

NATIONAL POLICY on CONFIDENTIALITY and DISCLOSURE

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1. The Principles of Confidentiality

1.1 Confidentiality

Relationships Scotland Member Services offer confidential counselling, mediation, Child Contact Centre and other related services to clients. They will not normally disclose any information that is given to them in confidence without prior consent from the client unless they have reason to believe that someone, especially a child or vulnerable adult, is at risk of serious harm or if required to do so by law. Any discussion between professionals within a Member Service or between a professional and their supervisor will not reveal the identity of clients.

Relationships Scotland Members view confidentiality as an obligation and a central part of all their activities at both organisational and clinical levels. This policy details the ways in which Relationships Scotland Members ensure that the appropriate level of confidentiality is afforded to all of its workers¹ and clients.

1.2 Confidentiality and the Family

If a person contacts the organisation, then that fact and any other information the organisation has about them must remain confidential to that person, even if their partner, spouse or other family member joins them at a later stage unless they give their express permission for information to be passed on. No family relationship either legal or otherwise can override individual confidentiality.

1.3 Consulting Children and Young People

'The case records of consultations, counselling or any direct work with a child or young person will be treated as if the child is a separate client and information stored separately from their parents' file. If the child has taken part in family therapy, their information may be kept in a joint case file with other members of the family but the rules of confidentiality and client access to information still apply to all involved.

¹ Throughout this document, the term 'worker' will apply to all staff, sessional workers, volunteers and committee members

The Law, Codes of Ethics and Confidentiality

2.1 Data Protection

All information held about clients is subject to restrictions under the Data Protection Act 1998 and the UK – GDPR (General Data Protection Regulation).

In accordance with this act Relationships Scotland Members will ensure that:

- All information regarding clients will be kept appropriately secure – workers must avoid taking home paperwork that would identify a family, however if removal of papers from an office is necessary, workers must ensure adequate security of these, for example by identifying clients by case numbers only or, where personal information is necessary, the paperwork should be kept in a locked case or box and kept safe at all times.
- All clients will be given right of access to information about *themselves* which is held by the service, however in doing this we will not breach the confidentiality of anyone else.

A version of Relationships Scotland Confidentiality Policy including a statement about the Data Protection Act will be made available to all service users. This will clearly state any exceptions to the policy. See Appendices.

2.2 Destruction of records

Client information in the form of contact details and case records should be destroyed appropriately at regular intervals. Relationships Scotland Members keep records for between three and seven years² before destroying them. Clients must be made aware of the length of time their data will be held for. It is the responsibility of a Member Service to ensure that records are destroyed at the appropriate time.

If a client record contains an identified child protection concern that has either been referred on to the relevant agency, or that has come to the organisation with a history from social services of a child protection issue that record should be kept in perpetuity.

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3 The Exchange of Information with Agencies or Individuals outwith the Service

Relationships Scotland Member Services are in general not covered by the Children & Young People Act (Scotland) 2014 as it only applies to 3rd sector organisations which are contracted or commissioned to provide a service by a statutory body. This means that unless there is a Service Level Agreement where any potential exchange of information is clearly set out and agreed, the details and particulars of a client's involvement with a Relationships Scotland Member Service will not be discussed with

² The length of time client records are kept depends on the requirements of certain professional bodies which may be up to seven years

any agencies or individuals outwith the Service without the client's consent unless they have reason to believe that someone, especially a child or vulnerable adult, is at risk of serious harm or if required to do so by law. Where two Relationships Scotland Member Services are involved in a case (for example if a couple had intake meetings in different Services), relevant information can only be exchanged with the clients consent.

If a child is considered to be at risk, relevant information must **always** be shared.

Where there is a Service Level Agreement this will stipulate that a Member Service must pro-actively share relevant information to the named person in relation to a child's wellbeing. The GIRFEC eight indicators of wellbeing are:

Safe	Healthy	Achieving	Nurtured
Active	Respected	Responsible	Included

The Member Service is obliged to respond to requests for information as stipulated in the Service Level Agreement. If agreement is for a particular project or area of work, then information can be requested about any client involved in this project / area of work regardless of the source of referral. You do not need to share all information but should provide information if the benefit to the child's wellbeing is likely to be greater than any negative impact. This decision lies at the discretion of the Service Manager.

There is no statutory requirement to share information if the Member Service gets general funding not covered by a contract or service level agreement. However, it is good practice to consider situations where wellbeing information should be shared in the best interests of the child.

Children and their families have a right to know when information about them is being shared. Where appropriate, their consent should be sought, unless doing so would increase the risk to a child or others, or prejudice any subsequent investigation.