

Birkbeck College, University of London

Confidentiality Policy

Introduction:

Birkbeck Student Wellbeing Services recognise that our adherence to confidentiality is of paramount importance to students who access our service.

This document sets out the Birkbeck Wellbeing Services confidentiality policy and the arrangements for storage and access to information held about clients. Our policy is informed by the [Ethical Framework of the British Association for Counselling and Psychotherapy](#) our service also adheres to, and complies with, the requirements of the [General Data Protection Regulation \(GDPR\) and the UK Data Protection Act \(2018\)](#).

Confidentiality is maintained within the Team:

Information about the names and contact details of users of the service remains confidential to the Wellbeing Service, made up of professionals including counsellors, mental health advisors and other staff within the Disability and Dyslexia Service.

We use a team approach in order to provide the best quality services to our students, and where necessary, different practitioners within the Wellbeing Team will liaise in order to work out the best available support options.

Our team are therefore able to speak on a need to know basis about a student accessing the our services. Such instances might be for the purpose of making a referral to other services or ensuring that services are not providing conflicting support. In such instances verbal consent would ordinarily be sought from the client in advance of such discussions.

If we are significantly concerned about the student's safety or the safety of others we may speak to the safeguarding team, and a student may be discussed in one of our multi-disciplinary meetings the purpose of which would be to support and protect vulnerable students. Any discussions would be carried out with the best interests of the student in mind and information disclosed on a need to know basis only.

Information for Relatives, Guardians, Friends and Members of the Public:

We appreciate that at times a third party may be concerned about the well-being of one of our students. Whilst it can be useful for pertinent information to be shared with the service, the General Data Protection Regulation (2018), prevents staff from releasing any information about prospective, current or existing students to a third party without explicit student consent. The only exception arises

where there are serious concerns for the welfare or safety of a student or others, in which instance staff will inform NHS, statutory service, and/or the emergency contacted nominated by the student at the point of enrolment, as appropriate.

Personal Information and Data Protection

All personal information is collected, stored and managed in accordance with the University's [General Data Protection Regulations](#), [Data Protection Policy](#), and associated guidance. We comply fully with the requirements of the [General Data Protection Regulation \(GDPR\) and the UK Data Protection Act \(2018\)](#). Records will be kept and stored securely, and only accessed by relevant staff when required.

When we may be required to breach client confidentiality:

Birkbeck Wellbeing Service has a Duty of Care to all students. However, no service can offer complete confidentiality to its clients, as this is restricted by the law*. In particular the following laws limit the extent to which confidentiality can always be maintained:

- The Prevention of Terrorism Act, 2005.
- Proceeds of Crime Act, 2002.
- Children Act 2007

* Further information about these legal restrictions can be found at www.legislation.gov.uk

There are therefore rare circumstances where confidentiality may be breached. This may occur if:

- The practitioner believes that a student poses a serious risk of harm to either themselves or another.
- The practitioner is made aware of terrorist activities.
- The practitioner is made aware of a child at risk of abuse, or currently being abused.
- The Service is subpoenaed by a Court of Law.

In such circumstances the client's consent would be sought where possible, unless to do so would place the practitioner at risk of harm.

Access to Records:

Students who access our service have a right to see information stored about them. If a student wishes to read or have a copy of this information, it is recommended that they should initially discuss this with the practitioner they have been seeing. They will then be asked to put their request in writing to the Head of Wellbeing Service. The Service will reply to such requests as soon as possible.

The student will then be invited to come into the Service to read the notes in the presence of one of our team members who can offer support and explanation if required. Notes

The only exception to this is if the Service Manager deems that disclosure of information would be likely to cause serious harm to the physical or mental health of the client. Clients may have legal rights to this information and these will be taken into account.

The Wellbeing Service will not provide access to client records if requested by third parties, unless this is with the explicit written consent of the relevant student, or unless directed by a court order. In no circumstances will the original copies of notes be provided to the client or any other party, even with the consent of the client.

Counselling service

It is widely recognised within UK law that counsellors owe a duty of confidence to the client because of the special nature of the relationship, and that maintaining the trust and privacy of personal information is a legitimate expectation for the client, and is essential to the effectiveness of counselling.

Session Notes:

The service maintains administrative and clinical records of relating to student contact and service users.

All written notes are kept securely within the Service for 6 years from graduation and are then destroyed. Records are only accessed by service staff when there is a clinical or administrative need to do so.

The purpose of records is to ensure that we have smooth administrative systems that we can refer to, provide an aide memoire to staff to enable them to return quickly to the client's key concerns and to allow for reflective processes in relation to client work. We take particular care to ensure that any notes taken are written respectfully, created for a clear purpose, as neutral as possible, as brief and accurate as they can be. Notes are kept digital form and all reasonable steps are taken to ensure that they cannot be accessed inappropriately.

Audit and Evaluation Data:

Students will be asked to fill in a Access form or CORE (Clinical Outcomes in Routine Evaluation) questionnaire before appointments. This evaluation is strictly confidential. The responses help the service understand more about the effectiveness of counselling, and the ways in which the service can be improved.

This statistical information allows the service to maintain an overall picture of service activity, such as the number of appointments made and kept each month, the ratio of Undergraduate and Postgraduate users, and very broad categories listing the reason for seeking support. There is no link in this data with any material relating to the content of counselling sessions. The service also collects

evaluation data from students via electronic evaluation forms. No evaluation information supplied by any individual student can be linked to their personal notes, and neither will it be disseminated in any form that could possibly identify the student. Data from both the audit and evaluation programmes may be circulated across the School and in other public documents, such as annual reports.

Continuing Confidentiality:

It is a requirement that all staff continue to maintain client confidentiality after they or the students have left the University. This is also a requirement of the [BACP Code of Ethics](#).

Publicity:

This information is freely available to all students, staff and the public.