

Disclosure to Third Parties Policy

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Related documents:			

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Guidance

Defining Policy, Process and Procedure

For definitions for policy, process and procedure go to the policy template found [here](#).

Resources and Research

Documents used to draft this policy:

- Good Practice Guidelines version 4 (NLA, 2022)
- Disclosing Information to Third Parties Policy (NLA, 2017)
- Safeguarding Policy (NLA, 2018)
- UK Terrorism Act 2000 (<https://www.legislation.gov.uk/ukpga/2000/11/contents>)
- Criminal Law Act (Northern Ireland) 1967 (<https://www.legislation.gov.uk/apni/1967/18#:~:text=An%20Act%20to%20abolish%20the,with%20any%20of%20those%20matters>)
- Durham Nightline Terrorism Policy

Good Practice Guidelines

The Good Practice Guidelines version 4 (GPG v4) has a section on this policy and procedure that you should read before creating your own policy. You can obtain the full document from the GPG Team (gpg@nightline.ac.uk).

The latest version of the GPGs state that:

GPGs relating to policy

Nightlines legally must:

4.2

- inform the caller if their confidentiality is to be broken, wherever possible.
- seek consent from the caller to break their confidentiality, wherever possible and appropriate.

4.2.2

- report any information related to acts of terrorism.
- state in their confidentiality policy that confidentiality will be broken if terrorism is Discussed.

4.2.4

- disclose details of an arrestable offence to the authorities if based in Northern Ireland.
- state in their confidentiality policy the service's approach to reporting crime.

4.2.5

- break confidentiality to safeguard a minor when presented with evidence of risk of harm to a child.

Nightlines for accreditation should:

4.2.7

- have a policy and procedure on how to handle third party contacts.
- not contact a third party unless they have reached out to Nightline themselves

Definitions

Term	Definition
Disclosure	The action of sharing private or secret information.
Third Party	A person or organisation who is not one of the two people who exchanged information, but who is informed of it subsequently.

Purpose

There are certain circumstances under which your Nightline may be obliged to or choose to disclose information outside the organisation. This policy discusses the possible circumstances this might happen in, what your obligations and options are.

Scope

This policy applies to all Nightline volunteers who may take calls and thus be responsible for the potential disclosure of third party information.

Policy Considerations

When drafting your Nightlines Third Party Disclosure policy, it is important to consider certain factors, such as:

- How long this policy is valid for.
- Any agreements you have with your parent body regarding reporting requirements.
- What the reporting mechanisms will look like within the Nightline.
- How long you will keep data for the purposes of Third Party Disclosures.
- How you will manage third party callers, and what information you will have on hand to support them without disclosure.

Roles and Responsibilities

This policy should be reviewed every two years to ensure it remains up to date. The person or people who review this policy should be named by their title. For example, Coordinator or External Communications Officer.

Legal Considerations

Despite the priority we place on confidentiality at Nightline, there are three specific instances in which there is a legal requirement for confidentiality to be broken.

They are related to:

- Terrorism [Terrorism Act 2000].
- Significant risk to a child or vulnerable adult [Nightline Association Safeguarding Policy, 2018].
- Or a court order.

Depending on the content of your Service Level Agreement, you may also have committed to sharing third party information in additional circumstances with your parent body or emergency services, for example in cases of serious concern about suicide.

Additionally if your Nightline is based in Northern Ireland you are also required to disclose details of an arrestable offence to the authorities. This is due to the Criminal Law Act (Northern Ireland) 1967 which does not apply in the rest of the UK.

There is very little legal protection for Nightlines to disclose information which they receive from a third party. This may include calling an ambulance on behalf of a caller who is concerned about their friend, or reporting crimes anonymously etc. This role is well outside the remit of a Nightline, so the NLA encourages Nightlines to offer signposting and support services and to refuse to disclose information which they receive from a third party, unless it is legally required (ie information regarding a terror incident).

Contact

Query	NLA Contact	E-Mail Address
Any questions relating to this policy	Policy Team	policy@nightline.ac.uk
Stakeholder issues	Sustainability Team	sustainability@nightline.ac.uk
Service Level Agreement (SLA) advice	SLA Sub-Team	sla@nightline.ac.uk
IT questions and issues	IT Department	it@nightline.ac.uk
Welfare support	Welfare Team	welfare@nightline.ac.uk
Training advice	Training Team	training@nightline.ac.uk
Research carried out for this policy	Impact Team	impact@nightline.ac.uk

Third Party Disclosure Policy

Policy approved	Month YYYY <i>[add details of relevant committee members, etc. if required]</i>
Policy review due	Month YYYY
Any other info?	

Definitions

Summarise definitions used, or use the table below:

Term	Definition
Disclosure	The action of sharing private or secret information.
Third Party	A person or organisation who is not one of the two parties who exchanged information, but who could be informed of it subsequently.
Terrorism	The use or threat of action, both in and outside of the United Kingdom, designed to influence any international government organisation or to intimidate the public and for the purpose of advancing a political, religious, racial or ideological cause.
Significant risk	Appears to be being abused, or is at risk of abuse.
Felony	An offence for which a person of full capacity and not previously convicted may, under or by virtue of any enactment or the common law, be punished by imprisonment for a term of five years or by a more severe penalty and includes an attempt to commit any such offence. <i>[Remove this if your Nightline is not in Northern Ireland]</i>

Purpose

This policy outlines what circumstances would require a volunteer at [X] Nightline to disclose information to a third party, and how they might go about this. This policy ensures this Nightline follows their legal obligations in addition to their service level agreement and maintains a high standard of performance and conduct.

Scope

This policy applies to all listening volunteers and members of the committee. [X] Nightline must disclose information to a third party when legally obligated to, or when it follows an agreement that aligns with a service level agreement with [X] University. [X] Nightline does not disclose information to third party callers under any circumstances.

Roles and Responsibilities

Below is an example list of what roles and responsibilities each committee member and volunteers of the Nightline should have. Edit this as deemed necessary.

Committee member	Responsibilities
Volunteer	The volunteer who is initially in receipt of any information is responsible for deciding whether or not it is required for them to disclose it to a third party. They are also responsible for informing the caller of this, where possible and appropriate.
Coordinator	The Coordinator [or other named committee member] is responsible for managing the reporting of such information to the third party, being a point of contact for external communications, and ensuring all volunteers are adequately trained in the policy.
Welfare Committee Member	The Welfare Committee Member is responsible for checking in with the volunteer who took the initial call, and any who may be involved in its reporting.

Legal considerations

There are three specific instances in which there is a legal requirement for confidentiality to be broken.

They are related to:

- Terrorism [Terrorism Act 2000],
- Significant risk to a child or vulnerable adult [Nightline Association Safeguarding Policy, 2018],
- Or a court order

[Add if based in Northern Ireland: In addition there is a legal requirement to disclose details of an arrestable offence to the authorities. This is due to the Criminal Law Act (Northern Ireland) 1967].

[Add if relevant to your NL's Service Level Agreement: Due to the contents of our Service Level Agreement with [X], there is also a legal requirement for calls relating to suicidal action to be reported to campus security/emergency services].

Reviews and amendments

List any changes to this policy that need to be recorded for historical purposes.

E.g. May 2021: changed wording on ____, updated definitions

Third Party Disclosure Procedure

Process

[X] Nightline is committed to upholding the confidentiality of its callers. However, there are times when confidentiality must be broken by law, or due to commitments [X] Nightline has made to Safeguarding and [X] University.

These include:

- Terrorism
- Arrestable Offences [only in NI]
- Significant risk to a child or vulnerable adult
- Suicide [only if a commitment has been made with the parent body]
- Court order

This **does not** include a request for information from a third party or a request for disclosure on behalf of a third party.

Terrorism

[X] Nightline acknowledges that under the Terrorism Act 2000 any volunteer who has reasonable grounds for suspecting someone of committing a terrorist offence must call the police and disclose this information.

If a caller alerts a volunteer to a possible act of terrorism, the volunteer may wish to explore this further. If the volunteer feels informing the caller of [X] Nightline's policy of reporting concerns to the police could put anyone at risk they may choose not to inform them.

If a volunteer feels it would not put anyone at risk they may inform the caller of [X] Nightline's policy.

"Under the Terrorism Act 2000, we must contact the police by law if we suspect someone of committing a terrorist offence. As your call has raised significant concerns, I will have to put the phone on the desk and contact the police to disclose what you have just told me."

Before contacting the police the volunteer may find it helpful to complete the Terrorism Call Report (Appendix 1) to make sure they have noted all relevant information.

The police can be contacted on 999 or the Anti Terrorism Hotline: 0800 789 321.

If a caller discloses a possible bomb threat the volunteer must try to gain the exact location.

It is important that the volunteer does not hang up the phone until the police arrive.

The volunteer must place the phone on the desk and contact the police, providing as much information as possible. It is vital that volunteers answer all questions to the best of their knowledge.

Once the disclosure has been made the on-call committee member must be called. The shift will be closed and all volunteers will be offered further support.

Safeguarding

Once a volunteer has identified a child or vulnerable adult as being at significant risk of harm, they must inform the caller of [X] Nightline's policy. However, if the volunteer feels informing the caller may put them or another at risk of harm or otherwise be detrimental to their wellbeing, they may choose not to inform them.

"[X] Nightline is committed to the safeguarding of children and vulnerable adults. As we believe there is a significant risk of harm towards a child/vulnerable adult, we have no choice but to contact the police regarding this call. I will now place the phone on the desk to contact the police."

Before contacting the police, it may be helpful to write down what the caller has said, to help make it easier to disclose this information as best as possible.

If the situation is imminently time sensitive the volunteer on the call should let the other volunteer know that they need to contact the police. The volunteer not on the call will then contact the police, informing them that they would like to disclose possible risk of harm towards a child or vulnerable adult. They will communicate information as communicated to them by the volunteer on call. The volunteer on call will stay with the caller.

The volunteer must try to disclose as much information that is relevant, including (but not limited to):

- The location of the child or vulnerable adult.
- Any past abuse that has been disclosed by the caller.
- The form of abuse (physical, sexual, emotional, neglect etc).
- The relationship of the caller to the child or vulnerable adult.

Once the information has been disclosed, the volunteer will continue the call if they feel able to. If the volunteer feels uncomfortable dealing with the call, another volunteer may do so instead.

If the caller is still on the phone, any questions they may have regarding the disclosure must be answered honestly.

If the situation is not time sensitive the volunteer should wait until after the call ends and contact the Coordinators who will then inform the police of the disclosure.

Once the call has ended, the on-call committee member must be contacted. The shift will be closed following a debrief. All volunteers on shift will be offered further support as needed.

Suicide

There is no legal requirement for Nightlines to report any incidents of suicidal action or intent. [However, due to X NL's Service Level Agreement with a [X] we have agreed that in such cases we will disclose this, to [the parent body] even without the consent of the caller.]

[X] Nightline is required by [X] University to disclose any calls where the volunteer feels there is a significant risk of harm to the caller or the caller is at risk of attempting suicide.

Further information about identifying such calls can be found in our suicide policy.

Once a volunteer has identified a suicide call, the volunteer can inform the caller about [X] Nightline's policy and try to gain the following information from the caller:

- Location of the caller.
- Nature of the risk (e.g. have they done anything to harm themselves).
- If the caller has not taken action to take their own life then the volunteer should ascertain how likely it is the caller will take their life.

[If your NL has a SLA to inform campus security/emergency services include the below]

If a volunteer still feels there is a significant risk of harm to the caller, the volunteer must inform the caller about their need to break confidentiality.

However, if the volunteer feels informing the caller may put them or another at risk of harm or otherwise be detrimental to their wellbeing, they may choose not to inform them.

"[X] Nightline is required to disclose any significant risk of harm towards a university student to the campus security. I will therefore have to call campus security/emergency services and inform them of what you have just told me."

Try to keep the person on the phone while another volunteer phones campus security. Try to be empathetic and offer a listening ear, but do not be defensive about your decision.

Appreciate that the caller may be frustrated at your decision. If they become angry, you may repeat the statement that it is [X] Nightline's policy and not your personal decision. Do not get into any arguments with the caller.

Once the call has ended, you must call the on-call committee immediately.

[Arrestable Offence]

As our service is based in Northern Ireland there is a legal requirement to disclose details of an arrestable offence to the authorities (Northern Ireland) 1967.]

Third Party Requests

Information on other callers

[X] Nightline will never break confidentiality to share information about a caller with a different caller who enquires about them. If a volunteer is pressed by a caller to disclose information about other callers they can inform them of the confidential nature of the service:

"[X] Nightline is a confidential service so I cannot disclose any information about other callers. We also do not routinely collect or store identifiable information from callers so are unable to provide information either way. If you would like to talk about how you are feeling we can continue our conversation as before."

Emergency Services

[X] Nightline will also never contact the police, emergency services, or any other organisation on behalf of a third party caller.

There is no legal protection for Nightline services if they do this and they are not trained to do so. Additionally, the existence of Nightline volunteers as an intermediary between a third party concerned caller, emergency services, and the person at risk will only serve to slow and complicate any support which may be called.

However, they may provide support to help the caller access such support themselves:

*“**[X]** Nightline is a confidential listening service so I can only contact the emergency services at the request of the person who is at risk. I would encourage you to contact the emergency services yourself if you are concerned about someone else’s welfare. I can signpost you to some appropriate services if that would be helpful.”*

If the caller is anxious about calling the emergency services due to concerns about anonymity, or they are unsure how to go about it, Nightline volunteers can signpost them:

“If you are unsure how to [contact the correct emergency service/maintain anonymity/contact campus security/refer a friend for wellbeing support at the university] I can signpost you and provide support but Nightline cannot do this ourselves without the explicit consent of the individual concerned.”

If the caller agreed the volunteer would then take them through the options. See the Information Policy or [National Support Network](#) (a nationally held database for signposting which removes the workload from NLs to identify services running).

[Example information for signposting third parties:

Silent 999 calls

Mobile: call 999, stay silent and dial 55 when prompted.

Landline: call 999, stay silent and you will be direct to the police, they will know your location already due to the nature of the call.

Anonymous crime reporting: crimestoppers-uk.org or call 0800 555 111, dial 141 before to block your phone no. 0800 calls are free from a landline and will not show up on phone bills.

Non-urgent small crime reporting: call 101

Campus security: insert phone no. and procedure

University welfare reporting/referral: insert contact details and procedure]

Court Order

In cases where reports have been made to the emergency services about the contents of a call, it is possible these may progress to court.

In this instance volunteers at NL will be legally required to pass all the information they have regarding a call to the relevant authorities again.

Welfare support should be offered to the volunteers involved, and all must comply entirely.

Appendix 1 Terrorism Report Form

If a caller alerts you to a possible threat of terrorism, you must inform the caller that you are required by law to contact the police.

Do not hang up the phone.

Try to get as much information as possible.

Details of Caller

Gender:

Accent:

Any background noise:

Any other identifying features (e.g. traffic, banging/shouting, music etc):

Details of Call

Date:

Time of Start of Call:

Time of End of Call:

Call Duration:

Location:

Details of the call (including information of potential threat):

Details of Bomb Threat (if applicable)

Location of Bomb:

Appearance of Bomb:

You must contact the police and provide them with the information written on this form.

Do not hang up the phone.

After speaking to the police, contact the on-call committee immediately.

Do not take any further calls.