

Confidentiality and Information Sharing Policy

PROTECTING INFORMATION · ENABLING SAFE SHARING · BUILDING TRUST

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1 Policy Statement

Unique Minds (LAMEHLAK, Charity No. 1206326) is committed to maintaining the highest standards of confidentiality in all aspects of its work. The people who access our Wayfinder service and activities share sensitive personal information with us at a time when they may be at their most vulnerable. They must be able to trust that this information will be handled with care, respect, and discretion.

At the same time, Unique Minds recognises that there are circumstances in which sharing information with other organisations or agencies is necessary — to keep people safe, to provide effective joined-up support, or to meet legal obligations. This policy sets out how we balance these responsibilities.

This policy applies to all staff, trustees, volunteers, contractors, and anyone working on behalf of Unique Minds.

Information shared with us in confidence will be treated with respect and shared only when there is a clear and lawful reason to do so.

2 Purpose

This policy sets out Unique Minds' approach to confidentiality and information sharing. It provides clear guidance to all staff and volunteers on when and how information should be kept confidential, when it may be shared, and how sharing should be done safely, proportionately, and in accordance with the law.

Given the nature of our work which is supporting families affected by dementia, many of whom share deeply personal information about health, finances, relationships, and end of life plans, a clear and consistent approach to confidentiality is essential to maintaining trust and providing effective, person-centred support.

3 Scope

This policy applies to all information about service users, carers, families, staff, volunteers, partner organisations, and any other individual or organisation that Unique Minds holds or processes in the course of its work. It covers information held in any format: paper records, electronic records, CRM system data, emails, telephone conversations, and verbal communications.

4 What is Confidential Information?

Confidential information is any information that is not in the public domain and that has been shared with Unique Minds with an expectation of privacy. In the context of our work, this includes:

- ✓ Personal details of service users and carers including name, address, contact information, and date of birth
- ✓ Health and medical information, including dementia diagnosis, stage of condition, medication, and other health needs
- ✓ Financial information, including details of benefits, assets, care funding, or Power of Attorney arrangements
- ✓ Family circumstances, relationships, and caring arrangements
- ✓ Legal matters including Lasting Power of Attorney, Court of Protection proceedings, or advance directives
- ✓ Information about a person's emotional wellbeing, mental health, or personal history
- ✓ Sensitive information about staff or volunteers shared in the context of their employment or volunteering relationship
- ✓ Information about partner organisations shared in the context of service agreements or joint working

5 Our Duty of Confidentiality

Unique Minds has a duty of confidentiality to all people who share information with us. This means:

- ✓ Information shared by service users and carers will only be used for the purpose for which it was given
- ✓ Information will not be shared with third parties without the individual's consent, unless one of the lawful bases for sharing set out in this policy applies
- ✓ Staff and volunteers will not discuss confidential information in public or semi-public spaces, including reception areas, corridors, or outside the centre
- ✓ Information will not be shared with family members or carers without the individual's consent, unless the individual lacks capacity and sharing is in their best interests
- ✓ Confidential information will not be discussed outside of work, including on social media or in personal conversations
- ✓ All records will be stored securely and accessed only by those who need the information to carry out their role

6 When Information Can Be Shared

There are circumstances in which sharing information without consent or where consent cannot be obtained is lawful and necessary. Information may be shared in the following circumstances:

With Consent

Where an individual has given clear, informed consent for their information to be shared with a specific organisation or person for a specific purpose, sharing is lawful and straightforward. Consent should be documented and the individual should understand what information will be shared, with whom, and why.

To Protect Life; Vital Interests

Where there is a serious and immediate risk to the life of an individual or another person, information may be shared without consent. This is a high threshold and applies in situations where delay in sharing could result in serious harm or death.

Safeguarding

Where a safeguarding concern has been identified, information must be shared with the appropriate statutory authority regardless of whether consent has been given. The duty to protect a vulnerable adult or child from harm overrides the duty of confidentiality. This is covered in more detail in section 9 of this policy.

Legal Obligation

Where Unique Minds is required by law to share information – for example, in response to a court order, a statutory investigation, or a request from a regulatory authority, information may be shared without consent. Legal advice should be sought where there is any doubt.

Public Interest

In exceptional circumstances, information may be shared in the public interest where the benefit of sharing clearly outweighs the individual's right to privacy. This might include situations involving serious crime, public health risks, or significant harm to others. Any decision to share on public interest grounds must be carefully considered, documented, and if possible reviewed with a senior colleague before sharing.

KEY PRINCIPLE

Before sharing any information without consent, ask: Is there a clear lawful basis? Is sharing necessary and proportionate? Has the decision been documented? If in doubt, seek advice from the Centre Director before sharing.

7 Sharing Information Safely

When information is shared, whether with consent or under one of the lawful bases above, it must be shared safely and proportionately. The following principles apply in all cases:

- ✓ Share only the minimum information necessary for the specific purpose – do not share more than is needed
- ✓ Share only with the person or organisation who genuinely needs the information
- ✓ Use secure methods of communication i.e. do not send sensitive personal information by unencrypted email or leave paper records unattended
- ✓ Verify the identity and authority of the recipient before sharing
- ✓ Document all decisions to share information, including the reason, what was shared, with whom, and when
- ✓ Where information is shared verbally, for example, in a telephone call to a statutory agency, a written note must be made promptly
- ✓ Where a referral is made to another service or agency, the individual should be informed wherever possible, even if consent for the referral was not required

8 Consent and Capacity

Consent to share information must be freely given, specific, informed, and unambiguous. Individuals must understand what information will be shared, with whom, and for what purpose before giving consent.

Unique Minds recognises that many of the people who access our services are living with dementia, which may affect their capacity to consent to information sharing. The Mental Capacity Act 2005 principles must always be applied in these situations:

- ✓ Capacity is decision-specific and must be assessed in relation to the particular decision being made
- ✓ A person must be assumed to have capacity unless it is established that they do not
- ✓ All practicable steps must be taken to support the person to make their own decision before concluding they lack capacity
- ✓ An unwise decision does not in itself mean that a person lacks capacity
- ✓ Where a person lacks capacity, any decision to share information must be made in their best interests, and the least restrictive option must always be considered

Where a person has a Lasting Power of Attorney (LPA) or court-appointed deputy in place, information may be shared with that person in relation to the domains covered by the LPA, provided this is in the individual's best interests. Staff must sight relevant documentation before acting on the instructions of a legal representative.

9 Confidentiality and Safeguarding

Confidentiality is not absolute. Where a safeguarding concern arises, whether relating to a vulnerable adult or a child, the duty to protect takes precedence over the duty of confidentiality.

Staff and volunteers must never promise confidentiality to a service user in absolute terms and must not allow a concern about confidentiality to delay or prevent the reporting of a safeguarding concern. If a service user discloses information that gives rise to a safeguarding concern, they should be told, sensitively and as early as possible, that the information will need to be shared.

All safeguarding concerns must be reported to the Designated Safeguarding Lead immediately, in accordance with the Safeguarding Adults Policy and Safeguarding Children Policy. The DSL will determine what information needs to be shared with the local authority or other statutory agency and ensure this is done appropriately.

IMPORTANT REMINDER

Staff must never promise confidentiality. The appropriate phrase is: 'I will keep what you share with me as private as possible, but there are some situations where I may need to share information to keep you or someone else safe.'

10 Information Sharing with Partner Organisations

Unique Minds works in partnership with a range of statutory and voluntary sector organisations including NHS memory clinics, GP practices, local authority social care teams,

and other dementia charities. Sharing information with these partners is often essential to providing effective, joined-up support for service users and their families.

Where information is routinely shared with a partner organisation for example, through a referral pathway or a service level agreement, a formal information sharing agreement should be in place that sets out what information will be shared, the lawful basis for sharing, how it will be kept secure, and how long it will be retained.

Ad hoc sharing with partner organisations must always comply with the principles in section 7 of this policy. Staff must not share information with a partner organisation simply because it may be useful to them, there must be a clear purpose and lawful basis for every act of sharing.

Information about service users must never be shared with employers, insurance companies, media organisations, or any other third party without the explicit consent of the individual, unless a legal obligation applies.

11 Professional Boundaries and Personal Disclosure

The Wayfinder relationship can become close over the course of the dementia journey. Service users and carers may share deeply personal information and may ask Wayfinders personal questions in return. Maintaining appropriate professional boundaries in relation to personal information is important to protect both the service user and the member of staff.

Staff and volunteers should exercise professional judgement in deciding what, if any, personal information to share with service users. As a general principle, personal disclosure should be limited to what is genuinely helpful to the service user and should never shift the focus of the relationship away from the service user's needs.

Any concerns about professional boundaries, including situations where a service user has disclosed information that places the staff member in a difficult position, should be discussed promptly in supervision with the Centre Director.

12 Staff Responsibilities

All staff and volunteers are responsible for:

- ✓ Treating all information about service users, carers, colleagues, and the organisation as confidential unless there is a clear and lawful reason to share it
- ✓ Never discussing confidential information in public or shared spaces where it may be overheard
- ✓ Storing and handling records in accordance with the GDPR and Data Protection Policy
- ✓ Reporting any actual or suspected breach of confidentiality to the Centre Director immediately
- ✓ Completing training on confidentiality and information sharing at induction and at regular intervals thereafter

- ✓ Seeking guidance from the Centre Director whenever they are uncertain about whether to share information

The Centre Director is responsible for ensuring that information sharing agreements are in place with partner organisations, that staff are trained and supported, and that any breaches of confidentiality are investigated and acted upon promptly.

13 Breach of Confidentiality

A breach of confidentiality occurs when information is shared without a lawful basis, shared more widely than is necessary, or shared insecurely. Breaches may be deliberate or accidental, both are serious and must be reported immediately.

Any member of staff or volunteer who becomes aware of an actual or suspected breach of confidentiality must report it to the Centre Director without delay. Where the breach also constitutes a data breach under UK GDPR, the procedures set out in the GDPR and Data Protection Policy must also be followed, including notifying the ICO within 72 hours where required.

Breaches of confidentiality will be investigated promptly and appropriate action taken. Depending on the severity of the breach, this may include additional training, a change in procedures, disciplinary action, or referral to a regulatory authority. A deliberate or serious breach of confidentiality may result in dismissal.

14 Related Legislation and Documents

This policy is underpinned by:

- ✓ UK General Data Protection Regulation (UK GDPR)
- ✓ Data Protection Act 2018
- ✓ Human Rights Act 1998 — Article 8 (right to private and family life)
- ✓ Mental Capacity Act 2005
- ✓ Care Act 2014
- ✓ Children Act 1989 and 2004
- ✓ Common law duty of confidentiality

This policy should be read alongside:

- ✓ GDPR and Data Protection Policy
- ✓ Safeguarding Adults Policy
- ✓ Safeguarding Children Policy
- ✓ Health & Safety Policy
- ✓ Complaints and Feedback Policy
- ✓ Equality, Diversity and Inclusion Policy

15 Feedback

Feedback on this policy and its implementation is welcomed from staff, volunteers, service users, carers, and partner organisations. Feedback can be provided through supervision, team meetings, or directly to the Centre Director and will be used to inform future reviews and improvements in practice.

16 Approval and Review Details

This policy will be formally reviewed annually, or sooner if there are changes in legislation, guidance, or organisational practice.

Policy Name	Confidentiality and Information Sharing Policy
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