

Privacy and Confidentiality – Service User Policy

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Approval

Policy owner	Executive Manager, Specialist Community Services		
Business Unit	Specialist Community Services		
Approved by	Executive Manager, Specialist Community Services		
Date approved	31/10/2025	Review date	31/10/2027

1 Purpose

- 1.1 This policy is intended to communicate the importance that Specialist Community Services (SCS) places on maintaining privacy and confidentiality when working with service users.
- 1.2 SCS is committed to compliance with all applicable laws, regulations and codes that affect its practices to ensure the dignity and respect of service users is upheld and maintained.

2 Scope

- 2.1 For the purposes of this policy, responsibility for privacy and confidentiality rests with the staff team as a whole, rather than with individual staff members. Team based confidentiality enables staff to work collaboratively, engage in reflective practice, support and ensure consistency of service to cover staff absence.
- 2.2 This is a divisional policy, applicable to all staff working in the following SCS sites:
 - Mental Health Service
 - Housing Plus
 - Homelessness Services
- 2.3 This policy should be read in conjunction with the SVDPPA-PP-1026 Privacy Policy

3 Policy principles

- 3.1 SCS views privacy and confidentiality as much more than a statutory obligation to service users. When working with people who have experienced trauma, it is crucial to assure that privacy and confidentiality will be maintained in order to warrant their trust.
- 3.2 All staff are required to sign a Privacy and Confidentiality Agreement upon induction and prior to the commencement of work or placement within SCS services.
- 3.3 Staff at each service will ensure that service users are informed about how privacy and confidentiality is maintained, when they engage with the service.
- 3.4 Before sharing any information, staff need to get written permission from the service user (such as the Authority to Obtain and Share Information Form). The information shared should help the service user reach their goals and support effective collaboration.
- 3.5 In line with the Vinnies Value of respect, SCS staff will ensure that even with written consent, information is shared purposefully and respectfully, within the agreed scope consented to by the service user. Exceptions to this are in situations of serious and imminent risk, which is covered under 3.10.
- 3.6 Casual or part-time staff who also work for other services must get written permission before sharing any information about service users who access both services. Information must only be shared as requested by the service user or as part of an agreed plan.
- 3.7 Staff who work with family members and/or carers will ensure that service user information will only be shared with documented consent. This will include who

can have access to the information, the relationship to the service user and, specific information that can be shared.

- 3.8 Written consents are reviewed annually or more frequently where required. Timeframes for Housing Plus and Wandjoo Bidi forms may vary based on the duration of tenancy.
- 3.9 A service user can either alter the authority or, withdraw their consent for sharing of information at any time.
- 3.10 All hard copy information pertaining to service users is stored in a locked cabinet at respective sites. All staff will ensure that documents with service user related information on it is not left out on desks and/or computer screens left open and unattended. Service user privacy will be protected at all times.
- 3.11 There are instances when privacy and confidentiality may be breached. Such situations may include:
- Information being shared with relevant authorities without consent as a duty of care where there is serious and/or imminent risk to the service user or others. Staff must discuss this with the relevant Coordinator/Service Manager and ensure it is documented.
 - Information relating to a service user maybe shared with the Police if it is subpoenaed or, a Notice to Produce or a warrant has been obtained.
- 3.12 If information needs to be shared without consent as detailed in 3.10 staff will act with transparency in an effort to maintain the relationship unless, this would lead to further risk to the service user or others.
- 3.13 In circumstances where the Police seek information about a service user without the above documentation, staff are to inform the Police that they do not have the delegated authority to provide such information and must follow specific direction from their Service Manager regarding communications with the Police. The only exception to this, is to arrest someone whom the Police believe has committed a serious offence.
- 3.14 In accordance with relevant legislation, service users are entitled to request access to their own records. It is the responsibility of staff to ensure service user records are true and accurate. It may also be advisable to ensure the service user is provided with support, as it may be distressing reading notes written about them.
- 3.15 All electronic information pertaining to service users is password protected and is only available to authorised staff.

4 Roles and responsibilities

- 4.1 The Executive Manager, Specialist Community Services is responsible for maintaining the currency of this policy.
- 4.2 Society representatives are required to adhere to this policy. Failure to comply may be considered a breach of our policies and may result in disciplinary action.

5 Review

- 5.1 This procedure will be reviewed at least every two years, after consultation. Some circumstances may trigger an early review; this includes but is not limited to legislative changes, organisational changes, incident outcomes and other matters deemed appropriate by the SCS Management Team or the Executive Manager

SCS.

6 Further assistance

- 6.1 Society personnel should speak with their Manager regarding any questions about the implementation of this policy.

7 References

References made in this policy are:

- 7.1 Authority to Obtain and Share Information Form - MHS
7.2 SVDPWA-PP-1026 Privacy Policy

8 Related documents and legislation

Related documents and legislation at the time of approval include:

- 8.1 ICT-PP-2071 Information and Communication Technology (ICT) Policy
8.2 SCS-PP-4017 Consumer and Client Handover Policy
8.3 The Privacy Act 1988, *Office of the Australian Information Commissioner, Australian Government*
8.4 Australian Privacy Principles, *Office of the Australian Information Commissioner, Australian Government*
8.5 The Mental Health Act 2014, *Department of Justice, Government of Western Australia*
8.6 National Standards for Mental Health Services 2010, *Australian Government*
8.7 The Guardianship and Administration Act 1990, *State Administrative Tribunal. Government of Western Australia*
8.8 Specialist Homelessness Services – Privacy Information. Retrieved from https://www.foyeroxford.org.au/theme/oxfordfoyercomau/assets/public/File/SHIP_Privacy_Information.pdf
8.9 Specialist Homelessness Service Standards 2016, *Department of Communities, Government of Western Australia*
8.10 Youth Work Code of Ethics WA, *Youth Affairs Council of Western Australia and Western Australian Association of Youth Workers*

9 Approval and amendment history

Version	Approval authority	Date	Amendment summary
1.0	EM, SCS	31/01/2018	Initial version
2.0	EM, SCS	27/10/2021	Scheduled review
2.1	EM, SCS	01/12/2021	Conversion to new template
3.0	EM, SCS	15/11/2023	Scheduled review
4.0	EM, SCS	31/10/2025	Scheduled review

10 Definitions

Term	Definition
Confidentiality	refers to the duty of anyone entrusted with personal information to keep that information private.
Consent authorities	Documents that evidence written consent has been provided by the consumer/client for the sharing or release of information
Imminent Risk	means there is a <u>current threat</u> or an event that will threaten an individual's personal health and/or safety and means that it is almost certain to happen very soon
Personal Information	refers to a broad range of information, or an opinion, that could identify a consumer/client. Personal information may include a consumer/client's name, address, phone number and/or date of birth.
Privacy	refers to the right of an individual to keep their personal and sensitive information private.
Sensitive information	Refers to information such as health information, criminal record, racial or ethnic origin, religious beliefs or affiliations, progress notes and, status with the service(s).
Service user	Is an umbrella terms used to refer to: <ul style="list-style-type: none"> • Consumers – individuals who access Mental Health Services • Clients – individuals who access Passages Youth Engagement Hubs and Tom Fisher House • Residents – individuals residing at Wandjoo Bidi under a License to Occupy Agreement • Tenant – tenants residing in Housing Plus properties
Staff	for the purposes of this policy refers to all staff, volunteers and students within SCS.
Trauma informed	is an organisational and practice approach to delivering health and human services directed by a thorough understanding of the neurological, biological, psychological and social effects of trauma and its prevalence in society. It is a strengths-based framework that emphasises physical, psychological and emotional safety for people who have experienced trauma, their families and carers, and service providers. (Commonwealth of Australia: The Fifth National Mental Health and Suicide Prevention Plan. Canberra: Commonwealth of Australia; 2017)