

Confidentiality policy

02/03/2022

1 Introduction

- 1.1 A service user has the right to reveal information to Cambridge Nightline in the knowledge that the information is privileged and will not be passed on outside the Organisation.
- 1.2 Cambridge Nightline recognises that confidentiality is a crucial part of the service it offers and, as such, is committed to upholding the principle as outlined in this policy.
- 1.3 Volunteers will maintain confidentiality both whilst volunteering and after they cease to volunteer. Thus volunteers who have stopped volunteering with the Organisation will still not discuss contents of calls or the identities of other volunteers outside of Cambridge Nightline.

2 Procedure

- 2.1 Information revealed to Cambridge Nightline remains confidential within the Organisation. That is, the contents of any call will not be disclosed to anyone not a current volunteer within the Organisation without the explicit permission of the caller, except in the cases outlined in section 4. In the case of instant messaging calls and emails, more than one volunteer may be involved in the handling of the call or email.
- 2.2 Volunteers are extensively trained about the issues surrounding confidentiality and, as such, are aware of this policy and are required to sign an agreement to uphold this confidentiality policy prior to starting their volunteering activities.
- 2.3 Volunteers are also expected to keep the identities of other volunteers and members of the Executive Committee confidential (with the exception of the Public Face(s)) and any breach of this will be treated as equivalent to a breach of confidentiality surrounding a call. As far as possible volunteers should also keep the fact that they volunteer with Cambridge Nightline confidential.
- 2.4 Cambridge Nightline recognises that external organisations or individuals may request information concerning the general running of Cambridge Nightline. Cambridge Nightline will not provide information which may in any way contravene the Confidentiality policy and any information provided will not go beyond that specifically requested. All such requests will be responded to at the discretion of the Coordinator(s).
- 2.5 In case of situations such as those outlined in section 4 where exceptions to the policy as described in clause 2.1 may be necessary, individual volunteers will never break confidentiality. Volunteers must discuss the situation with the Co-ordinator(s) who will decide how to proceed and who will, if necessary, break confidentiality or permit the breaking of confidentiality. Exceptions to this are explained in clauses 4.1 and 4.2. In these cases, the Co-ordinator(s) are merely informed that confidentiality has been broken.

3 Enforcement

- 3.1 Any breach of this policy will be seen as gross misconduct and dealt with as outlined in the **Disciplinary Procedure Policy**. This could lead to the volunteer's service with Cambridge Nightline being terminated. Copies of the **Disciplinary Procedure Policy** can be obtained from the Co-ordinator(s).

- 3.2 It is the responsibility of every volunteer to bring to the Co-ordinators' attention any evidence they see that confidentiality may have been breached. This includes breaches pertaining to details in calls and to details of the identities of current volunteers for Cambridge Nightline.

4 Exceptions

- 4.1 In the case of a repeated abuse of the service, we may contact the police with details of the abuse of the service.
- 4.2 An abuse of the service can include but is not limited to: acts of aggression towards the volunteer, attempts to emotionally manipulate the volunteer, and any attempts to use the service for non-intended purposes.
- 4.3 The Terrorism Act 2000 (which replaces the Prevention of Terrorism Act) places an obligation on the volunteer, as a citizen, to pass on information about planned or actual terrorism. Failure to do so is a criminal offence under s.19 of the Act and is punishable, on conviction, by a fine or prison sentence of up to 14 years.
- 4.4 An act of terrorism is defined as the use of terror, violence or intimidation for political ends.
- 4.5 In the instance of terrorism, permission for disclosure is not required. If the caller states that they are about to or have committed an act of terrorism, including reporting a bomb threat, the caller should be told clearly that Cambridge Nightline is legally obliged to report the call. The police should subsequently be informed of all the details of the call. This should be done even if the volunteer considers the call a hoax.
- 4.6 However, it is also an offence under s.39 for a volunteer to inform the caller, or any other person, of information that has been passed on to the authorities, where such a disclosure is likely to prejudice any investigation. The penalty for the latter offence is a fine and/or a prison sentence of up to five years on conviction. Therefore, the volunteer should inform the caller that the call will be reported to the police, but not divulge details of what information will be passed on.
- 4.7 In these circumstances the volunteer must inform the Co-ordinator(s) that information has been passed on to the authorities so that they are aware of the situation, but without giving details of any threat so that they do not compromise any investigation.
- 4.8 Under statutory guidance for voluntary organisations, Cambridge NL has an obligation to report any information disclosed to us pertaining to children at risk of harm. Callers will be informed of this obligation, and volunteers will subsequently report all details of the call to the NSPCC.
- 4.9 Child abuse includes but is not limited to: physical abuse, psychological/emotional abuse, financial/material abuse, sexual abuse, modern slavery, domestic violence, and neglect. Any or all types of abuse may be perpetrated as the result of deliberate intent, negligence or ignorance.
- 4.10 As in the case of terrorism, volunteers are not obliged to seek permission for the disclosure of information pertaining to child abuse, and must inform the Co-ordinator(s) when passing information on to the NSPCC.
- 4.11 There may be instances when callers confide that they have committed or are about to commit a crime. Under English Law there is no duty to disclose a criminal offence. Being aware of a crime is not assisting in that crime and as such Cambridge Nightline does not have an obligation to pass on any information revealed during a call.
- 4.12 In the case of an attempted suicide, permission should be sought from the caller for this information to be passed on. The caller can decline to give this permission and this is their prerogative.

- 4.13 If a caller becomes unresponsive during an attempted suicide, and has given enough information to locate them, that is taken as assumed consent to pass that information on to the emergency services.
- 4.14 In the case of a child caller who is attempting to end their own life, an ambulance will be offered as for all callers in this situation, but volunteers will also inform the police of the situation, on their non-emergency number, even if permission to share information with emergency services is declined.
- 4.15 If a Cambridge Nightline volunteer handles a call threatening substantial risk to another person's health, s/he may feel morally obligated to share information obtained during a call with the appropriate agencies (such as Crime Stoppers or the police). In this case, they should do so only after discussing the situation with the Co-ordinator(s) and only after having informed the caller of this possibility. The Co-ordinator(s) will decide upon whether it is more appropriate for the Co-ordinator(s) or the volunteer to break confidentiality. If the situation is an emergency then the Co-ordinator(s) should be called immediately.
- 4.16 A Cambridge Nightline volunteer may feel distressed or disturbed after handling a call. If, after discussing the matter within the Organisation, the volunteer feels that it is necessary to his/her mental welfare to discuss the call with an outsider, then confidentiality may be breached. The volunteer may only speak about the matter to a qualified counsellor.
- 4.17 In the event of receiving a court order to disclose information surrounding any confidential information (calls, emails or other aspects of the organisation), Cambridge Nightline is obligated to do so and will comply with the request. Cambridge Nightline will aim to only disclose information relevant to the court order and will disclose the minimum amount required, but may have to make a full disclosure if ordered. After receiving a court order, the Coordinators will clarify if a) Cambridge Nightline is legally allowed to inform the service user and b) it is possible to contact the service user. Cambridge Nightline acknowledges that this may not be possible due to the anonymity of our service users, but will make all reasonable attempts to do so if legally permitted.