**CONFIDENTIALITY POLICY**

At Free To Talk we offer confidential counselling services to our clients in accordance with the BACP Ethical Framework for the Counselling Professions (2018). BACP says: ‘We will protect the confidentiality and privacy of clients by *“ Actively protecting information about clients from unauthorised access or disclosure’* (BACP, 2018, p. 21).

This policy covers all counsellors in the organisation, proactively protecting their personal information from unauthorised access or disclosure. FREE TO TALK counsellors are expected to maintain these principles during and after their time with FREE TO TALK and not disclose any business or client-sensitive information to those outside the organisation. Any breaches of confidentiality are taken seriously and may involve disciplinary action.

Maintaining confidentiality is of vital importance in developing trusting relationships with our clients and in maintaining wider public credibility.

**Ownership of Information**

Information passed to a FREE TO TALK counsellors in the course of their work is deemed to have been passed to FREE TO TALK to be used, or not, within reason based on the nature of the information and work being done. That is unless the ‘giver’ of the information specifically requests it not to be shared and the information does not indicate risk to the ‘giver’ or another. The ‘giver’ of the information remains the owner.

**Disclosing Information**

Our Counsellors will be informed of any reasonably foreseeable limitations of privacy or confidentiality in advance of working with FREE TO TALK – for example, supervision or training – and in circumstances including the risk of harm to individuals or as required by law. This will not be considered a breach of confidentiality. However, the information remains personal and private and in the control of the ‘giver’. Should it be necessary to disclose personally identifiable details of a client or their counselling to a third party or external organisation outside of the above circumstances, a form will be sent to them and they will need to submit. Clients will be informed and must be kept informed of any issues concerning confidentiality and disclosure in relation to their counselling.

The risk protocol must be followed where risk is identified. Risk will always override confidentiality. Where email is used as a form of communication about specific clients, information contained will be anonymised – and an encrypted FREE TO TALK email address will be used, where possible.

The client’s individual counselling contract will contain details of the confidentiality boundaries that apply to that counselling referral. This is a verbal contract and a written contract with employed counsellors.

**Disclosure of information procedure**

In the rare event when information needs to be disclosed to an external authority, such as a

GP, the following procedure is recommended:

* Counsellors to discuss the situation with their FREE TO TALK supervisor or, where necessary, another FREE TO TALK supervisor or suitable member of FREE TO TALK Management.
* Where the supervisor or FREE TO TALK Management cannot resolve the situation then relevant external professional/legal advice will be taken in confidence to resolve the situation.
* The counsellors will have the decision, and the reasons for it, explained to them – within the confidentiality restraints of any external organisation involved.
* FREE TO TALK will make every effort to resolve situations as quickly as possible.
* Each case will be considered on its individual merits. Where risk is identified, whether threats of suicide or physical harm to another, it is imperative that disclosure is discussed with clients so, where possible, they can give consent for disclosure.
* In cases where the recommended procedure has been followed and a child or vulnerable adult is still felt to be at risk or in danger, Social Services must be informed.

**In addition to these procedures, the following comments are offered for guidance:**

**Storing Information**

Where appropriate, personal information about counsellors is anonymised and securely stored electronically in a password-protected server, held in confidence within FREE TO TALK’s office Electronic records are maintained in accordance with the Data Protection Act 1998 and the General Data Protection Regulations 2018. An individual who is the subject of a computer record is entitled under the Act to access their record, as well as the right to erase, amend or restrict the processing of the data held under these regulations. FREE TO TALK will immediately inform anyone if their data confidentiality has been breached.

Personal information includes name, date of birth, contact information of counsellors and an emergency contact, copies of professional qualifications, some elements of personal history, insurance and accreditation status, photographs, and medical information.

**Verbal Confidentiality**

When presenting a client in supervision, care should be taken to conceal client identity – i.e. initials or first names only should be used. Clients should not be discussed outside the supervision. If a counsellor feels the need to consult a colleague outside supervision (but still within FREE TO TALK) this should be done in private and not in the staff or Counselling rooms within the hearing of others.

On no account should client’s related issues be discussed in public places (including stairs, toilets, cafes, etc). Written case histories are a useful learning tool in training and supervision as an example of good practice. Any written case histories to be used in this way must have identifiable information redacted and anonymised before sharing.

Any case material used in seminars, case presentations or discussion groups should be disguised to conceal client identity. If client case material is to be used for external discussion of any kind, the client’s informed written consent must be obtained, as well as consent from FREE TO TALK. Counsellors using ongoing case material (as opposed to snippets) in their written work should obtain the client’s written consent.

**Media Contest Free To Talk and Requests for Information**

On the rare occasion FREE TO TALK wishes to interview a client for quality control, marketing or similar purposes, the client will be asked if they wish to participate. It is entirely their decision and no pressure must be placed on them to agree.

Any external individual, organisation or media requests for information made to a counsellor must be immediately passed to FREE TO TALK senior management who will decide the appropriate course of action.

All counsellors must not entertain further communication with the external individual, organisation or media requesting the information, whether directly or indirectly. Social media platforms such as LinkedIn, Twitter, Instagram or Facebook are not to be used to communicate or disclose any information regarding FREE TO TALKS business.

Anyone who is writing for publication using their FREE TO TALK experience must first pass their anonymised work to senior management for agreement.

**Reasonably Foreseeable Limitations to Confidentiality**

These include any limitations that a reasonably competent practitioner may anticipate as causing difficulties in protecting client confidence – for example, arising from legal or contractual obligations to disclose confidential information, or to protect people from serious harm. Some situations that arise in practice may be so unexpected or exceptional that they are not considered to be reasonably foreseeable.

**Breaching Confidentiality**

This is where something is disclosed that has been communicated in confidence by mutual agreement, or with the expectation that it will be kept secret. The expectation of secrecy may have been stated explicitly or implied. Confidentiality is breached when any disclosure is made without the consent of the person concerned, legal authorisation or being legally defensible in the public interest. Breaches can occur accidentally or deliberately.

In most circumstances, obtaining the consent of the person concerned provides an ethical way of avoiding a breach of confidentiality. Any disclosure of confidential information requires respecting the possible rights to confidentiality of any third person who is identifiable within the disclosure.

**Reference**

British Association for Counselling and Psychotherapy (2018) The BACP Ethical Framework for the Counselling Professions. Available at: https://www.bacp.co.uk/events-and-resources/ethicsand-standards/ethical-framework-for-the-counselling-professions/ (Accessed: 17 April 2021)