



## **CONFIDENTIALITY POLICY**

At The Awareness Centre (TAC) we offer confidential counselling services to our clients in accordance with the BACP Ethical Framework for the Counselling Professions (2018). BACP says: 'We will protect the confidentiality and privacy of clients by... actively protecting information about clients from unauthorised access or disclosure' (BACP, 2018, p. 21).

In addition, the TAC Training School offers a range of professional counselling training to a range of students.

At TAC we work with employed staff, clinical supervisors, private therapists, placement therapists, students on our training courses, facilitators, consultants, tutors, external markers and assessors. We work with clients in our Private and Low Counselling Services (LCCS) and in partnership with Lambeth Psychological Therapies, Talk Wandsworth and Sutton Uplift.

This policy covers all the above-named stakeholders and across the organisation and our partners, proactively protecting their personal information 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 of confidentiality are taken seriously and may involve disciplinary action.

Maintaining confidentiality is of vital importance in developing trusting relationships with our clients 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. That is unless the 'giver' of the information specifically requests it not to 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, a form will be sent to them and they will need to submit. Clients will be informed and must be kept informed of any issues concerning confidentiality and disclosure in relation to their counselling.

Where clients attend counselling within the NHS and LCCS, the risk protocol **must** be followed where risk is identified. Risk will always override confidentiality. Placement counsellors must discuss any disclosure requests with their supervisor before taking any action.

In line with the BACP's Ethical Framework for the Counselling Professions, GPs will be informed their patient is receiving counselling only where risk has been identified in the LCCS and by employed private therapists. No further details will be disclosed without the client's consent and the client is informed of this in writing. NHS clients are sent a copy of the discharge letter to the GP, unless the client has asked for no letter to be sent to the GP. In the LCCS and by employed private therapists the discharge letter is sent to the client only.

Where email is used as a form of communication about specific clients, information contained will be anonymised – and an encrypted TAC email address will be used, where possible.

The client's individual counselling contract will contain details of the confidentiality boundaries that apply to that counselling referral. This is a verbal contract for the NHS and a written contract for LCCS and with employed private therapists.

Information gathered on students during the enrolment process will be shared only among members of the Training School team as part of the student recruitment procedures.

### **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/placement therapist 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 the 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 clients so, where possible, they can give consent for disclosure.
- In cases where the recommended procedure has been followed and a child or vulnerable adult is still felt to be at risk or in danger, Social Services must be informed.

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

### **Storing Information**

Where appropriate, personal information about stakeholders is anonymised and securely stored electronically in a password-protected server, held in confidence within TAC's Clapham and Tooting centres. 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.

Personal information includes name, date of birth, contact information of stakeholders and an emergency contact, copies of professional qualifications, some elements of personal history, insurance and accreditation status, photographs, and medical information.

### **Verbal Confidentiality**

For the purposes of training and supervision, therapists and students need to discuss clients. Supervisors and trainers are expected to regularly remind placement counsellors and students of the importance of confidentiality and to provide guidance on maintaining confidentiality.

When presenting a client in supervision, care should be taken to conceal client identity – i.e. initials or first names only should be used. Clients should not be discussed outside the supervision group. If a therapist feels the need to consult a colleague outside the supervision group (but still within TAC) this should be done in private and not in the staff or therapists' rooms within the hearing of others. On no account should clients or therapy-related issues be discussed in public places (including stairs, toilets, cafes, etc).

If any member of the supervision group knows or has any connection to the client being presented, that person should absent themselves from the group, at least for that case presentation.

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.

Any case material used in seminars, case presentations or discussion groups should be disguised to conceal client identity.

If client case material is to be used for external discussion of any kind, the client's informed written consent must be obtained, as well as consent from TAC. Trainees or therapists using ongoing case material (as opposed to snippets) in their written work should obtain the client's written consent.

Within the Training School, all students are involved in agreeing a verbal contract with their tutors, and within their cohort. Students are also asked to confirm the sharing of contact information within their cohort only.

### **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 TAC 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, Instagram or 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.

### **Reasonably Foreseeable Limitations to Confidentiality**

These include any limitations that a reasonably competent practitioner may anticipate as causing difficulties in protecting client confidence – 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**

This is where something is disclosed 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 explicitly 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.

### **Reference**

British Association for Counselling and Psychotherapy (2018) *The BACP Ethical Framework for the Counselling Professions*. Available at: <https://www.bacp.co.uk/events-and-resources/ethics-and-standards/ethical-framework-for-the-counselling-professions/> (Accessed: 17 April 2021).