



**Prince's Trust**

## The Prince's Trust Confidentiality Policy

Issued by Director of Human Resources  
15 April 2008

### **When does a confidential relationship arise?**

There is no statute definition about when it arises, however it is generally accepted that a duty of confidence arises where 'confidential information comes to the knowledge of a person (confidant) in circumstances where that person has notice, or has agreed, that the information is confidential'<sup>1</sup>

'Common law recognises the concept of a confidential relationship and remedies are available if information received in confidence is disclosed or misused.'<sup>2</sup>

### **Policy**

That all young people<sup>3</sup> are entitled to a level of confidentiality in their discussions with staff, volunteers and The Prince's Trust.

They must be told in advance what they can expect to remain in confidence to:

1. the person they are talking to
2. to the Prince's Trust or its delivery partners
3. to third parties.

This applies in particular in one-to-one discussions (requested or offered) such as mentoring.

The young person should be made aware that in the first instance that all information can be shared with that individual member of staff's or volunteer's manager. This may result in sharing with a third party and further action in certain circumstances.

Information will remain confidential to these named individuals, The Prince's Trust, or to delivery partners except where:

1. There are child protection issues (the client or other children are at risk of suffering significant harm); or
2. Where the life of the young person or a third party is at risk of significant harm; or
3. Where there is evidence of fraudulent use of Prince's Trust funds such as - theft, false accounting, forgery, bribery or corruption

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<sup>1</sup> Clerk and Lindsell on Torts, Sweet & Maxwell 2000

<sup>2</sup> Working With Young People, Children's Legal Centre, 5th Edition

<sup>3</sup> "young people" at the Prince's Trust includes children (aged 14 and over) and young adults (up to age 30)

If the young person has indicated that they have committed a crime, or intend to commit a crime (which may or may not be true), the young person should be made aware that this may be shared.

Whilst there is no general duty in criminal law to disclose information that a criminal offence has been committed, staff working with young people should be careful to avoid doing anything which could be construed as aiding and abetting the commission of an offence.

However a known drug-user who has joined the Trust to 'get their life' back on track may share information necessary to make a competent referral to a specialist agency. This does not constitute 'aiding or abetting'. See Drugs Policy for detailed guidance.

Other confidential information e.g. which does not fall into above 3 categories, should only be disclosed with the prior consent of the young person. This is out of respect for the privacy of the young person.

### **Specialist advice**

The Prince's Trust does not offer professional counselling, medical or specialist advisory services (e.g. drugs, mental health, offending behaviour) to young people.

Prince's Trust relationships are in the context of participation in a programme, accessing a grant or being mentored. If a young person asks or needs confidential advice the limits on The Prince's Trust must be explained and advice sought about where they should best be referred for help. For example: to a clinic, counsellor or doctor.

However young people often discuss their own problems, or pass on information about others, without questioning whether what they say will go further. The young person may very well assume that the conversations about personal issues will be confidential. If the context meets the conditions of a confidential relationship then this informal sharing should be regarded as confidential with the exception of the areas already mentioned.

### Conditions

1. The information is actually confidential (it has not, or is not subsequently shared with others)
2. The information is not useless or trivial
3. The information is shared in circumstances where the confidant must reasonably have understood that what was said was private.

## **Confidences with children**

Children under the age of 16 will need their parents consent (or that of a local authority for those in care) to be taking part in a Trust activity which involves a confidential relationship. Where the child or young person requests that what is said is not relayed to the parents or carer, that request should be respected.

## **Confidentiality of Data**

Young people have a right to access stored data and must give their written consent to sensitive data held by the Trust. This is covered in our Data Protection Policy and is most obvious in our requirement for young people to consent to initial profile forms being signed

## **Confidentiality of Child Protection issues**

The Prince's Trust's child protection policy outlines the procedures to be followed when a young person discloses harm, or a member of staff or volunteer has concerns about abuse or harm to a child or vulnerable young adult. Refer to this policy for detailed guidance.

## **Confidentiality of 'mentoring for careleavers' relationships**

A policy is already in the Mentoring for Careleavers Toolkit for use by our partners which is consistent with the above and can continue to be used.

## **Confidentiality of commercial interest**

In the business programme mentors are required to undertake that they will treat information relating to the young person's business activities confidential to themselves and the Trust.