



One Vision Counselling Service

CONFIDENTIALITY, DATA PROTECTION AND RECORD KEEPING POLICY V2.0

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1. Introduction

Confidentiality is one of the most fundamental ethical obligations owed by counsellors to their clients. A confidentiality policy is necessary to protect clients, employees, and volunteers from the possibility of information about them being passed on to individuals or organisations who have no right to that information. It is also important to provide guidance to employees and volunteers on the extent to which confidentiality is to be preserved, circumstances in which it may be breached, and measures to be taken in either eventuality.

This policy is effective from the moment the client or staff member first engages with OVCS.

2. General confidentiality statement

All One Vision Counselling Service (OVCS) employees and volunteers are expected to respect the right of clients and of other employees and volunteers to privacy and confidentiality as far as possible within the constraints of legal requirements and the safety of other people.

It is a basic right of a client to know the extent and limitations of the confidentiality that they are being offered by their therapist, and to be told the circumstances in which the therapist may wish to breach confidentiality. The client should be given the opportunity to discuss this with the therapist at the outset of the therapeutic relationship.

Where it is thought necessary to pass on information to another individual or organisation this will be on a strictly 'need to know' basis. The consent of the person about whom the information is to be passed on will be sought if at all possible.

3. Duty of care

OVCS has a duty of care to service users. It may therefore be necessary to breach confidentiality where a client is acting, or likely to act, in a way that could cause serious harm to themselves, or put others at risk of harm.

OVCS also has a more general duty of care towards members of the public. It may be necessary to inform the police or statutory authorities where there is the possibility of serious risk to a particular person or persons, or to the public in general, or if there are high level of concerns regarding serious criminal activity, such as money laundering.

OVCS employees and volunteers share a duty of care towards minors and vulnerable adults, and people whose mental or physical condition makes them particularly vulnerable. If OVCS workers know or suspect that a child or vulnerable adult is being sexually or physically abused, including serious emotional or neglectful abuse, the Child Protection Unit of social services (or NSPCC, or other social services team in the case of an older person, or person with learning difficulties) must be informed. The decision to do this **MUST** be made in consultation with the Clinical Supervisor or Head of Service.

4. Giving information to the police, social services, or the NSPCC

This should preferably be achieved with the knowledge of the person concerned and their co-operation. It is expected that the issue will be discussed beforehand with the Clinical Supervisor or Head of Service, especially in circumstances where the person concerned is unwilling to co-operate or where the risk to others is too great for this to be possible.

The counsellor is seen as working within a team and may therefore consult, as appropriate, with members of that team also working with the same client, for example, those counsellors working in the same supervision group. Wherever possible this should be with the knowledge and agreement of the client.

5. Record keeping

Records management and good record keeping **is essential** at OVCS. All records (client records or business files) must be managed with the key principle of keeping records and information confidential, no matter which type (electronic, paper etc.), and that they are confidential (where applicable), comply with record keeping standards of the British Association for Counselling and Psychotherapy (BACP) and Information Commissioners Office (ICO) and are not shared outside of OVCS without the authorisation of the Head of Service and Clinical Lead Supervisor.

- Records should be kept up to date by the counsellor whilst the client is engaged in counselling, and held electronically by One Vision Counselling Service for 3 years after the client has ended their therapy.
- Records should be kept on OVCS's Client Record Sheet electronically.
- One Client Record Sheet per month per client will be used.
- No client identifiable information will be entered onto the Client Record Sheet, and only the client reference number will be used.

- The Client Record Sheet **must be submitted monthly by the 5th working day of the following month (records for April will be submitted by the 5th working day of May, records for May will be submitted by the 5th working day of June and so on).**
- Records should be typed on the Client Record Sheet template.
- The Client Record sheets should be stored electronically by the counsellor until the client has ended.
- A completed Ending Summary **must be typed and submitted electronically** to the Service Administrator within one week of the client ending.

Please refer to the BACP Ethical Framework for the Counselling Professions for guidance.

Please access the Good Practice in Action resources from the BACP website on Record Keeping in Organisations.

It is a professional requirement that attendance records and brief written notes of the counselling sessions are made.

These are kept for 3 years from the end of therapy and are stored in accordance with The Data Protection Act 2018.

6. Key records standards

- **Accessible and available**
- The whereabouts and storage of records must be known and available for access when required
- There must be no duplicates
- Fit for purpose

Records must be:

- Complete, accurate and up-to-date.
- Document what is only necessary and relevant, and remember if it isn't written down, it didn't happen
- Content of client sessions should be brief and protective of the client's issues
- Include client identification numbers and be correctly filed
- Signed and dated
- Accessible
- Confidential records, including client and staff records, must be Stored securely and only accessed when appropriate
- Only those involved in a client's care should access their records
- Records must be typed

- Records must be stored electronically by the counsellor for 3 years after the client has ended their therapy
- An ending summary must be typed and submitted to the Practice Manager within one week of ending

7. Top tips for looking after personal information

- Never share your password/PIN or log someone else in under your credentials.
- Always log out or lock your computer when you leave it.
- Never discuss personal information in public areas or where you can be overheard.
- Always use the client ID in emails or correspondence and never the client's name.
- Keep personal data secure. Lock it away!
- Only share personal information on a need to know basis.
- Regularly delete emails relating to clients from your in box and sent box on your devices.
- Do not store assessments on devices or computers.
- Do not keep electronic or paper copies of any client information once the client has ended therapy.

8. Data Protection and GDPR

All people performing work or services for OVCS, including volunteers, self-employed people and contractors, should be aware that information produced by them or provided to them in the course of their work is personal information about individuals and therefore it must be collected and dealt with appropriately, whether on paper, in a computer, or recorded on other material – and that there are safeguards to ensure this under the Data Protection Act 2018.

- In keeping with this Act, OVCS aims to provide an open and transparent record system and actively supports clients who request access to their personal record.
- Records will be kept for 3 years and then shredded and deleted.
- Volunteer counsellors are requested to destroy their personal process notes within 3 years of completion of client work.
- Tape recordings should be deleted as soon as they have served the purpose for which they were made.

GDPR 25th May 2018

This document has been devised in line with the implementation of General Data Protection Regulations (GDPR) on 25th May 2018. One Vision Counselling Service is committed to protecting the privacy and security of your information. This document

describes how we collect and use your personal information during and after your relationship with us in accordance with GDPR. It applies to all workers, volunteers and self-employed contractors working within One Vision Counselling Service. We are required by data protection legislation to inform you of the information in this policy.

Data Protection Principles

We will comply with Data Protection law. This says that the personal information we hold must be:

- Used lawfully, fairly and in a transparent way
- Collected only for valid purposes that we have clearly explained to you and not used in any way that is incompatible with those purposes
- Accurate and kept up to date
- Kept for only as long as necessary for the purpose we have told you about; and kept securely in accordance with BACP guidelines and ethical practice

The Kind of Information we hold about you

We may collect, store and use the following categories of information about you, including:-

- Personal contact details such as name, addresses, telephone numbers and personal email addresses
- Date of birth
- Gender
- Qualifications (staff only)
- Marital/relationship status and dependents
- National Insurance Number (staff only)
- Bank account details, payroll records and tax status information (staff and suppliers, to issue refunds to clients where needed)
- Salary, annual leave, pension and benefits information (staff only)
- Start date, leaving date and reason for leaving
- Copy of driving licence (staff only)
- Copy of passport (staff only)
- Recruitment information (including copies of right to work documentation, references and other information included in your application form or separately as part of the application process (staff only)
- Information about your race or ethnicity, religious beliefs, sexual orientation and political opinions
- Information on your attendances with your counsellor and fees paid
- Information about your health and wellbeing which you disclose to us

How is your personal information collected, used and stored

From telephone assessments with a Practice Manager where you provide the information, we ask you

- From your email enquiry and other emails
- From text messages or voicemails
- From your assessment
- From what you disclose to your counsellor
- From your attendances and non-attendances
- From what you provide to us on application forms and at recruitment procedures (staff only)

Your information will be used for the purpose of providing counselling and psychotherapy in accordance with the BACP guidance for the Counselling Professionals and your information will be stored securely and confidentially and only accessed during the provision of counselling and psychotherapy. Please visit the BACP website for further guidance.

9. Confidentiality

Confidentiality is one of the most fundamental ethical obligations owed by counsellors to their clients. At OVCS what clients speak about with their counsellor is private, and is treated as confidential. Clients have the right to expect all OVCS staff to respect their right to privacy and confidentiality as far as possible and not to pass on information about them to individuals or organisations that have no right to that information. However, there are limitations to confidentiality arising from the constraints of legal and statutory requirements and with regard to the safety of clients, counsellor and other people, and these will be discussed with clients at the outset of counselling.

10. Breaking confidentiality

The following principal actions will be available to OVCS Head of Service or Clinical Supervisor:

Disclosure will be made on a strictly need to know basis. If a client is judged to pose an imminent risk to themselves or others, disclosure may be made with or without the client's consent to

- The emergency services (including police)
- GP
- Community Mental Health Team
- Social Services (in the case of possible harm to children or vulnerable adults)
- The police

11. Requesting access to records

If clients would like to see their records, the request can be made through their counsellor or directly to OVCS for which there is an administration cost if copies are required.

It is this organisation's policy NOT to reveal information about clients or their counselling to other professional agencies or third parties that clients may be involved with without their prior written consent unless we are legally required to do so.

13. Relationship to other policies and supporting resources

- OVCS Health and Safety Policy
- OVCS Disciplinary Policy
- OVCS Complaints Policy
- BACP Ethical Framework for the Counselling Professions
- BACP Confidentiality and record keeping within the counselling professions Good Practice in Action Factsheet 065
- BACP What do we mean by records and recordkeeping within the counselling professions Good Practice in Action Factsheet 066
- BACP Practical aspects of record keeping within the counselling professions Good Practice in Action Factsheet 067
- BACP Record keeping within organisational settings in the counselling professions Good Practice in Action Factsheet 068
- BACP Sharing records with clients, legal professionals and the courts in the context of the counselling professions Good Practice in Action Factsheet 069
- BACP Accountability and candour within the counselling professions Good Practice in Action Factsheet 113
- BACP Managing confidentiality within the counselling professions Good Practice in Action Factsheet 01
- BACP The United Kingdom General Data Protection Regulation (UK(GDPR) legal principles and practice notes for the counselling professions Good Practice in Action Factsheet 105
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