



**maytree**

**We're open to suicidal feelings**

# CONFIDENTIALITY POLICY

Date agreed	
Date due for review	

## **CONFIDENTIALITY POLICY**

### **1. PURPOSE AND SCOPE**

Maytree employees and volunteers will in the course of their duties have access to a considerable amount of personal information relating to guests (and possibly about other employees and volunteers). The purpose of this policy is to set out the principles that Maytree operates under in relation to the confidentiality of this information, and to provide employees and volunteers with clarity about their duties and responsibilities in terms of maintaining confidentiality whilst undertaking work for Maytree.

This policy applies to all employees and volunteers who work for Maytree.

### **2. RESPONSIBILITIES**

- 2.1 The Director has overall responsibility for setting the standards in terms of maintaining confidentiality within Maytree. He/she is responsible for:
- Providing guidance to line managers, employees and volunteers as necessary about the principles and practice of maintaining confidentiality
  - Seeking advice as necessary on difficult or complex issues relating to confidentiality
- 2.2 Line managers are responsible for ensuring that employees and volunteers are aware of and understand their responsibilities in terms of confidentiality.
- 2.3 All employees and volunteers are responsible for maintaining confidentiality at all times regarding their work at Maytree, and for understanding when it may be appropriate to breach that confidentiality, seeking advice and guidance from their line manager and the Director as necessary.

### **3. PRINCIPLES**

- 3.1 Maytree believes that an actively suicidal person needs more than anything to be heard and supported in a relationship of trust, and that a component of that relationship is confidentiality. Everything said or disclosed, and all personal data, is therefore held within Maytree in the strictest confidence.
- 3.2 Personal information provided to Maytree by callers, guests, employees, and volunteers will not normally be disclosed without the permission of the individual to whom the information relates.
- 3.3 Employees and volunteers will always try to gain consent to share information from the individual to whom the information relates.
- 3.4 The only circumstances where disclosing confidential information may be lawful are:
- where the individual to whom the information relates has consented

- where disclosure is necessary to safeguard the individual, or others, or is in the public interest. These circumstances are set out in Section 5.
  - where there is a legal duty to do so, for example a court order
- 3.5 All employees and volunteers, including past employees and volunteers, must not disclose confidential information to any outside organization or person without the prior agreement of the individual to whom the information relates, the Operations Coordinator, or the Director or their designated deputy.
- 3.6 All employees, volunteers, and guests will sign a confidentiality agreement with Maytree.
- 3.7 Individuals have the right to see any information held about them by Maytree. Any request by guests, employees or volunteers to see the information held about them must be made to the Senior Operations Coordinator or the Director.
- 3.8 Information should only be shared on a 'need-to-know' basis and no more information should be shared than is absolutely necessary.
- 3.9 All caller and guest data used for monitoring or reporting purposes and which may be published will be anonymised to ensure that individuals cannot be identified.
- 3.10 Detailed written records will be kept about any information that is shared and any authorised breach of confidentiality, including the reasoning regarding the decision to do so.
- 3.11 Written records and correspondence will be kept secure at all times. Personal and confidential data may only be stored on a computer system if it is essential for future access and must fully comply with the terms of the Data Protection Act (1998).
- 3.12 The setting up of social media groups comprising Maytree callers, guests, employees, or volunteers is not permitted, unless expressly authorised by the Director.
- 3.13 Any unauthorised breach of confidentiality will be investigated and may result in action being taken, such as volunteers being removed from their duties and employees being disciplined or dismissed from their employment.

#### **4 REQUESTS FOR INFORMATION**

- 4.1 All requests for disclosure of information about a caller, guest, volunteer or employee should be discussed with the Residential Service Manager or the Director and, as far as is reasonably practicable, confidential information should only be disclosed with the permission of the individual concerned, the Residential Service Manager, or the Director.
- 4.2 Written requests for information should be passed to the Residential Service Manager or the Director.

- 4.3 All telephone requests for information about a caller, a guest, an employee, or a volunteer, past or present, should be dealt with in the following way: the recipient should take down the details i.e. name, telephone number and name of agency, and details of the information requested. A return call should be made to release such information as is approved after:
- (i) the identity of the person requesting the information has been confirmed;  
**and**
  - (ii) the consent of the person concerned has been sought;  
**and**
  - (iii) a discussion has taken place with the Operations Coordinator or the Director.

## **5 CIRCUMSTANCES WHERE DISCLOSURE MAY BE MADE WITHOUT CONSENT**

There are some very limited circumstances where Maytree will disclose confidential information without consent. In all cases, employees and volunteers must, whenever possible, seek advice from the Residential Service Manager or the Director and inform the Chair of Trustees before disclosing confidential information.

**N.B. Detailed written records of the reasoning for any disclosure of information without consent must be kept.**

### **5.1 Where disclosure is necessary to safeguard the individual caller or guest, or to safeguard others**

- Maytree will do all that it can to maintain trust with a caller or guest, and will try as far as possible to avoid disclosing information without the individual's consent. However, if it is judged that a caller or guest is at immediate risk of serious or life-threatening self-damage or harm **and** that they are unable to make a decision about their own safety because they don't understand the risks, then confidential information may be disclosed to a third party, such as the police or medical services, or the relevant local authority department or team (such as the local multi-agency safeguarding hub (MASH)). Additionally, if it is judged from conversations with a caller or guest that another person is at immediate risk of serious harm (including abuse or neglect), confidential information may be disclosed to a third party, such as the police or medical services, or the relevant local authority department or team (such as the local multi-agency safeguarding hub (MASH)).
- In such circumstances, employees and volunteers should always try to obtain consent to share information from the caller or guest, and should seek advice from the Residential Service Manager or the Director, but if it is considered that the risk is sufficiently serious, then information may be disclosed without the consent of the individual. In these exceptional circumstances, the decision to disclose information without the consent of the individual concerned must be approved by the Residential Service Manager or the Director and, if possible, the Chair of Trustees.
- If the individual at risk of harm is a child or a vulnerable adult, then advice can also be sought by the Residential Service Manager or the Director from the relevant local authority department or team, and this can be done initially on an anonymised basis.

- For 72 Moray Road, if the individual at risk of harm is a child, Islington Children's Services Contact Team can be contacted on 0207 527 7400. If the individual at risk of harm is a vulnerable adult, the Islington Access Service, part of Adult Social Services, can be contacted on 020 7527 2299 or by email at: [access.service@islington.gov.uk](mailto:access.service@islington.gov.uk)
- Maytree will always seek to disclose the minimum information necessary to uphold safety and to comply with legal requirements, such as age, current medication and any medical history if known.

## **5.2 Where disclosure is in the public interest**

- Information which might help prevent an act of terrorism or might help in bringing a terrorist to justice must be reported to the police. Under the Terrorism Act 2000, it is a criminal offence not to tell the police 'as soon as is reasonably practicable' if someone becomes aware of information which they know or believe 'might be of material assistance' in preventing an act of terrorism or securing the arrest, prosecution or conviction of someone involved in 'the commission, preparation or instigation of an act of terrorism'.
- Any requests for disclosure of information by the police must be passed to the most senior employee on duty, and advice should be sought from the Director if possible. Employees should always disclose the minimum amount of information necessary (such as name and address where a guest or former guest has been reported missing).

## **5.3 Where there is a legal duty to do so, for example a court order**

- Maytree may be required to disclose confidential information to a Court. Employees and volunteers should pass the responsibility for this to the Director, and the Director should disclose the minimum amount of information according to the circumstances.
- The Director will make decisions as to the level and appropriateness of disclosure in conjunction with the Trustees.