

## Confidentiality Practice for Interviews, Focus Groups & Consultative Exercises with Individuals

This code of practice applies to all principal consultants, associate consultants, employed staff and individuals assigned to specific projects (referred to in this paper as "*Michael Bell Associates Research and Consultancy staff*").

Michael Bell Associates Research and Consultancy is committed to maintaining the highest professional and ethical standards in undertaking work with individuals through interviews, focus groups or other consultative processes. Michael Bell Associates Research and Consultancy believes that people are entitled to choose *when* and *whether* information about them is passed on to other agencies or individuals.

In general work undertaken by Michael Bell Associates Research and Consultancy with individuals is produced in anonymised and un-attributable formats. Any variation from this principle requires the full and informed consent of the individual(s) involved.

### General Principles of Confidentiality

- Everyone working in Michael Bell Associates Research and Consultancy has a responsibility to ensure that information remains confidential
- The contract of confidentiality is between the individual and Michael Bell Associates Research and Consultancy, not between the individual and the staff member.
- Within Michael Bell Associates Research and Consultancy, a staff member may make responsible use of the information given to her/him by the user, for instance in the course of her/his supervision.

### Discussion of Individuals

It will be necessary to discuss individuals with other Michael Bell Associates Research and Consultancy staff, however, this should never be done in a place where the discussion may be overheard (e.g. on a bus). Michael Bell Associates Research and Consultancy staff should never discuss individuals with friends or families. If any reference is made to an individual outside the place designated for the discussion of the particular assignment, all references that might identify the individual must be avoided.

Details of individuals that would allow for the identification of individuals should not be passed on to the commissioners of research assignments unless the full and informed consent of the individual has been secured. (Please note that this provision does not apply to certain organisational development work where the assessment of individual performance forms a key and explicit part of the project brief).

### Materials relating to Individuals

All materials, such as interview notes, transcripts and tapes, that relate to contact with individuals are the property of Michael Bell Associates Research and Consultancy and should be deposited in the office as soon as possible where they will be securely maintained.

Michael Bell Associates Research and Consultancy keeps material relating to individuals participating in research and consultancy assignments for the minimum period specified by each project's commissioners. Where no time limit is specified by the commissioners such material will be securely destroyed after six months and before 12 months have passed from the end of that project. Anonymised material, where identification of the individual is not possible may be maintained for a longer period.

### **Legal Framework**

Michael Bell Associates Research and Consultancy maintains registration under the Data Protection Act.

An individual may reveal the fact that they have committed a criminal offence, or that they intend to. There is no duty to disclose a criminal offence [except in relation to terrorism]. However, it is an offence 'to aid, abet, counsel or procure the commission of an offence.' This means that although a staff member does not have to reveal what s/he has been told, s/he must not do anything to encourage or assist in the crime.

In these circumstances, Michael Bell Associates Research and Consultancy staff should generally:

- Tell the service user that what s/he is saying could be against the law
- Tell her/him that this process is confidential, but that s/he should not give you any further details
- Advise her/him to seek legal advice
- Say that if the crime came to light, the staff member could be summonsed to appear as a witness, and in that case would have to reveal what was said.

In certain circumstances where the research involves an examination of illegal activities, e.g. research into prostitution, drug use etc., this guidance may not apply and Michael Bell Associates Research and Consultancy will be briefed on appropriate action.

It is an offence to fail to give information which may help prevent acts of terrorism, or help arrest a terrorist. In this case the staff member should explain this at once to the service user.

There are a number of other issues where guidance from the Project Team Leader should always be sought. These include:

- Revelations of child abuse
- Where a staff member is concerned that the individual may harm her/himself or other people.

**Procedure when Confidentiality may need to be Breached**

Very occasionally it is necessary to breach confidentiality, when there is an over-riding question of safety, for the individual or someone else. Michael Bell Associates Research and Consultancy staff may not breach confidentiality without the considered consent of the Project Team Leader. In most cases where a breach of confidentiality is suggested, it is possible to find an alternative.

Michael Bell Associates Research and Consultancy' reputation for confidentiality is essential to its continuing research work with individuals. This reputation is easily damaged, and not easily repaired after such damage. Because of this, anyone who breaches confidentiality knowingly and without authorisation will be subject to disciplinary or other appropriate action.

*In working with Michael Bell Associates Research and Consultancy, I confirm that I have read and agree to work in accordance with the General Code of Practice, and with the Confidentiality Practice for Interviews, Focus Groups & Consultative Exercises with Individuals*

**Consultant/Researcher:**

Name: ..... Signature: .....

Date: .....

**Michael Bell Associates Research and Consultancy Project Team Leader:**

Name: ..... Signature: .....

Date: .....