



## CONFIDENTIALITY POLICY AND PROCEDURE

### Confidentiality Statement for Clients

Off The Record Twickenham gives a confidential service, where possible, to all young people, in line with the ethical requirements of a counselling service. This means that you can come and talk and everything you say stays private between you and us. However there are some things we can't keep confidential. We want to make it clear to you what those things are so that you are fully informed before making your choice to talk to us about something or not. We want you to be able to tell us anything you want, but for you to be clear about what we might have to pass on. You can also ask us to talk to someone else for you, and we can talk with you to decide who it would be helpful to tell. **The only time when we have to tell somebody else is if you tell us that you or someone else is in great danger or we are concerned about your welfare.** What this means is we have to try and protect you if something really awful is happening. Below is a list of the kind of things we mean by really awful. You can have a look at the list and ask us to explain it to you, if you want.

These are the times we can think of when this might happen:

1. If you come to see us and you are very badly injured, or if you are taken seriously ill at an Off The Record project, and need to go to hospital, we will sort out getting you there. This may mean calling an ambulance, doctor or your parents, whichever is the most appropriate.
2. If you tell us that you are going to kill yourself right now, or that you have taken an overdose, we will believe you. We will try to help you by calling a doctor, an ambulance, your parents, social services or the police, depending on which you want, and what seems best for you.
3. If you are under the age of 18 and you tell us that an adult is doing sexual things with you that you don't want them to, we will help you to get help. This might mean telling your parents, the police, your school, a doctor or a social worker
4. If you tell us that you are being injured severely by someone and we see the injuries, we will tell your parents, the police, a social worker or a doctor, whichever is the most appropriate
5. If you tell us that a child you know is being severely injured by someone or being forced to have sex with an adult, we may tell a social worker or the police
6. If a judge in a law court forces us, through law, to tell him things that help him to protect you we will
7. If you have to go to court for possibly doing a crime and the judge in court forces us to, by law, we have to tell him anything we know that might help them know the truth
8. If you are physically violent towards anyone at an OTR project and we cannot stop you, or if you say you are definitely going to hurt someone at an OTR project very badly, we will call the police
9. If you leave home and you are too young to take care of yourself, and have nowhere safe to stay, we will help you. We may tell the police, social services or your parents, whichever is the most appropriate.
10. **The law demands** that we tell the police if you are going to commit a crime against the government, or if you tell us that you are selling illegal drugs.

### **Causes for concern**

There may be times that you wish to speak to us about issues that don't require immediate action but give us cause for concern about your development, health, security, safety and other such concerns. In these instances we will let you know that we may have to take it further or at the very least look into ways of supporting you in that situation.

### **Confidentiality Policy and Procedure – Working Guidelines**

#### **The Need and Context**

Confidentiality is an essential part of our counselling service for young people. It reflects our valuing of young people's rights and integrity and recognises their emerging autonomy, thus supporting their ability to take control and make their own life choices and decisions. However we recognise that absolute confidentiality can never be offered.

Our Confidentiality Policy and Procedure, along with our Child Protection Policy and Procedure aim to provide counsellors, clients, and other agencies with a clear understanding of:

- the issues around confidentiality
- the circumstances under which a counsellor may need to break it
- the procedure for doing so.

#### **Maintaining Confidentiality**

- 1 Confidentiality must be respected at all times, and the Confidentiality Policy should be displayed in OTR's promotional literature and on the premises. There is also a list offering examples of situations where confidentiality may be broken. This list cannot be definitive as decisions will generally depend upon the individual circumstances of each case.
- 2 Clients are to be made aware of the Confidentiality Policy. All staff involved are responsible for ensuring that young people are clear from the start about the level of confidentiality that the service is able to offer. It is not enough to say simply that a service is "confidential", as this may lead to an expectation of confidentiality which cannot in reality be guaranteed. Clarity is essential both in terms of forming professional boundaries, and in giving young people a choice in what they do or communicate to an agency. It is useful to give clients a chance to question the policy and formalise this process. It is also recognised that contract making is an ongoing and changing process but which has certain agreed circumstances in which confidentiality will be broken.
- 3 Clients are to be made aware that there is a supervision system and that outside supervisors are also bound by this policy.

#### **Record-Keeping**

- 1 Off The Record will not give information about clients to other professionals or agencies unless consent is given by the client, or extreme circumstances necessitate it.
- 2 All information about an individual must remain within Off The Record. Files should not be removed from the building unless consent is given by the Manager. The only exception to this is that files may be taken off the premises for purposes of supervision. Due care must be taken to safeguard them when they are off the premises, and they must be returned to OTR within one week.

- 3 Messages on the answering machine are exclusively for staff and should not be played when clients might hear them. Telephone conversations regarding clients are also to be taken in private.
- 4 All referral letters or reports must be seen by the client prior to submission to the relevant body
- 5 Clients are entitled to see all written records pertaining to them and this should be kept in mind when counsellors are writing their notes.
- 6 Written information about clients (e.g. letters, referral sheets, or files) must not be displayed where people other than Off The Record staff are present. When the project is unoccupied all information will be stored in locked filing cabinets or drawers.
- 7 Client records will continue to be held in confidence after the counselling relationship has ended, or in the event of a client's death. Records will be retained for six years before being shredded

#### **Use of Information for Research, Funding and Publicity**

- 8 Any information used by the agency will be presented in statistical format, thus ensuring confidentiality of clients.
- 9 If information about, or comments by, specific clients is used in any appropriate publication, it will only be with their prior permission and with their anonymity preserved.

#### **Staff Training**

The effectiveness of any policy depends on the general understanding and acceptance of all parties concerned with its implementation. As legal responsibility lies with Board of Directors, it is vital that those in this role, as well as the counselling team, are fully aware and understand background content and implications of the organisation's policies. OTR undertakes to:

- 1 Offer training to counselling staff in order that they are able to understand the implications of the policy and work within its practice guidelines. It may be useful for members of the Board of Directors to join some trainings, as appropriate, to gain insight into and appreciation of the dilemmas faced by staff.
- 2 In addition to this, counsellors are responsible for familiarising themselves with the policies and procedures, and for seeking advice if they are unclear about any aspect of the policy's implementation.
- 3 Any unauthorised breach of confidentiality, or any failure of counselling staff to discuss issues causing serious concern, will be followed up by senior management.

#### **Breaking Confidentiality**

**The only occasion when we would consider breaking confidentiality is if we had reason to believe that serious harm might occur to the client or someone else.**

At OTR the confidential contact is between the client and the agency, and not with the individual counsellor. This means that any decision as to whether to break confidentiality lies with OTR, not the counsellor. Therefore any situation where issues of confidentiality arise must be reported to the Co-ordinator and supervisor as soon as possible, and immediately if deemed necessary. The decision to break confidentiality lies with the Co-ordinator in collaboration with the Trustees, who will

preferably make their decision in consultation with the counsellor, the counsellor's supervisor, and the Co-ordinator's supervisor, as the specific situation allows.

In all cases workers are professionally and ethically obliged to explain to the client in detail the possible consequences of involvement by other people and agencies, and to give the client a truthful description of the likely outcome of disclosure. They must then also seek the client's views. Every effort must be made to get the young person's informed consent to break confidentiality. If a decision is made to break confidentiality (with or without consent), the information disclosed should be kept to a minimum, and should be concerned only with the issues at hand, and not extend to other areas of the client's present or past life that are not relevant to the current situation.