



## CCC Confidentiality Policy

### 1. Confidentiality Statement:

CCC recognises the importance of confidentiality to clients and is committed to providing a safe and confidential environment to the users of its services and its staff.

### 2. Definition of Confidentiality:

- The personal information of clients should only be disclosed external to CCC when the individual has given consent. However, in exceptional circumstances e.g. threats of violence, actual violence, risk of harm to self or others and suspected and actual child abuse this may not always be possible. Exceptions are discussed under exceptional circumstances.
- CCC recognises that clients should be able to access CCC's services in confidence and no other person, external of the organisational staff team, should know that they have accessed the services. There is an exception here whereby an employee of an organisation with a counselling agreement with CCC has referred their staff members via HR or Occupational Health services within their organisation. Or whereby a member of staff of their school/college has referred a student in school.
- CCC recognises that at times, information may be directly or indirectly discussed during other internal forums outside of the clients' sessions (e.g. supervision, consultation with service co-ordinator). During such discussions, unless it is essential or relevant, care must be taken to ensure that individual's personal identity is not revealed by name or any other way. All counsellors should ensure that discussions relating to a client do not occur outside of these forums.
- CCC recognises that clients need to feel secure that they are accessing the services confidentially. CCC will ensure that one to one direct appointments take place in a confidential space.
- CCC will not confirm a client's attendance or presence within the service without obtaining the client's consent, unless there is a concern for the client's safety or it is part of the referrer's contractual agreement with CCC as the bill payers. (Organisational clients who offer a counselling service for their employees).

### **3. Counselling Confidentiality Policy and Procedure:**

- CCC confidentiality policy incorporates specific guidelines and procedures relating to the counselling of clients.
- Counsellors are required to abide by the British Association of Counselling and Psychotherapy (BACP) Code of Ethics & Practice, which lists additional confidentiality guidelines and/or UKCP guidelines depending on their professional membership; and/or ethical guidelines of any other own professional counselling organisation that they are members of.
- CCC believes that the purpose of confidentiality in the context of counselling is to ensure maximum client privacy and safety.
- All counsellors working within the counselling service must work in accordance with the elements listed in the confidentiality policy / agreement, the counselling policy and the BACP/UKCP ethical guidelines.
- All counselling staff must ensure that they clearly communicate the nature and context of the policies as part of a client's assessment and first session. At the time of assessment all clients are told of the limits of confidentiality: that if we have a concern that they may be a danger to themselves or to others then we have a duty to take this concern further. That is, that we would discuss this with the Counselling Coordinator, with our supervisor and with the client's GP. At assessment, clients also need to be informed that if we are concerned that they are involved in either terrorist activity or money laundering for drugs then we have a duty to report this, and that we must do this without informing them.
- During external clinical supervision a client may be identified by first name, and aspects of his/her personal life relevant to the sessions. However, details of the client's full name or other personal details must not be disclosed.
- During consultations or report writing etc, care must be taken to ensure that individuals' personally identifiable information is not disclosed or those of family members.
- Personal diaries should not be used for recording client information. A separate diary for CCC clients must be used and stored in accordance with this policy.
- In exceptional circumstances, counselling staff may feel that a change in the confidentiality agreement may be appropriate. In these situations, prior consent from the client concerned must be sought and recorded.

#### **4. Client Records/information received**

- Information about a client referral will come via telephone from the receptionist. Any information written down at this point will be treated as confidential in the same way as any other information recorded about the client.
- All documentation: Assessment and Service Records/Contracts or any other information/paperwork received or created regarding the client will be kept in a locked filing cabinet OR locked cupboard with restricted access to the counsellor only. Any other person with authorised access e.g where another person holds the therapeutic will must be reported to the Counselling Coordinator.
- It is the responsibility of the counsellor to ensure that all client records are kept in safe havens in their own homes/offices or securely on person if files are in transit. All records must be locked away at the end of each working day.

#### **5. Session Notes:**

- Information disclosed during sessions is considered confidential. Information that could identify a client will not be given to anyone else without prior consent, subject to the previously established confidentiality contract and exceptional circumstances.
- A client can request in advance to gain access to their records and notes. Notes should be viewed by the client, where possible, in the presence of the counsellor in order to address any comments or issues raised.
- There must not be more than one copy of client records. Session notes are not to be photocopied unless there is a need to transfer information to another counsellor. This will only be in the event that the relationship with the original counsellor has been terminated.

#### **6. External/Clinical Supervision:**

- When discussing issues relating to a particular client during external/clinical supervision a client may be identified by first name and aspects of his/her personal life relevant to the work being discussed. However, details of the client's full name and personal details (including significant others) must not be disclosed.
- If a client is known to an external/clinical supervisor, appropriate steps should be taken to ensure the client is not discussed or identified.

## **7. Exceptional Circumstances:**

- CCC recognises that there may be exceptional occasions that involve a serious threat to the life and safety of a client, or others. In this event, counsellors have a professional, ethical and legal responsibility to negotiate and seek the client's consent to change the level of confidentiality, if permission is not obtainable, to notify the client that they may find it necessary to temporarily breach confidentiality. If such an occasion arises, they should adhere to guidance listed in 'Breach of Confidentiality'.
- CCC recognises the seriousness and impact upon the relationship of breaching confidentiality and will seek to preserve this as far as possible within legal, ethical and professional boundaries.
- CCC has identified the following situations as occasions that may warrant a breach of confidentiality and should they arise, immediate notification is to be given to the Counselling Coordinator:
  - Acute mental health crisis
  - Current child abuse
  - Serious risk of harm to self or others
  - Possession of an unlicensed firearm or possession of a licensed firearm
  - Confession of terrorism
  - Revealing something that is part of an ongoing legal case
  - Disclosure of drug smuggling/money laundering

*Notification of the above will not necessarily lead to a break of confidentiality as each case will be considered individually, in the best interest of the client. The counsellor shall inform the client of their concerns and seek to consult regarding appropriate action or alternative/ further support that may be required.*

- If a counsellor becomes aware of any exceptional circumstances that they feel uncomfortable holding, or believe, in the interest of the client, warrants support over and above what CCC can safely provide, they must raise this with the Counselling Coordinator.

## **8. Expressed Consent to Give Information:**

- It is the responsibility of the counsellor to make sure the client understands the procedure for when any action is requested for information to be taken external to CCC on behalf of a client. The client must firstly write to the Counselling Coordinator with the request and the nature of the action required. This might be where a report has been requested or access to their notes.
- Counsellors are responsible for checking with clients whether it is acceptable

to call them at home or work relating to the service they are receiving. When contacting a client, counsellors must ensure that they refer to the client's referral information as to how an individual wishes to be contacted. It is the responsibility of the receptionist taking the referral to confirm this information at this initial stage and pass this to the counsellor.

## **9. Breaches of Confidentiality:**

CCC recognises that exceptional occasions may arise where counsellors feel they may need to breach confidentiality. However, breaches of confidentiality could harm the client, and the reputation of CCC, and therefore should be treated with the most serious of approaches.

On exceptional occasions where a counsellor feels confidentiality may need to be breached the following steps must be taken:

- Counsellors should raise the matter immediately with the Counselling Coordinator.
- Counsellors must discuss the issues involved in the case and explain why they feel confidentiality should be breached.
- The Counselling Coordinator is responsible for discussing with counsellors what options are available in each set of circumstances and is responsible for making a decision on whether confidentiality should be breached.
- If the Counselling Coordinator cannot be reached then the counsellor's supervisor can help make the decision. Only if the situation is urgent with a threat of imminent harm, should the counsellor decide to inform the emergency services. Detailed records of decisions and actions must be kept, including date and time and who has made the decisions. Action dates and times must also be noted and when the action is taken with whom must also be recorded.
- Counsellors must make clear notes including whether the client is in agreement with our taking action or not. Professional codes of conduct may contain additional details of the processes counsellors are required to follow when contacting outside agencies regarding clients. In addition to discussion with the Counselling Coordinator, other sources of advice on confidentiality include professional bodies, counsellor's insurance companies and supervisors.
- Where possible counsellors will respect clients' objections to disclosure of information. When this is not possible, and only in the above exceptional circumstances, counsellors will record any objection made by the client.

## **12. Information Governance:**

Information concerning clients or staff is strictly confidential and must not be disclosed to unauthorised persons. This obligation shall continue in perpetuity. Disclosures of confidential information or disclosures of any data of a personal nature can result in prosecution for an offence under the General Data Protection Regulations 2018 or an action for civil damages under the same Act in addition to any disciplinary action taken by the CCC.

Counsellors must follow CCC's information governance policy and procedures as outlined in those documents.

## **13. Legislative Framework:**

CCC will monitor this policy to ensure it meets statutory and legal requirements including the General Data Protection Regulations, Data Protection Act, Children's Act, Rehabilitation of Offenders Act and Prevention of Terrorism Act. Training on the policy will include these aspects. Information sharing should follow the 2013 Caldicott Principles:

- Principle 1: Justify the purpose for using the information
- Principle 2: Only use identifiable information if absolutely necessary
- Principle 3: Use the minimum that is required
- Principle 4: Access should be on a strict need to know basis
- Principle 5: Everyone must understand their responsibilities
- Principle 6: Understand and comply with the law
- Principle 7: The duty to share information can be as important as the duty to protect patient confidentiality

## **14. Counsellors Requirements:**

Counsellors must demonstrate a thorough understanding of the needs for maintaining confidentiality and shall accept personal responsibility and have a practising commitment for implementing all organisational confidentiality policies and information governance procedures.

**Policy approved by: Kirstin Bicknell**

**Date: May 2018**

**Review date: May 2019**