



## CONFIDENTIALITY

The Awareness Centre (TAC) offers confidential counselling services to its clients in accordance with the ethical requirements of the BACP\*.

The Awareness Centre works with Employed Staff, Supervisors, Private Therapists, Placement counsellors, Training Students, Facilitators, Consultants, Tutors and Clients and in partnership with Lambeth Psychological Therapies, Talk Wandsworth and Sutton Uplift.

This policy will cover all these above-named stakeholders and across the organisation and its partners. It will proactively protect personal information about them all from unauthorised access or disclosure. TAC stakeholders are expected to maintain these principles during and after their time with TAC and not disclose any business or client sensitive information to those outside the organisation. Any breaches to confidentiality will be taken very seriously and may involve disciplinary action. This is of vital importance in developing a trusting relationship between the client and in maintaining wider public credibility.

### Ownership of Information

Information passed to a TAC stakeholder in the course of their work is deemed to have been passed to TAC to be used, or not, within reason based on the nature of the information and work being done, unless the 'giver' of said information specifically requests it not be shared and the information does not indicate risk to the 'giver' or another. The 'giver' of the information remains the owner.

### Disclosing Information

Relevant stakeholders will be informed of any reasonably foreseeable limitations of privacy or confidentiality in advance of working with TAC, for example Supervision or training and in circumstances including the risk of harm to individuals or as required by law. This will not be considered a breach of confidentiality; however, the information remains personal and private and in the control of the 'giver'.

Should it be necessary to disclose personally identifiable details of a client or their counselling to a third party or external organisation outside of the above circumstances, clients will be informed and required to give their written consent before information is disclosed. The client must be kept informed of any issues concerning confidentiality and disclosure in relation to their counselling.

Where the client is attending within the NHS and Low-Cost Counselling Services, the NHS risk protocol **must** be followed where risk is identified. Risk will always override confidentiality. The placement counsellor must discuss any disclosure requests with their Supervisor before taking any action.

In line with the BACP's Code of Ethics, GPs will be informed their patient is receiving counselling following, only where risk has been identified. No further details will be disclosed without the client's consent and the client is informed of this in writing.

Where email is used as a form of communication about specific clients, information contained will be anonymised, using only client initials and appointment time-slot.

The client's individual counselling contract will contain details of the confidentiality boundaries that apply to that counselling referral.

### **Disclosure of information procedure**

In the rare event when information needs to be disclosed to an external authority, such as a GP, the following procedure is recommended

- Stakeholder to discuss the situation with their TAC Supervisor, or where necessary another TAC Supervisor or suitable member of TAC Management.
- Where the Supervisor or TAC Management cannot resolve the situation then relevant external professional/legal advice will be taken in confidence to resolve the situation.
- The Stakeholder will have the decision and the reasons for it explained to them, within confidentiality restraints of any external organisation involved.
- TAC will make every effort to resolve situations as quickly as possible.
- Each case will be considered on its individual merits. Where risk is identified, whether threats of suicide or physical harm to another, it is imperative that disclosure is discussed with the Client and where possible, consent for disclosure obtained.

In addition to these procedures, the following comments are offered for guidance:

- In cases where after the recommended procedure has been followed, a child is felt to be at risk or in danger, the welfare of the child is paramount (CA 1989) and Social Services must be informed

### **Storing Information**

Where appropriate, personal information about stakeholders is anonymised and securely stored electronically in a password protected server, held in confidence within the Centre. Electronic records are maintained in accordance with the Data Protection Act 1998 and the General Data Protection Regulations 2018. An individual who is the subject of a computer record is entitled under the Act to access their record, as well as the right to erase, amend or restrict the processing of the data held under these regulations. TAC will immediately inform anyone if their data confidentiality has been breached.

### **Training**

For the purposes of Training and Supervision therapists and students need to discuss clients. Supervisors and Trainers are expected to regularly remind their placement counsellors and students of the importance of confidentiality and provide guidance on maintaining confidentiality.

Written case histories are a useful learning tool in training and Supervision as an example of good practice. Any written case histories to be used in this way must have identifiable information redacted and anonymised before sharing.

## **Media Contact and Requests for Information**

On the rare occasion TAC wishes to interview a client for Quality Control, Marketing or similar purposes, the client will be asked if they wish to participate. It is entirely their decision and no pressure must be placed on them to agree.

Any external individual, organisation or media requests for information made to a therapist must be immediately passed to Senior Management who will decide the appropriate course of action.

All therapists must **not** entertain further communication with the external individual, organisation or media requesting the information, whether directly or indirectly. Social media platforms such as LinkedIn, Twitter and Facebook are not to be used to communicate or disclose any information regarding TAC's business or Stakeholders.

Anyone who is writing for publication using their TAC experience must first pass their anonymised work to Senior Management for agreement.

### **BACP'S Definitions**

\*Confidentiality as defined by BACP is the protection of information that has been communicated in the expectation that it will not be disclosed to others.

### **Reasonably foreseeable limitations to confidentiality.**

Any limitations that a reasonably competent practitioner ought to be able to anticipate as causing difficulties in protecting clients' confidences, for example, arising from legal or contractual obligations to disclose confidential information or to protect people from serious harm. Some situations that arise in practice may be so unexpected or exceptional that they are not considered to be reasonably foreseeable.

### **Breaching confidentiality**

Disclosing something that has been communicated in confidence by mutual agreement or with the expectation that it will be kept secret. The expectation of secrecy may have been stated expressly or implied. Confidentiality is breached when any disclosure is made without the consent of the person concerned, legal authorisation or being legally defensible in the public interest. Breaches can occur accidentally or deliberately. In most circumstances, obtaining the consent of the person concerned provides an ethical way of avoiding a breach of confidentiality. Any disclosure of confidential information requires respecting the possible rights to confidentiality of any third person who is identifiable within the disclosure.