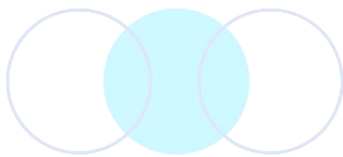


# **POLICY & PROCEDURES INFORMATION & CLIENT RECORD MANAGEMENT**

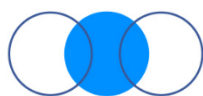
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**DIRECT MEDIATION  
SERVICES**

01 June 2022

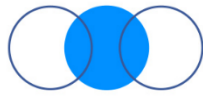
Policy & Procedures Information & Client Record Management 1	ICRM.001	Version 1.2
Prepared by: Stuart Hanson	Approved by: Dorian R Ramirez	Page 1 of 21



## Table of Contents

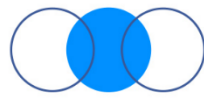
INFORMATION & CLIENT RECORDS MANAGEMENT POLICY #01 PRIVACY POLICY.....	4
POLICY STATEMENT.....	4
INFORMATION & CLIENT RECORDS MANAGEMENT POLICY #02 CLIENT RECORDS POLICY .....	10
POLICY STATEMENT.....	10
INFORMATION & CLIENT RECORDS MANAGEMENT POLICY #03 ACCESS TO CONFIDENTIAL INFORMATION POLICY.....	17
POLICY STATEMENT.....	17

Policy & Procedures Information & Client Record Management 1	ICRM.001	Version 1.2
Prepared by: Stuart Hanson	Approved by: Dorian R Ramirez	Page 2 of 21



<b>Code</b>	<b>ICRM.001</b>
<b>Title</b>	<b>Policy &amp; Procedures Information &amp; Client Record Management 1</b>
<b>Status</b>	<b>Active</b>
<b>Prepared by</b>	<b>Stuart Hanson</b>
<b>Approved by</b>	<b>Dorian Roberto Ramirez Sosa</b>
<b>Date Approved</b>	<b>01.07.2020</b>
<b>Revision Number</b>	<b>Version 1.2</b>
<b>Date last amended</b>	<b>01.06.2022</b>
<b>Date of next review</b>	<b>01.06.2024</b>
<b>Contact Officer</b>	<b>Stuart Hanson</b>
<b>Distribution Status</b>	<b>Controlled</b>

Policy & Procedures Information & Client Record Management 1	ICRM.001	Version 1.2
Prepared by: Stuart Hanson	Approved by: Dorian R Ramirez	Page 3 of 21



## **INFORMATION & CLIENT RECORDS MANAGEMENT POLICY #01 PRIVACY POLICY**

### **POLICY STATEMENT**

Direct Mediation Services (DMS) is committed to protecting and upholding the privacy of clients, staff, volunteers, members of the DMS Board and representatives of agencies we deal with. In particular DMS is committed to protecting and upholding the privacy of our clients in the way we collect, store and use information about them, their needs and the services we provide to them.

DMS requires staff, volunteers and members of the DMS Board to be consistent and careful in the way they manage what is written and said about individuals and how they decide who can see or hear this information.

DMS, as a potential provider of service under LAA contract, conforms with relevant legislation, including the Data Protection Act and endeavours to follow and comply with the principles which govern the collection, use and storage of personal information, in its information management practices.

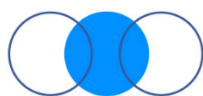
Direct Mediation Services will ensure that:

- it meets its legal and ethical obligations as an employer and service provider in relation to protecting the privacy of clients and organisational personnel.
- clients are provided with information about their rights regarding privacy during their MIAM.
- clients and organisational personnel are provided with privacy when they are being interviewed or discussing matters of a personal or sensitive nature.
- all staff, volunteer and members of the DMS Board understand what is required in meeting these obligations via their induction training.

This policy will apply to all records, whether hard copy or electronic, containing personal information about individuals, and to interviews or discussions of a sensitive personal nature.

This policy requires to be read and understood in conjunction with the following DMS documents:

Policy & Procedures Information & Client Record Management 1	ICRM.001	Version 1.2
Prepared by: Stuart Hanson	Approved by: Dorian R Ramirez	Page 4 of 21



## **POLICY/DOCUMENT NAME**

1. Confidentiality Policy
2. DMS Codes of Conduct
3. Access to Confidential Information
4. Client Records

## **TO WHOM THE DIRECT MEDIATION SERVICES PRIVACY POLICY APPLIES:**

- Members of the DMS Board
- DMS staff
- DMS Volunteers
- Researchers, students, contractors working with DMS

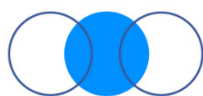
## **GUIDELINES**

### **Dealing with personal information**

In dealing with personal information, Direct Mediation Services staff will:

- ensure privacy for clients, staff, volunteers or members of the DMS Board and its subcommittees, when they are being interviewed or discussing matters of a personal or sensitive nature
- only collect and store personal information that is necessary for the functioning of the organisation and its activities
- use fair and lawful ways to collect personal information
- collect personal information only by consent from an individual
- ensure that people know what sort of personal information is held, what purposes it is held for and how it is collected, used, disclosed and who will have access to it
- ensure that personal information collected or disclosed is accurate, complete and up-to-date, and provide access to any individual to review information or correct wrong information about themselves
- take reasonable steps to protect all personal information from misuse and loss and from unauthorised access, modification or disclosure
- destroy or permanently de-identify personal information no longer needed and/or after legal requirements for retaining documents have expired.

Policy & Procedures Information & Client Record Management 1	ICRM.001	Version 1.2
Prepared by: Stuart Hanson	Approved by: Dorian R Ramirez	Page 5 of 21



### **Responsibilities for managing privacy**

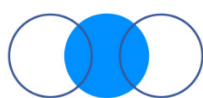
- All staff are responsible for the management of personal information to which they have access, and in the conduct of research, consultation or advocacy work.
- The DMS Office Manager together with DMS IT Support is responsible for content in Direct Mediation Services publications, communications and web site and must ensure the following:
  - appropriate consent is obtained for the inclusion of any personal information about any individual including DMS personnel
  - information being provided by other agencies or external individuals conforms to privacy principles
  - that the website contains a Privacy statement that makes clear the conditions of any collection of personal information from the public through their visit to the website.
- The DMS Office Manager is ultimately responsible for ensuring that the personal information of individual clients across all DMS service and programs is safeguarded in accordance to our Data Protection Policy and Commitment to the GDPR and that all client records are maintained in accordance with all relevant standards, principles and legislation.
- The DMS Office Manager and the Finance Manager are responsible for safeguarding personal information relating to DMS staff, members of the DMS Board, members of Direct Mediation Services and contractors of the Organisation.
- DMS Mediators are responsible for safeguarding any personal information held on their individual service clients, service volunteers and where relevant and appropriate service specific contractors.

### **The Privacy Contact Officer:**

The DMS Practice Manager or their delegate will be responsible for:

- ensuring that all staff are familiar with the Privacy Policy and administrative procedures for handling personal information
- ensuring that clients and other relevant individuals are provided with information about their rights regarding privacy
- handling any queries or complaint about a privacy issue

Policy & Procedures Information & Client Record Management 1	ICRM.001	Version 1.2
Prepared by: Stuart Hanson	Approved by: Dorian R Ramirez	Page 6 of 21



## Privacy information for clients

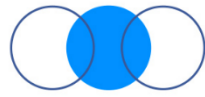
At the initial point of contact with the appropriate DMS service and or DMS Service Coordinator, prospective clients will be told what information is required to be collected, how their privacy will be protected and their rights in relation to this information. This process will routinely be attended on completion of the MIAM part 1, online, via an online form. The clients must agree about our data policy before submitting their data in our online forms.

## Privacy for interviews and personal discussions

Arrangements to ensure that staff and client privacy is protected when information of a sensitive or personal nature is being discussed, will differ according to where the interaction is taking place. All efforts will be made to ensure that face to face interactions of a sensitive or personal nature are conducted in private, wherever possible safe and practical to do so.

- The DMS staff member undertaking the interview/interaction will seek to maintain an appropriate environment by conducting the interaction in an allocated DMS group or counselling room if available and safe.
- Interviews may be undertaken in the staff member's office, if another staff member is present the second staff member may be asked to vacate the space for a contracted period of time to enable the interview. If this cannot be facilitated then the client/volunteer/contractor/staff member will be asked if they are comfortable continuing with the staff member present, reassuring the individual that all DMS staff must abide by the DMS Code of Conduct and maintain their confidentiality.
- If this arrangement is not acceptable then an alternative time and date for interview will be negotiated, ensuring that the interview can be conducted in private in an appropriate meeting space, if assessed by the staff member as safe to do so.
- Phone and online conversations with clients/volunteers/contractors/staff members are at times undertaken in the presence of the other staff sharing the office. The interviewee will be informed that their information and privacy is safeguarded as all DMS staff and volunteers are bound by the Organisational Code of Conduct governing how they must maintain privacy and confidentiality. If this arrangement is not acceptable then an alternative time and date for phone interview will be negotiated, ensuring that the interview can be conducted in private.

Policy & Procedures Information & Client Record Management 1	ICRM.001	Version 1.2
Prepared by: Stuart Hanson	Approved by: Dorian R Ramirez	Page 7 of 21



- Any advance from clients/community users/DMS staff to discuss matters of a sensitive or personal nature outside routine operating hours will be deferred by mutual agreement to a service operating day at a mutually agreed to time.

### **Limits to confidentiality**

There are limits to confidentiality as required by law, and these are when:

- there is circumstance of immediate or grave danger to an individual - client, staff or other service user e.g. when there is reasonable belief that the individual is suicidal or homicidal
- there is reasonable suspicion of serious criminal activity
- there is recent or ongoing child abuse
- there is recent or ongoing abuse of a dependent adult
- there is reasonable suspicion of disease or conditions subject to mandatory reporting of a public health issues

Under these circumstances an individuals' right to privacy and confidentiality is replaced by requirements under the law.

Policy & Procedures Information & Client Record Management 1	ICRM.001	Version 1.2
Prepared by: Stuart Hanson	Approved by: Dorian R Ramirez	Page 8 of 21

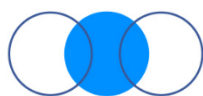




## VERSION HISTORY

<b>Code</b>	<b>ICRM.002</b>
<b>Title</b>	<b>POLICY &amp; PROCEDURES INFORMATION &amp; CLIENT RECORD MANAGEMENT 2</b>
<b>Status</b>	<b>Active</b>
<b>Prepared by</b>	<b>Stuart Hanson</b>
<b>Approved by</b>	<b>Dorian Roberto Ramirez Sosa</b>
<b>Date Approved</b>	<b>01.07.2020</b>
<b>Revision Number</b>	<b>Version 1.2</b>
<b>Date last amended</b>	<b>01.06.2022</b>
<b>Date of next review</b>	<b>01.06.2024</b>
<b>Contact Officer</b>	<b>Stuart Hanson</b>
<b>Distribution Status</b>	<b>Controlled</b>

Policy & Procedures Information & Client Record Management 2	ICRM.002	Version 1.2
Prepared by: Stuart Hanson	Approved by: Dorian R Ramirez	Page 9 of 21



## **INFORMATION & CLIENT RECORDS MANAGEMENT POLICY #02 CLIENT RECORDS POLICY**

### **POLICY STATEMENT**

Direct Mediation Services (DMS) is committed to collecting, keeping and disposing of client records in ways that protect privacy and ensure confidentiality is maintained. This policy will operate in conjunction with the organisation's Privacy Policy. The Direct Mediation Services conforms to the Data Protection Act 1998 and the established principles which govern the collection, use and storage of personal information.

Specifically, Direct Mediation Services will:

- collect and keep information about clients only when it is relevant and necessary to the provision of the service.
- ensure data about each client is up to date, accurate and secure, whether stored in hard copy or electronically, in accordance with legislation.
- take account of any relevant cultural or religious sensitivities of people using services in the way information about them is collected, stored and used.
- store clients' records for the required length of time (7 years).
- transfer or dispose of client records correctly.
- provide information to clients about how their personal information is managed.

When the organisation collects, keeps and uses identifiable data about a client, the following procedures will be implemented to guarantee the privacy of the client, and to ensure that records are appropriate, accurate and secure.

This policy requires to be read and understood in conjunction with the following documents:

### **POLICY/DOCUMENT NAME**

1. DMS Privacy Policy
2. DMS Access to Confidential Information Policy
3. Data Protection Act 1998

Policy & Procedures Information & Client Record Management 2	ICRM.002	Version 1.2
Prepared by: Stuart Hanson	Approved by: Dorian R Ramirez	Page 10 of 21



**TO WHOM THE DIRECT MEDIATION SERVICES CLIENT RECORDS POLICY APPLIES:**

- Members of the DMS Board
- DMS management
- DMS staff
- DMS volunteers
- Researchers, students, contractors working with DMS and noting in client files

**PROCEDURE**

**Collecting identifiable data**

The organisation collects and records the following information about individual clients:

- General demographics - name, address, gender, age, next of kin, contact details, solicitor details where appropriate,
- Service delivery details – Any other service agencies involved in care, client goals, current plan determined with client, client consent to share information (where necessary) and enable service delivery, signed client service agreement, other information relevant to ongoing service.

This information is collected for the purpose of:

- service monitoring, evaluation and reporting (de-identified information only is used for this purpose)
- meeting the reporting requirements of the relevant DMS funding bodies i.e LAA
- developing an accurate client record and client file
- monitoring and management of service to individuals
- enabling organisational analysis of demographic profiles and service user trends, used for service planning

The individual Mediators will review the scope of information collected on clients to ensure that only relevant information is being recorded, with recommendations provided to the DMS Managing Partner or Office Manager.

Policy & Procedures Information & Client Record Management 2	ICRM.002	Version 1.2
Prepared by: Stuart Hanson	Approved by: Dorian R Ramirez	Page 11 of 21



On the confirmation of eligibility for legal aid, the client will input their data into an online system that will request the following information from the client:

- name, address, gender, age, contact details, advocate details where appropriate
- consent to share information (where necessary) and client related report data

When information is being sought from clients, the online form or staff member seeking the information will request the person's consent to provide the information and inform them of:

- the reason for requesting the information
- what other information will be recorded during the provision of service
- their rights to view or access information about them.

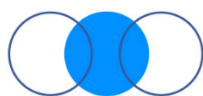
If identifiable information about a client will be shared with another agency, the staff member will obtain the client's consent for this and record the date of the verbal consent/obtain the client's signature on a consent form.

### **Storage and use of identifiable data**

Information collected about individual clients is stored in the following ways:

- The DMS electronic client document management system allocates a virtual file to a client in the cloud. All personal client information and details are contained within their file. Access to the clients' file is based upon permissions being given by the service administrator (the MANAGING PARTNER, in consultation with the Office Manager). The permissions are granted to relevant care staff and volunteers for access to particular sections of the client's file. At all levels access is permission dependent and username & password protected.
- The client may obtain full access to all levels and functions within the electronic records system on formal application to the company.
- Only the MANAGING PARTNER and staff directly engaged in the clients' service, granted the relevant permissions can access client information in the electronic system.

Policy & Procedures Information & Client Record Management 2	ICRM.002	Version 1.2
Prepared by: Stuart Hanson	Approved by: Dorian R Ramirez	Page 12 of 21



- The DMS MANAGING PARTNER or their delegate is authorised to access the soft copy client files/records for all clients and past clients of DMS
- Individual Mediators are authorised to access the soft copy client files/records for clients engaged with their specific services
- Staff and volunteers at DMS, involved in the delivery of service to clients, may have access to the individual client file on the authorisation of the Managing Partner. In their absence, permission to access an individual client file may be granted by the DMS Office Manager.

Clients can have access their files. The client needs to notify the relevant Mediator that they wish to access their soft copy file. Clients may also be given authorised permission to access their electronic record in the DMS cloud based electronic client record documentation system. DMS does not hold any hard copy of any file. DMS has migrated to electronic files, a paperless company.

### **Maintaining and verifying client records**

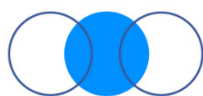
DMS Office Manager is responsible for ensuring review and update of client records. Client records will be updated against need for all clients. Routinely, client records will be reviewed and updated at a minimum of three-month intervals.

Client files are updated regularly during the period of an active mediation. On completion of a mediation, the record/file is closed, reactivation can only occur on the clients renewed engagement with the company.

A file will be created for each client by or with permission of the relevant Mediator, and used to record:

- General demographics - name, address, gender, age, next of kin, contact details, advocate details where appropriate, country of origin, and need for an interpreter
- Service delivery details – other service agencies involved in care, client goals, current plans determined with client, client consent to share information (where necessary) and enable service delivery, signed client service agreement, progress notes, other information relevant to ongoing services, other relevant service assessments/correspondence.

Policy & Procedures Information & Client Record Management 2	ICRM.002	Version 1.2
Prepared by: Stuart Hanson	Approved by: Dorian R Ramirez	Page 13 of 21



In recording personal information about clients, Mediators will ensure that:

- The details are correct and accurate and verified by the client.
- The details being recorded are appropriate using appropriate and professional language and descriptors.
- The content contained within the client record is issues based, reflects the clients' goals and needs, is person centred and verified by the client.

### **File management**

The Office Manager is responsible for ensuring and managing the filing of client records, maintaining the list of client records and managing the archiving and disposal of client records. DMS records are maintained for 7 years depending on the requirements of the individual service, and then disposed of in line with best practice in privacy matters.

The company will maintain an updated list of current clients indicating whether they are active, inactive or closed. The Office Manager in consultation with the Mediators is responsible for ensuring the maintenance of this information and the accuracy of the recorded client information and data.

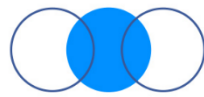
The electronic client documentation management system will store all client data in the cloud in the individual client file for active and inactive clients. This system will capture:

- staff and volunteer rosters
- client notes and updates, client consents, individual client service plans where necessary and which referrals and other involved service agencies details
- all client assessment and relevant checks.

### **Record disposal**

- DMS financial records are kept for 10 years from the end of the relevant service provision, and for 10 years from the end of the relevant financial year.
- General client records for 7 years from the last point for service provision before discharge, file closure or death.

Policy & Procedures Information & Client Record Management 2	ICRM.002	Version 1.2
Prepared by: Stuart Hanson	Approved by: Dorian R Ramirez	Page 14 of 21



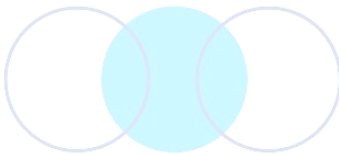
Records of clients who have left the service are archived according to the above timeframes and then destroyed.

Records of clients who have left the service are disposed of by deleting the online files from the cloud.

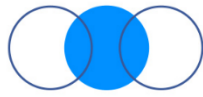
### **Lost or Damaged Records**

In the event a client record is lost or damaged, it is the responsibility of the relevant Mediator to:

- Notify the DMS General Manager
- Record in the Service report to the Board
- Notify the client and or their carer/advocate/guardian as appropriate
- Record in the new client file noting the loss or damage to the original client record



Policy & Procedures Information & Client Record Management 2	ICRM.002	Version 1.2
Prepared by: Stuart Hanson	Approved by: Dorian R Ramirez	Page 15 of 21



**VERSION HISTORY**

<b>Code</b>	<b>ICRM.003</b>
<b>Title</b>	<b>POLICY &amp; PROCEDURES INFORMATION &amp; CLIENT RECORD MANAGEMENT 3</b>
<b>Status</b>	<b>Active</b>
<b>Prepared by</b>	<b>Stuart Hanson</b>
<b>Approved by</b>	<b>Dorian Roberto Ramirez Sosa</b>
<b>Date Approved</b>	<b>01.07.2020</b>
<b>Revision Number</b>	<b>Version 1.2</b>
<b>Date last amended</b>	<b>01.06.2022</b>
<b>Date of next review</b>	<b>01.06.2204</b>
<b>Contact Officer</b>	<b>Stuart Hanson</b>
<b>Distribution Status</b>	<b>Controlled</b>

Policy & Procedures Information & Client Record Management 3	ICRM.003	Version 1.2
Prepared by: Stuart Hanson	Approved by: Dorian R Ramirez	Page 16 of 21





## **INFORMATION & CLIENT RECORDS MANAGEMENT POLICY #03 ACCESS TO CONFIDENTIAL INFORMATION POLICY**

### **POLICY STATEMENT**

Direct Mediation Services (DMS) is committed to transparency in its operations and to ensuring it is open to public scrutiny. The Organisation must balance this with upholding the rights of individuals to privacy and of the organisation to confidentiality on sensitive matters.

Direct Mediation Services will prevent unauthorised persons accessing an individual's confidential records and enable individuals to access their own records when this is reasonable and appropriate. Accordingly, access to some Direct Mediation Services' documents and records will be limited to specified individuals and not be available to others for viewing.

This policy applies to the internal records, client records and unpublished materials of Direct Mediation Services.

This policy requires to be read and understood in conjunction with the following DMS documents:

#### **POLICY/DOCUMENT NAME**

1. DMS Codes of Conduct
2. DMS Client Records Policy
3. Data Protection Act 1998 and Principles

#### **TO WHOM THE DIRECT MEDIATION SERVICES ACCESS TO CONFIDENTIAL INFORMATION POLICY APPLIES:**

- Members of the DMS Board
- DMS management
- DMS staff
- DMS volunteers
- Researchers, students, contractors working with DMS

Policy & Procedures Information & Client Record Management 3	ICRM.003	Version 1.2
Prepared by: Stuart Hanson	Approved by: Dorian R Ramirez	Page 17 of 21



## **GUIDELINES**

### **Client records**

Client records will be confidential to clients and to those DMS staff members (paid and unpaid) directly engaged in delivery of service to the client(s).

Information about clients may only be made available to other parties with the consent of the client or their duly appointed representative. The exception is a duly executed warrant for access to clients' records from an appropriate judicial body/court of law.

With the DMS electronic client document management system, clients will be allocated a virtual file in the cloud. All their personal information and details will be contained within their "file". Access to the clients' files is user name & password protected with varying levels of access to client information allocated depending on the designation of the staff member and the level of information access required to adequately serve the client. Overall client consent for sharing of information across staff and between services is necessary. The client is given full access to all levels and functions within the electronic records system (their "file").

### **Board/Management Committee**

The minutes of the DMS Board are available to members of the organisation on request once they have been accepted by the Board. The exception is when the Board minutes contain sensitive content related to an individual (staff member, volunteer, client, student, contractor), or Organisation business considered sensitive, in which case the Board exercises the right to redact such information/content as deemed confidential, or they pass a motion to make any specific content discussed in a Board meeting as confidential.

All papers and materials considered by the DMS Board can be made available to members of the organisation following the meeting at which they are considered, except where the Board exercises the right to redact such information/content as deemed confidential, or they pass a motion to make any specific content discussed in a Board meeting as confidential.

The minutes, papers and materials from any Sub-Committee of the Board will be open to Board members and staff, but not members of the organisation, with the exception of information relating to any matter the Sub-Committee deems confidential.

### **Direct Mediation Services Membership Records**

A list of current Direct Mediation Services Members will be available on request to DMS members, members of the DMS Board and DMS staff. Personal information about members (including address and contact details) is confidential and may only be accessed by the DMS General Manager or their delegate and the Manager Finance & Resources.

Policy & Procedures Information & Client Record Management 3	ICRM.003	Version 1.2
Prepared by: Stuart Hanson	Approved by: Dorian R Ramirez	Page 18 of 21



## Personnel files

A personnel file is held on the G Drive for each staff member and contains:

- contact details and contact details in case of an emergency
- a copy of the employee's letter of appointment
- job description, signed DMS Code of Conduct
- induction checklist
- Current DBS check where appropriate
- Access to personnel information is restricted to:
  - the individual staff member accessing their own file
  - the Managing Partner and Manager Finance & Resources,
  - Service Coordinator accessing the personnel file of a worker directly under their supervision and management

## Corporate records

Corporate records are those that contain confidential or commercially sensitive information about the organisation's business. They include:

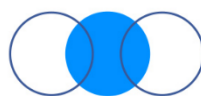
- financial accounts and records
- taxation records
- corporate correspondence with funding bodies
- the corporate usernames/passwords for services and document access
- records of staff or other internal meetings
- project management files
- contracts, service agreement and memorandums of understanding between the organisation and other parties

Access to these records is limited to the DMS General Manager or their delegate, the DMS Manager Finance & resources and the DMS Board. The relevant Service Coordinators responsible for specific projects will also have access to project management files and relevant contracts/service agreements.

## Requests for access – general records

All records and materials not falling into the categories above may be released to the public at the discretion of the Managing Partner or their delegate

Policy & Procedures Information & Client Record Management 3	ICRM.003	Version 1.2
Prepared by: Stuart Hanson	Approved by: Dorian R Ramirez	Page 19 of 21



Any request for access to information should be directed to the Managing Partner who will:

- make available to staff or DMS Board members information that they are entitled to access
- refer any request from DMS members or the public for access to the organisation's records or materials to the Board executive for approval prior to release.

In considering a request, the Managing Partner will take into consideration:

- a general presumption in favour of transparency
- the relevant provisions of the Direct Mediation Services' constitution regarding information to be made available to DMS members
- the business, legal, and administrative interests of Direct Mediation Services including commercial confidentiality and privacy obligations.

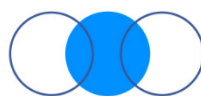
Where an external party requests access to information that requires staff to devote time to collating, copying or otherwise making material accessible, the Managing partner may determine a fee to be charged.

### **Requests for access - client records**

All clients and former clients have the right to access their records and advise the organisation about inaccuracies. DMS will ensure that:

- clients are aware of their rights around access to their records and are given appropriate and ready access to their information if requested
- clients are given copies of their client care arrangement reflecting their goals at commencement of service
- in the event a client request to access their file is refused by the Managing Partner, they have the right to appeal to the Chairperson of the DMS Board
- the electronic based DMS client document management system, is enable client access to all the information held on them.
- Where the administration process involves auditing client files, the level of access will be restricted to only those areas in the clients file that the auditor needs to see in order to properly monitor and regulate the company's activity and to check compliance with relevant guidance.

Policy & Procedures Information & Client Record Management 3	ICRM.003	Version 1.2
Prepared by: Stuart Hanson	Approved by: Dorian R Ramirez	Page 20 of 21



Requests for information about clients from outside agencies or individuals will be referred to the Office Manager in the first instance for review and recommendation to the MANAGING PARTNER re the request. Before any information is released, the relevant Mediator will contact the client to obtain consent for release of or access to information.

## Appeals

Individuals who are refused access to their own records or information files may appeal within 28 days of the decision by contacting the Managing Partner who will review the decision in the context of this policy within 14 days. In the event the client remains unhappy with the decision following this process they can seek further consideration from the DMS Board Executive for consensus decision.

## Limits to confidentiality

There are limits to confidentiality as required by law, and these are when:

- there is circumstance of immediate or grave danger to an individual - client, staff or other service user e.g. when there is reasonable belief that the individual is suicidal or homicidal
- there is reasonable suspicion of serious criminal activity
- there is recent or ongoing child abuse
- there is recent or ongoing abuse of a dependent adult
- there is reasonable suspicion of disease or conditions subject to mandatory reporting of a public health issues

Under these circumstances an individuals' right to privacy and confidentiality is replaced by requirements under the law. In these circumstances the General Manager after consultation with the Board Executive will facilitate release of personal information in the above circumstances.

Policy & Procedures Information & Client Record Management 3	ICRM.003	Version 1.2
Prepared by: Stuart Hanson	Approved by: Dorian R Ramirez	Page 21 of 21