



BEDFORDSHIRE OPEN DOOR

CONFIDENTIALITY AND DATA PROTECTION POLICY

Bedfordshire Open Door regards confidentiality as part of our duty of care and professional obligation towards our clients. The young people who use our service need explicit assurance that their personal information will be respected and protected from unauthorised disclosure wherever possible.

We recognise that the right to confidentiality is rooted in Common Law, in statutory provisions such as the Data Protection Act 2018 incorporating the requirements of the General Data Protection Regulations 2018 (GDPR), the Human Rights Act 1998 and in the contracts between client and counsellor and client and the agency (Bedford Open Door). However, we also recognise that there are exceptional circumstances when the needs of the client or the wider public interest may potentially outweigh our duty of confidentiality. As a registered agency we adhere to BACP Ethical Framework 2018 for Counselling Professions. We recognise that there are some exceptional circumstances where the needs of the client or the wider public interest may potentially outweigh our duty of confidentiality.

The limits of confidentiality:

- When a young person under the age of 18 years, or a vulnerable young adult, discloses that either they or another child or vulnerable adult, have been or are currently subject to abuse eg physical, sexual, psychological, emotional and/or neglect
- Where a client discloses that there is high risk of serious harm to themselves eg suicidal ideation (and their mental capacity may be impaired) or high risk to the safety of others including an unborn child
- Where there is high risk to the safety of others through malicious intent, including the prevention, detection and prosecution of serious crime
- Where there is any reasonable suspicion of threat to national security and wider community safety
- In the event of a Court Order to disclose records

In such a cases, Bedfordshire Open Door's Child and Adults at Risk Protection and Safeguarding Policy would be followed.

The rights of clients:

- To know the extent and limitations of the confidentiality they are being offered.
- To be told the circumstances in which their confidentiality may be breached.
- To have a clear therapeutic contract which they can understand and accept.
- To know who will make, keep and have access to their notes and records, how such records are kept, for how long and for what purposes.
- To ensure they have information pertaining to their rights in relation to access to their notes and records.
- To inform them of the need to disclose where possible (unless there are cogent, defensible reasons why this cannot be the case)
- To know what information is to be disclosed by Bedford Open Door and how and to whom it will be given as far as possible
- To be involved in the decision-making process wherever possible

CONFIDENTIALITY AND DATA PROTECTION PROCEDURES

All staff and volunteers at Bedford Open Door are expected to be familiar with the Confidentiality and Data Protection Policy and to show respect for client confidentiality.

PROCEDURE A - TAVISTOCK STREET CENTRE

In the Initial Assessment the Counsellor will explain our duty of care as laid out in the policy and explain to the Client what that means in terms of limits to confidentiality and the way client records are stored. The Counsellor and Client will discuss and sign the Confidentiality Agreement.

At the first counselling session the limits of confidentiality are revisited, and the Contract is introduced and signed.

In the event where disclosure is appropriate Counsellors will:

1. Discuss the matter with the client where appropriate (BACP Ethical Framework 2018)
2. Discuss the matter with the Clinical Manager / Safeguarding Lead
3. Log the information in the Bedford Open Door Safeguarding file and inform Admin so a note can be made on the client contact record
4. Appropriate actions under the Bedfordshire Open Door Children and Adults at Risk Protection and Safeguarding Policy will then be implemented
5. Discuss the matter with their Supervisor

For the Administrative team, in the instance of a concern they should discuss the matter with Clinical or Operations Manager who will initiate appropriate action and provide support as needed for the staff member.

PROCEDURE B - SCHOOLS BASED WORK

In the Initial Assessment the Counsellor will explain our duty of care as laid out in the policy and explain to the Client what that means in terms of limits to confidentiality. The Counsellor and Client will discuss and sign the Confidentiality Agreement.

At the first counselling session the limits of confidentiality are revisited, and the Contract is introduced and signed.

In the event where disclosure is appropriate Schools Counsellors will:

1. Discuss the matter with the client where appropriate (BACP Ethical Framework 2018)
2. Report it to the Designated Safeguarding Lead of the School as a matter of urgency
3. Log the information in their case notes
4. Discuss the matter with their supervisor

5. Report the matter to the Clinical Manager
6. Appropriate actions, in line with the host school Child Protection and Safeguarding policies and procedures, will be implemented by the designated member of school staff
7. It is the responsibility of the School Counsellor to follow up on the outcome of actions taken, to record them in case notes and inform the Clinical Manager

PROCEDURE C - YMCA BASED WORK

In the Initial Assessment the Counsellor will explain our duty of care as laid out in the policy and explain to the Client what that means in terms of limits to confidentiality. The Counsellor and Client will discuss and sign the Confidentiality Agreement.

At the first counselling session the limits of confidentiality are revisited, and the Contract is introduced and signed.

In the event where disclosure is appropriate YMCA Counsellors will:

1. Discuss the matter with the client where appropriate (BACP Ethical Framework 2018)
2. Report it to the Designated Safeguarding Lead of the Hostel as a matter of urgency
3. Log the information in their case notes
4. Discuss the matter with their supervisor
5. Report the matter to the Clinical Manager
6. Appropriate actions, in line with the host agency Child Protection and Safeguarding policies and procedures, will be implemented by the designated member of YMCA staff
7. It is the responsibility of the YMCA Counsellor to follow up on the outcome of actions taken, to record them in case notes and inform the Clinical Manager