



Kingdom Abuse Survivors Project  
Supporting Survivors of Childhood Sexual Abuse  
in Fife

## CONFIDENTIALITY POLICY

This Project offers clients a confidential setting for their personal work for the following reasons:

- To maintain safety and privacy
- To allow the development of trust
- To minimise the potential for misunderstanding
- To comply with professional, legal and ethical obligations and requirements

All information pertaining to a client will be kept in a secured custom built password protected database and will not be accessible to any one outwith KASP unless requested by the client or with the client's consent. In certain instances there are legal obligations which must be adhered to by the organisation which may require breach of confidentiality. Such circumstances will be brought to the awareness of the client at initial contact and may be referred to during the course of ongoing counselling if there was a likelihood of occurrence. Applicable legalities are set out below throughout the following paragraphs.

### **Referrals**

In the event of a client being referred by a third party the Project will, if necessary, make it clear that details of the client's history or current situation will only be taken if the client has specifically requested that certain information is to be disclosed before coming to the Project.

### **Notes and Records**

#### Principles

- All paper records, including any process and case notes, must be kept securely locked in a locked filing cabinet in KASP main office. Any counsellor who requires to keep records at home or in another place outside of KASP main office must seek the approval of the Project Manager as to the necessity of this and where agreement is reached the counsellor must satisfy the Project Manager that the above security measures have been put in place at the agreed location.
- Any process notes taken to support the counsellor's work e.g. in supervision should be kept secure and destroyed when they have served their purpose. Clients must not be identified in supervision, case studies or research, except with their explicit and informed decision.
- Data held on computer will be made secure from access by others through use of password protection and a 'firewall' to secure the site. This measure applies to data held electronically within KASP premises and in other locations including the homes of counsellors.
- Process and case notes must be destroyed within 6 months of the client ceasing

- accessing support from KASP.
- Initial working agreements on record keeping will be drawn up and agreed with each client as part of the counsellor/ client initial contract.
  - Clients have the right to access information stored on them.

#### Application

The Project uses a customised password protected database system, in accordance with the Data Protection Act 1998, for recording contact and minimal personal details, e.g. names, addresses, D.O.B, and preferred means of contact details (if appropriate). The database is also used for recording dates of referral, information/ counselling/ support/ group/ befriending session appointments along with referring body details (if applicable) and finishing date on cessation of counselling/support. When clients finish their contact with KASP their details which are held on the database are archived.

Where clients have been formally referred, the referring letter is shredded as soon as contact details have been transferred onto the database. Copies of any letters sent out to clients are kept for 3 months on our password protected computer and are then deleted. Information recorded for Project stakeholders/funders' is minimal and will not include identifying particulars of any clients. KASP paid staff have access to the password protected database and both paid staff and counselling volunteers/ counsellors in training have access to the appointment diary page of the database.

The only paper record we hold about clients is our 'Contact Details and Membership of KASP' form. This is the form that we need clients to sign to indicate that they agree to us holding their contact details. These forms are kept in a secure, locked filing cabinet.

#### *Criminal Law Act 1995 Section 3111(8)(6):*

This piece of legislation requires workers notes on clients to be made available if requested under subpoena during a court hearing. In order to safeguard the client's process from misinterpretation by others, workers will restrict their written records to their own personal process and the implications of this on their therapeutic availability to the client therefore omitting all factual accounts and objective details.

#### **Breach of Confidentiality**

There are certain circumstances where confidentiality could be compromised by legal obligations of the Project. These are as follows:

##### *1) Children (Scotland) Act 1995*

KASP complies with Local Authority Guidelines for Child Protection which requires workers to break client confidentiality if they receive specific information concerning a child who is at risk because of physical, sexual or emotional abuse. (This includes information on the use of child pornography.) Any action will be taken following discussion with the client, supervisor and Project Manager.

##### *2) Road Traffic Act 1988*

Information must be disclosed upon request by the police to permit identification of the driver of a vehicle involved in an offence. The client will be informed of the information disclosed.

### 3) *Terrorism Act 2000*

Information regarding the use of threat or action designed to influence the government for political reasons, including violence to individuals or property, public health and safety risk, or damage to electronic systems must be reported. \*See notes below.

### 4) *Criminal law Act 1995(section 39)*

Information regarding a person known or suspected of being involved in drug money laundering has to be reported by law. \*See note below.

\*NB. A worker who receives information under categories 3) and 4) above, must contact the Police immediately (if possible, following discussion with the supervisor/line manager) **without** informing their client of this course of action either before or after it has been taken.

### **Third Party Involvement**

A worker will not disclose any information about a client to a third party without the permission of the client unless required to by law as outlined above. When this agreement is sought, the worker will explain to the client how the information is communicated and for what purpose. Any unanticipated communication with a third party must be reported to the client, together with the content, as soon as possible to alleviate any misinterpretation of client counsellor boundaries/relationship issues, e.g., trust, respect, confidentiality, etc.

### **Supervision**

External supervision and internal supervision, including peer supervision, is undertaken to identify personal and therapeutic process relating to ongoing counselling work of the counsellors. It is a professional requirement for the counsellor to attend regular supervision to maintain good working practice and no contact details for clients will be discussed or available during this process. Supervision will be purposeful, non-trivialising and remain confidential to the setting and context of the discussion avoiding identification of individuals unnecessarily.

### **Training**

Many of KASP's counsellors are undertaking their Diploma in Counselling or similar training. Such training requires students to participate in process groups and may require students to write about their counselling role in assignments. Similar to supervision, these requirements are necessary to identify personal and therapeutic process relating to on going counselling work of the counsellors in training. Use of process material in these areas will remain confidential to the setting and context of the discussion and all identifying information will be anonymised.

## **Use of Tapes, Discs and Electronic Material**

In some instances it may be appropriate for audio/visual data to be collated on tapes/discs or electronic material of the counselling session e.g. during training or for use within supervision. In all instances this must be discussed and agreed with KASP Project Manager or Assistant Project Manager and the COSCA Guidelines for data recording: use and storage of tapes, discs and electronic material must be adhered to. A copy is attached to this policy.

## **Confidentiality**

Confidentiality is a core value underpinning the majority of work undertaken by this Project. It is an obligatory requirement of any counselling work undertaken on behalf of the Project. KASP follows the Statement of Ethics and Code of Practice set out by the COSCA (Counselling and Psychotherapy in Scotland), as far as is reasonably possible, and abides by the definitions set out in these documents for confidentiality, supervision, etc. KASP operates an open access policy to clients who request to see any records or notes personal to themselves. Any client who wishes to view their records should make this known to any paid worker or volunteer. We will endeavor to have such notes available within 5 working days.