University of Glasgow Counselling and Psychological Services

Code of Practice in relation to
Confidentiality and Management of Records

Purpose

This document outlines our responsibilities and practices in respect of information on clients, and explains our policies on confidentiality and the management of personal information.

The service is an organisational member of the British Association for Counselling and Psychotherapy (BACP) and abides by the BACP “Ethical Framework for Good Practice in Counselling and Psychotherapy”. Members of staff may belong to BACP or have other professional affiliations, with Ethical Codes to which they, as individual professionals, must adhere.

These codes of ethics are available online on the organisations’ respective websites. The service is also bound by the policies of the University regarding Data Protection and Staff Conduct.

Confidentiality

The service strives to pay careful attention to client consent and confidentiality. Personally identifiable information about clients is accessible only within the Counselling and Psychological Services (CaPS). Staff of the service will not pass on personal information about clients (including information on attendance) to anyone outside the service (including university staff), subject to the following exceptions:

- Where a member of CaPS staff has the explicit consent of the client to disclose information or data.
- Where the member of staff of CaPS is legally obliged to disclose information. These situations include:
  - Under The Terrorism Act (2000), which requires that the counsellor/therapist disclose any belief or suspicion of acts of terrorism.
  - Under the Drug Trafficking Act (1986), which requires the counsellor/therapist to disclose to the police information of any individual making money through drug trafficking.
  - Under the Road Traffic Act (2000), which requires citizens to provide information to the police that might identify a driver in a traffic offence. In addition, if a counsellor/therapist becomes aware that a client may be driving whilst unsafe (e.g. through epilepsy, medical condition, drug or alcohol abuse) the law requires the counsellor/therapist to pass this information to the DVLA.
  - If we receive a court order.
- Where the counsellor/therapist believes that the client or a third party is at serious risk. In such circumstances, the counsellor/therapist will normally encourage the client to pass on the
information to the relevant person/agency. If there is no indication that this has happened, or is likely to happen, or if the risk is believed to be sufficiently serious, the counsellor/therapist may pass on the information directly irrespective of client consent.

- If the risk is believed to be sufficiently serious, the counsellor/therapist may pass on the information directly, irrespective of client consent or circumstance for the University crisis team to be involved.

**Supervision**

Clinical supervision is an essential requirement to ensure that mental health professionals are practising safely, effectively and within the limits of their competence. Individual clients may therefore be discussed with clinical supervisors external to the University for reflection and advice, ensuring that any identifying information is removed and the client remains anonymous.

**Recording of sessions**

The Service provides training placements to trainees from a variety of Counselling, Psychology and Psychotherapy courses. Trainees are subject to the same ethical obligations as the rest of the service. Occasionally, as part of their training, they are asked to audio or video record sessions. This will only be done with explicit written and informed consent, and will not be done if the client declines. Recordings will be subject to secure storage, limited confidential access and will be erased completely within the time frame described in the agreement.

**Liaison and correspondence**

It may be appropriate on occasion for the counsellor/therapist to liaise with, or write to, a third party (e.g. an academic adviser, course convenor or doctor). In the case of letters, the client will agree the contents and, wherever possible, have read the letter before it is sent. In the case of telephone calls, the purpose of the call and the nature and extent of the information disclosed will be agreed with the client prior to the call being made.

Generally, as the first point of contact with the service, the administrative staff manage all incoming messages and pass them on to the counsellor/therapist concerned. Direct referrals from third parties (e.g. Advisers, Doctors) will be acknowledged as received.

Occasionally the service receives communications from third parties: university staff, parents, friends etc. In these cases we will not disclose any information without permission (including whether or not a student is being seen), but may listen and advise. In general, clients will be informed of any contact concerning them made by a third party, as soon as it is possible for them to do so. The counsellor/therapist will only communicate with a third party about a client between appointments where the client has given explicit permission, subject to the previously noted exceptions.

**Management of clients’ personal information**
Written case-notes, forms and letters are retained in paper files and stored in locked cabinets within the service building. Closed files that are more than 3 years old will be stored in secure University Archives. They are kept for 6 years after a client’s last attendance, and then destroyed confidentially. Electronic records (emails, letters and statistical data) are stored within the university network, but are only accessible by staff of the CaPS.

Access to records

CaPS will respond to all requests from individuals who wish to access the personal information held on them, regardless of the date of referral within the period of 6 years retrospectively since the client’s last attendance.

Clients wishing to have access to their personal record should ask their counsellor/therapist, and an appointment will be arranged for this purpose. This will provide the opportunity for them to discuss with the client what the record contains, and why. If the work has ended access may be obtained through the service administration, who will pass on the request to a manager.

General Data Protection Register 2018

When students register with the service they will have agreed that the information supplied via the web or written form will be entered into a filing system and will only be accessed by authorised persons of the University of Glasgow or its agents.

The information will be retained by the University and will be used for the purpose of (a) processing the enquiry, and (b) for statistical and audit purposes. By supplying such information the student consents to the University storing the information for the stated purpose.

The information is processed by the University in accordance with the provisions of the General Data Protection Register 2018.

Nothing stated in this code prejudices service users’ rights under the Data Protection Act 1998.

Complaints

Complaints relating to services provided will be received according to the University’s complaints procedure:

http://www.gla.ac.uk/services/senateoffice/studentcodes/students/complaints/whichprocedure/

and should initially be addressed to the member of staff concerned, or their manager, who will then look at options for resolution and assist with further steps, should they need to be taken; which may include:

- Informal resolution within the service
- Formal complaint via the University Procedure
- Complaint to a professional body
Complaint to a statutory registration body.

Revised May 2018