

Niche – Confidentiality, Safety and Safeguarding 2021-22

When we work with clients, we ensure that we are clear about the terms through which we are 'engaging' in conversations or interviews which are related to our work. On the whole, we will use four main types of conversation:

- **An investigation interview:** *It is important to note that no interview can ever be considered completely confidential in absolute terms.* This is because we will need to use the information in some way to derive conclusions related to the job we are doing. Also, we may often transcribe interviews, and this is done by a specialist third party organisation. However, when we do use the words 'confidential' this means that we do not expect the detail of the information that you are providing to be shared with anyone (unless certain conditions of disclosure apply - see below). This means that we will not share interview transcripts with your organisation, and we will not tell your colleagues anything you have said. We will keep your information on our secure, encrypted files for two years, before it is confidentially destroyed.
- **A non-investigation interview:** We interview many hundreds of people each year as part of our strategic, evaluative and governance work and we understand the importance of ensuring that people feel that they are able to talk in a candid and non-prejudicial manner with us. At the start of each of our interview type conversations we are clear about whether we are having a confidential, non-attributable or open conversation with someone. We also describe what we will do with their information and how it will be kept. Generally, non-investigation conversations are not recorded and we simply take notes as an aid-memoire. These notes are kept on client files for up to two years and then confidentially destroyed.
- **A 'non-attributable' interview** – This again means that we do not expect to share any of the detail of what you have said as if you have directly said it. However, we do need to place reliance upon interview matter and so we are clear that we will use your information, but we will use it very carefully. Where we feel that something would be useful for our work but in using the information it will make it attributable to you, we will ask your permission before we proceed, or, we will try to find other ways to anonymise the information.
- **An 'open interview'** – This is where we are very clear that your information is accessible and attributable (i.e. we do not have the sole discretion to protect information in that setting). This might occur when interviewed in an open forum such as a focus group or whether you are interviewed on camera for the express purpose of collating a visual document. We will still be clear with you in open interview or forum, how your information will be used and kept.

Keeping people safe

We have a professional duty to protect people from harm and to care for both the professionals who work for us, who we work with, and also the patients, families and carers who may be proxy to our investigations, evaluation and advisory work. We are not, however, a provider of care and so the way that we keep people safe from harm is in the following ways:

- We conduct ourselves with a high degree of professionalism and we are alert to the fact that we need to apply discretion, kindness and integrity in our work;
- When we interview people as part of our work, we always aim to keep them safe by explaining: the interview process, how they can pause or halt the interview, and, how they can access support;
- Prior to each investigation interview we notify each participant in writing, that they are able to bring along another person for support;
- We always explain to staff, patients and families, what we will do with their information, where we will keep it and for how long;
- We explain the circumstances through which we may need to escalate information following a 'disclosure' (please see below); and
- We keep our clients and families who may be working with us, informed about the progress of our review or investigation wherever possible.

We also have a duty to keep our own staff safe in the course of their work and we do this in a number of ways:

- Line manager support with regular one-to-one sessions;
- Through our governance structure where we apply policies and procedures which must be followed, for example we have strict rules around lone-working and escalation.
- By acting with kindness, compassion and integrity towards all of our employees.

Safeguarding and raising concerns

We take the issue of disclosure seriously, in line with our professional duty to keep people safe from harm. It is our role only to recognise and refer suspected abuse and not to investigate it unless this is the specific scope of our work.

There are a few instances where we may escalate a disclosure or make a disclosure ourselves and these include:

- Where we have serious concerns about professional behaviour from a member of staff we interview, we will raise this with the employer;
- If a member of staff or family member tells us that they intend to harm themselves or harm another we may disclose this;
- If anyone deemed 'vulnerable' (child or adult) tells us that they have been harmed, we may escalate this information to the relevant safeguarding lead within the organisation (adult or child); and
- If the designated lead within the organisation is not identified as the most appropriate point for escalation, we will refer discreetly to the most appropriate outside body, for example to social services, the Police or relevant other.

When we interview participants, we are always clear about disclosure principles. We are also clear that we may make information to Her Majesty's Coroner and also to the Crown Prosecution Service or a professional body (GMC, NMC, HPC etc) upon formal request, where this is necessary.