

Wellspring

centre for psychotherapy and counselling

PRINCIPLES & PRACTICE OF CONFIDENTIALITY

THE DUTY OF CONFIDENTIALITY

Everyone who works within Wellspring is bound by a duty of confidentiality towards all clients and potential clients seeking Wellspring's help. Therapists are also bound to safeguard client confidentiality in accordance with the ethical principles of BACP and COSCA.

Everyone must take great care to prevent improper disclosure of any information concerning a client, or any material which can be linked to the client or to anyone connected with them. This responsibility belongs to all within the service: paid and voluntary administrative staff, therapists, trainees, caretakers, cleaners, members of the Management Committee and any others who might come into contact with confidential material.

There are Wellspring Guidelines relevant to these different roles, so that each person understands their responsibilities and can give an informed signature to the Confidentiality Agreement appended. This agreement will be signed by all, as part of their contract with Wellspring.

THE BOUNDS OF CONFIDENTIALITY

Information concerning clients may be shared confidentially within Wellspring, when this is in the best interests of the client, for the purposes of training or professional development, for supervisory purposes, or when this is necessary for the efficient running of the organisation. However, imparting of confidential material should be kept to a minimum and all matters disclosed by clients treated with courtesy, tact and respect. Wherever possible, client anonymity will be preserved.

There are exceptional circumstances in which it may be necessary to break confidentiality and disclose information to persons or agencies outwith Wellspring (see under **DISCLOSURE** below). Before this is done, appropriate consultation will take place with relevant Wellspring personnel: a line manager and/or Clinical Co-ordinator, or trainees' supervisor, for example. Others, such as professional colleagues, external supervisors, psychiatric or legal advisers, professional bodies such as BACP, COSCA, UKCP, and professional indemnity

insurers may also be consulted. The reasons for and process of such disclosures will be minuted and securely kept.

Individuals within Wellspring who do not have access to client notes or records may nevertheless encounter confidential material. They must safeguard all confidential matters relating to Wellspring and to clients of Wellspring, both during and after their period of involvement with the agency.

SECURITY OF INFORMATION

Wellspring keeps personal information about clients and staff in paper and computer records. These are processed in compliance with Data Protection law (see Wellspring's *Data Protection Policy*, and *Procedures for Data Handling and Storage*). There is a separate *Policy on the Secure Handling, Use, Storage and Retention of Disclosure Information* relating to police checks.

Wellspring therapists are required to keep any personal notes, application letters and correspondence relating to clients securely and in accordance with Data Protection law. They should be familiar with the Wellspring document on *Therapists' Notes & Record Keeping*.

DISCLOSURE

Wellspring will not normally disclose *any* information about clients to *anyone* without their consent. However, certain exceptions (see below) make disclosure of information necessary.

- Wherever possible, consent to disclose information will be sought from the client.
- Where disclosure must be made, the therapist will normally encourage the client to pass on information to the relevant person or agency. If there is no indication that this has been done, or if the crisis or danger is sufficiently acute, the therapist may pass on the information directly.

No therapist would break confidentiality in the absence of the client's express permission without a great deal of reflection, where time is available for that. To break confidentiality a therapist must act within the law and have a legitimate objective, such as the protection of life and health, or the prevention of a serious crime. A therapist will normally consult with their supervisor and Wellspring's Clinical Co-ordinator and may also take independent professional advice before proceeding. In these circumstances the client will, wherever possible, be told in advance that a disclosure will be made.

The circumstances in which a therapist would make such a disclosure include:

- Where the therapist would be subject to civil or criminal legal proceedings if the information were not disclosed to a court.

- Where the therapist believes the client to be in serious danger, for instance of death from suicide or self harm.
- Where the therapist believes that there is a serious danger to a third party, including Wellspring personnel.
- Where it is necessary to prevent serious crime. For example, it may be mandatory to report if the client is currently abusing a child and it may also be mandatory to report where a client tells us that someone else is abusing a child.

ACCESS TO RECORDS

Requests may be made from clients themselves or by others for access to the client's records. Leaflets entitled *Access to Records* and *Procedure for Subject Access Requests* are available to clients and Wellspring will follow its *Policy and Procedures for Responding to Requests for Access to Records*. This covers requests from clients, police, solicitors and the courts.

CONFIDENTIALITY RELATING TO CHILDREN AND YOUNG PEOPLE

There are specific guidelines regarding this, as the principles of confidentiality are not the same as those for adults. See Wellspring's *Child Protection Policy and Procedures* and Confidentiality leaflet for Young People.

CONFIDENTIALITY RELATING TO ORGANISATIONAL CLIENTS

Information relating to clinical work done for organisational clients must be kept in the strictest confidence. This includes the fees paid to Wellspring by organisational clients. Any confidential or sensitive information belonging to the company or organisation must never be disclosed to any third party.