation form. This should be placed on the client's file.

RLAS volunteer advisers are responsible for checking with clients if it is acceptable to telephone at home or work or by email in relation to their case. This will normally be done by checking whether the client has ticked the relevant boxes on the client contact form that client completes before they receive advice. This client contact form is always retained by RLAS.

### **Breaches of Confidentiality**

RLAS recognises that occasions may arise where individual workers feel they need to breach confidentiality. RLAS recognises, however, that any breach of confidentiality may damage the reputation of RLAS' services and therefore has to be treated with the most serious of approaches.

On occasions where a volunteer adviser feels confidentiality should be breached the following steps must be taken:

- 1 The volunteer adviser should raise the matter immediately with a trustee of RLAS (or if the volunteer adviser is a trustee, then with another trustee of RLAS).
- 2 The volunteer adviser must discuss with the trustee or other trustee the issues involved in the case and explain why they feel confidentiality should be breached and what would be achieved by breaching confidentiality. The trustee or other trustee

should take a written note of this discussion.

- 3 The trustee (or other trustee) is responsible for discussing with the worker what options are available in each set of circumstances.
- 4 The trustee (or other trustee) is responsible for making a decision on whether confidentiality should be breached.

### **Legal requirements**

As RLAS volunteers advisers are qualified lawyers they will be familiar with the issue to maintaining confidentiality and in what circumstances there can be a breach of a confidentiality policy in order to ensure that statutory and legal requirements including the Data Protection Act, Children's Act, Rehabilitation of Offenders Act and Prevention of Terrorism Act, etc. Where advice and assistance is provided by non-qualified lawyers (such as trainee solicitors, pupil barristers or lawyers not qualified in England and Wales, all who will provide advice and assistance under the supervision of qualified lawyer), then these advisers will be informed of these matters.

### **Ensuring the effectiveness of the policy**

All volunteer advisers and trustees will receive a copy of the confidentiality policy. The policy will be reviewed annually and amendments should be proposed and agreed by the trustees of RLAS.

Date procedure was agreed: \_\_\_\_\_

Date of review: \_\_\_\_\_

Person responsible for review: \_\_\_\_\_

# Richmond Legal Advice Service

## Authorisation Slip

I authorise:

- 1 Richmond Legal Advice Service to act on my behalf; and
- 2 your organisation/company to provide the information Richmond Legal Advice Service request in connection with my case;
- 3 authorise your organisation/company to deal with and correspond with Richmond Legal Advice Service.

**Client name**

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**Address**

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**Client signature**

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**Date signed**

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## **Actions**

- 1 update client contact sheet to include permissions to allow RLAS to contact clients by email, telephone etc
- 2 update “How we can help you” to include confidentiality statement
- 3 update web site to include confidentiality statement
- 4 provide copy of confidentiality policy and “membership criteria explained briefings 4 confidentiality policy” from AdviceUK to allow volunteer advisers and trustees.