

Birkbeck College, University of London

Confidentiality Policy

Introduction:

Birkbeck Student Counselling Service recognises that our adherence to confidentiality is of paramount importance to students who access our 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.

This document sets out the Birkbeck Counselling 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 (www.bacp.co.uk). Our service also adheres to, and complies with, the requirements of the Data Protection Act 1998.

Confidentiality is maintained within the Team:

Information about the names and contact details of users of the service remains confidential to the service. The counselling service is part of the Counselling and Wellbeing Team, made up of professionals including counsellors, mental health advisors and other staff within the Disability and Dyslexia Service, together with administrative support for these practitioners.

Confidentiality is usually confined to the counselling service. However, we use a team approach in order to provide the best quality services to our clients, and where necessary, staff from the counselling service may need to liaise with other practitioners within the Wellbeing Team in order to work out the best available treatment options.

The counsellors are therefore able to speak on a need to know basis about a student accessing the counselling service with professionals within the Wellbeing Team (Disability and Mental Health advisors) or with the Head / Deputy Head of Student Services on a need to know basis. 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 mental health or behaviour of a given student we may speak to the Head / Deputy Head of Student Services, the Wellbeing Team or academic staff or 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 Parents:

We appreciate that at times parents may be concerned about the well-being and mental health of their son or daughter. In order for counselling to be helpful, it's an essential precondition for the therapeutic process that we maintain strict client confidentiality, and so any client information can only be released to third parties with the express written consent of the client. In this we are bound by University protocol and the ethical framework set out by the British Association for Counselling and Psychotherapy (BACP). For further assistance see Information for Parents.

When a Counsellor may be required to breach client confidentiality:

Birkbeck Counselling Service has a Duty of Care to all students. However, no counselling 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 Counsellor believes that a student poses a serious risk of harm to either themselves or another.
- The Counsellor is made aware of terrorist activities.
The Counsellor is made aware of a child at risk of abuse, or currently being abused.
- The Counsellor/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 Counsellor at risk of harm.

The importance of client safety – Staff credentials:

All of our Counsellors are trained professionals and receive regular clinical supervision (see below). Counsellors are accountable to the Counselling Service for the quality service they offer.

The majority of our practitioners are fully qualified as counsellors or psychotherapists and are accredited by the British Association for Counselling and Psychotherapy or registered by the United Kingdom Council for Psychotherapy (UKCP link). Clients are encouraged to raise any concerns they may have about the counselling they have with their Counsellor in the first instance and then, if necessary, with the Head of Service. We will respond quickly to any complaints made and seek to correct any errors on our part.

Clinical Supervision & Continuing Professional Development:

Each Counsellor is professionally required to have regular supervision with an experienced and appropriately qualified Supervisor. Supervision enables a Counsellor to ensure best practice by reflecting upon aspects of their clinical work.

Client confidentiality is maintained within the supervisory framework, and where certain content and process of sessions are disclosed, the Supervisor is in turn bound by confidentiality.

There is also a requirement for counsellors to commit to updating their practice by accessing continuing professional development. This work is governed by the same principles of confidentiality. For further information see www.bacp.co.uk.

Counselling Records/ Counselling Notes:

The Counselling Service maintains administrative and clinical records of all contacts with clients of the Service.

All written notes are kept securely within the Service for 6 years and are then confidentially shredded. Records are only accessed by staff within the Counselling Service 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 may be kept on paper or in computerised and digital form and all reasonable steps are taken to ensure that they cannot be accessed inappropriately.

Audit and Evaluation Data:

Clients will be asked to fill in a CORE (Clinical Outcomes in Routine Evaluation) questionnaire at the beginning and end of their counselling. 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 counselling. 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.

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 counsellor they have been seeing. They will then be asked to put their request in writing to the Counselling Service Manager. The Service will reply to such requests as soon as possible.

The student will then be invited to come into the Counselling Service to read the notes in the presence of a counsellor who can offer support and explanation if required. Notes will first be checked by the Counselling Service Manager, or their Deputy, to ensure that they are complete and accurate and that their disclosure does not breach the confidentiality of any other person.

The only exception to this is if the Counselling 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 Counselling Service will not provide access to client records if requested by third parties, unless this is with the explicit written consent of the client, 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. Counsellor's notes will be stored for a period of 6 years, and then will be destroyed within a secure and confidential process.

Formal requests for information made under the Data Protection Act must be made to the Academic Registrar. This will incur a fee of £10 and will be processed within 40 days.

Disability Legislation:

Under the Equalities Act (and previously the Disability Discrimination Act), the College is deemed to know of a student's disability if the student makes this known to any member of the College, or if it becomes apparent. All staff members have a responsibility to provide the student with appropriate information regarding where

support can be obtained, such as the Disability and Dyslexia Support Service or Mental Health Service.

The College recognises that a student has a right to confidentiality under the Data Protection Act and the DDA, and the Counselling Service will only pass on information regarding a student's disability to the Disability and Dyslexia Service at the specific request of the student. The Disability and Dyslexia Service provides a wide range of support, including making recommendations for reasonable adjustments by the College (such as extra time in exams), and arranging for study assistance from the Disabled Students Allowance.

Administration Staff within the Counselling Service:

Although administrative staff would not ordinarily be aware of the clinical work being carried out with an individual within the Service, they are required to routinely contact clients and process their administrative notes. Administrative notes are filed apart from clinical notes to avoid unnecessary information being available to administrative staff. Administrative staff are also bound by this Confidentiality Policy and adhere to the same key principles as Counsellors.

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.