

Confidentiality Policy

Date Revised	Author	Classification
December 2022	CB/JW	Company Confidential

1. Introduction

1.1 In order to benefit from the services offered by Professional Help Limited, clients and customers need to be able to trust the company and the staff and counsellors who work with them. Respecting confidentiality is a fundamental requirement for gaining and keeping that trust. As an organisation, Professional Help has a primary responsibility to our clients. We also have other responsibilities (i.e. to other service users; to our organisation and to co-workers; to society at large; to legal process; and to our customers and partners) which may exceptionally take precedence.

2. Scope

2.1 Clients, customers, partners and members of our organisation have a right to expect that information given in confidence will be used appropriately, only for the purpose for which it was given, and will not be released to others without their consent.

2.2 Professional Help also has a right to expect that information regarding the operation and management of the organisation and sensitive business information remains confidential within the organisation.

2.3 This duty of confidentiality applies to all members of our organisation, including staff members, consultants and Associate Counsellors.

3. General Principles

3.1 When any individual or organisation approaches Professional Help for support, neither that fact nor any other information about them will ordinarily be divulged to any person or organisation outside the company. Members of our organisation will not disclose to anyone, other than their line manager or supervisor, any information considered sensitive, personal, financial or private without the knowledge or consent of the individual concerned. The death of the client does not end the obligation of confidentiality.

3.2 Professional Help recognises that members of our organisation gain information about individuals during the course of their work or activities. In most cases, such information will not be stated as confidential and individuals may have to exercise common sense and discretion in identifying whether information is expected to be confidential. This policy aims to give guidance but if in doubt, seek advice from your line manager or supervisor.

3.3 All members of our organisation have a duty to keep personal information about clients safe and confidential. Clients need to feel that they can trust staff if they are discussing personal or sensitive matters with them, and every client has a basic right to privacy.

3.4 In supervision, the principle of a confidential service to clients is maintained. Supervisees do not identify their clients to their supervisor or supervision group. Supervisors must be available to discuss issues of confidentiality when required.

3.5 In internal or external training and when promoting Professional Help, actual cases can be used only where the identity of the individual is certain to be obscured, or where the individual has given written permission for the case to be discussed.

4. Record keeping/storing information

4.1 It is necessary to keep a range of client records, all of which are the property of Professional Help. Under Retained Regulation (EU) 2016/679 (UK GDPR) however, the client owns his/her own information, which may only be used for the purposes for which it was given. Professional Help adheres to Caldicott Principles in dealing with and maintaining records.

4.2 The level of information and data kept about individuals will be the minimum required to enable Professional Help to provide the service required.

4.3. Records will only be available to those directly involved in providing that service and to senior staff when appropriate.

4.4 Except when in use, written records will be kept in locked storage cabinets, and computer records will be password protected. Records will be sifted on an annual basis with the intention of destroying any information no longer required.

4.5 Records will be as factual as possible.

4.6 Professional Help will complete a referral form for each client who accesses our services. Professional Help counsellors access referral forms through our secure client referral system. A case number is allocated to each client.

4.7 In some cases, an additional record may be required and may have any of the following purposes:

- To assist the Counsellor in progressing work with the client
- To enable the supervisor to support the Counsellor's work
- To record a significant agreement made with a client
- To record the client's agreement for referral to another agency
- To record decisions taken, and the reasons for them, in problematic situations

4.8 Content of the Case Record

In line with the eight data protection principles (outlined below in 10.1), information recorded on the case record should be confined to that which is essential to the purpose of support or counselling. The tone should be respectful and non-judgemental. The case record should summarise any agreed action points; it should be clearly dated and should identify the author and anyone else involved in the consultation.

4.9 Notes made by the Counsellor or support worker during sessions should be:

- Reduced quickly to an essential summary for the case record and then destroyed.
- If not otherwise required, destroyed as soon as possible after the contact.

5. Breaking Confidentiality

5.1 The need to do this is rare, and will not be encountered by most members of the organisation. There are exceptional circumstances when the maintenance of trust may be outweighed by issues of public interest. It may be necessary to break confidentiality, or to vary the confidentiality agreement, in the following broad categories of circumstances, where:

- There is a risk of serious harm (physical, psychological or financial) to the client, to someone else, or to the public at large, and it is necessary for Professional Help to act because the client is unable or unwilling to do so. This includes, but is not limited to child abuse, adult disclosures of historic abuse and threats of suicide or serious self-harm.
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- The work is being carried out in a setting where Professional Help has agreed to vary the confidentiality agreement (e.g. in a prison, or in some circumstances, to share information during a disaster response or in line with agreed commissioning organisation or partner needs). Such agreements must be set out in writing before work is undertaken.
- There is a legal obligation (normally a court order or witness summons) to disclose information.

5.2 If confidentiality is to be breached (except under the Terrorism Act 2000 or Proceeds of Crime Act 2002), the client should normally be informed of Professional Help's intention and what form it will take. There will normally be discussion with a supervisor or line manager.

5.3 Records of what was disclosed, to whom it was disclosed, reasons for it and any other information necessary to substantiate the reasoning behind the decision will be kept. These notes should be contemporaneous wherever possible and passed to the service manager for safekeeping.

6. Consent

6.1 When it is proposed to disclose information about an individual, that individual's consent should be sought (except where an Act of Parliament decrees otherwise).

6.2 Consent should, as far as possible, be informed consent i.e. the individual should fully understand:

- Why there is a need to disclose the information
- The extent of the information involved
- Who will have access to it
- The likely consequences of giving or withholding consent.

6.3 Written consent should be obtained wherever possible, particularly where conflicts or difficulties may arise.

7. Illegal Acts

7.1 There is no general duty to report crime, except as required by specific Acts of Parliament (including the Terrorism Act 2000 and the Proceeds of Crime Act 2002), and where the crime might reasonably be deemed to constitute 'serious crime' e.g. causing significant harm to an individual or society at large, or involving substantial financial gain and loss.

7.2 Where it appears that a client is about to disclose involvement in an illegal act not covered by specific legislation he/she should be warned that confidentiality may have to be breached.

7.3 The issue will be discussed openly and genuinely with the individual concerned and it will be stated that the information will be shared in confidence with the supervisor/manager. It will also be made clear that no further action will be taken without the client's knowledge.

7.4 Every effort will be made by the staff member/counsellor to encourage the client to cease or report any illegal act which causes harm to others and support to do this, if required, will be offered.

7.5 If the client refuses to cease illegal activity, it will be made clear that the Professional Help staff member/counsellor will discuss the matter with their manager/supervisor and the appropriateness of continuing the supportive relationship.

8. Disclosures

8.1 Professional Help complies fully with the Disclosure and Barring Service (DBS) Code of Practice regarding the correct handling, use, storage, retention and disposal of disclosures and disclosure information.

9. Self-Harm

9.1 When a client appears at risk of suicide or substantial self-harm, support will be offered including help in contacting other agencies, normally subject to consent (see also Professional Help Safeguarding Policy).

10. Child Protection

10.1 Professional Help has a Child Protection Policy which should be referred to if there is any indication that a child or young person may be at risk.

11. Court Orders

11.1 Disclosure of information required by Court Order will be limited to that specified.

12. Data Protection

12.1 Professional Help is registered with the Information Commissioner's Office under the Data Protection Act as a data controller. Information about individuals, whether on computer or paper, falls within the scope of the Data Protection Act and must comply with the data protection principles. These are that personal data must be:

- Obtained and processed fairly and lawfully
- Held only for specified purposes
- Adequate, relevant and not excessive
- Accurate and up to date
- Not kept longer than necessary
- Processed in accordance with the Act
- Kept secure and protected

13. Complaints

13.1 Any complaints arising from confidentiality issues should be taken up in accordance with Professional Help's Complaints Procedure.