



## Professional Relationships

### Confidentiality and Assessment Guidance

Week 10

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### Schedule for Today

- Check In
- Assessment Question
- REVIEW Confidentiality - Counselling & Psychotherapy
- Essay Structure and Guidance




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### Assessment Question



*"Critically discuss the implications of confidentiality agreements when working within a professional clinical team, where there is an expectation and a need to share information."*

**Submission Date: Tuesday, 7<sup>th</sup> January 23:59**

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### What needs to be considered in asking this question?



- Learning outcomes
- Critically assess and explore external agencies and professionals, as appropriate to professional practice in the interest of the client relationship.
- Identify the confidentiality, disclosure needs and ethical implications when counselling within different organisations.

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**REVIEW**




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### Working within Clinical Teams & Other Professionals (EF 2018)

- Professional relationships will be conducted in a spirit of mutual respect. We will endeavour to build good working relationships and systems of communication that enhance services to clients.
- Practitioners will treat colleagues fairly and foster their capability and equality of opportunity.
- Practitioners will not undermine any colleague's relationship with clients by making unjustifiable or ill-judged comments.
- All communications between colleagues about clients should be on a professional basis and thus purposeful, respectful and consistent with the management of confidences agreed with clients

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## Ethical Framework (2018)



- Making clients our primary concern while we are working with them
- Protecting client confidentiality and privacy
- Keeping accurate and appropriate records
- Communicating clearly what clients have a right to expect from us
- Communicating any benefits, costs and commitments that clients may reasonably expect
- Respecting the boundaries between our work with clients and what lies outside that work (BACP, 2018)

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- Respecting privacy and confidentiality are fundamental requirements for keeping trust and respecting autonomy.
- The practitioner has an ethical responsibility to act in ways which balance the client's right to confidentiality against the need to share information with others.
- Practitioners have to be accountable to their clients and their profession for their management of confidentiality, record keeping, following policy and procedure. (BACP, 2018)

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## Disclosure of client information should only be made in accordance with law and ethical practice

- Disclosure may be authorised by client consent
- The law requires disclosure
- The law permits disclosure
- Any disclosures should protect client's trust and respect autonomy.
- Client consent is the ethically preferred way of resolving any dilemmas over confidentiality.
- Confidential information may be shared within teams where the client has consented, if the disclosure enhances the quality of service available to clients. (Bond and Mitchels, 2014)

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## Legal Protection of Confidentiality

- Human Rights Act 1998 – Article 8 Right to privacy
- Data Protection Act 1998, 2018 (GDPR)
- The protection of a client's confidence and privacy is a legal obligation required by several levels of law

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## Legal Obligations to disclose Confidences

- Court Orders (Subpoena duces tectum), requests from a solicitor can be refused (Bond and Sandhu, 2005)
- Statutory obligations:
  - Terrorism
  - Child protection and safeguarding.
  - Mental Capacity. Such cases should be made with consent unless this may compromise safety. (Mitchels and Bond, 2010)

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## Exceptions to a Duty of Confidentiality

- The Client Consents to disclosure specific information to specific people or organisations for a specific purpose. Oral consent is sufficient, but a record provides additional protection.

### What a practitioner might consider before breaching confidentiality

- The balance of public interest and protection of members of the public from serious harm. (Bond and Mitchels, 2008)
  - ✓ The degree of risk.
  - ✓ The seriousness of harm being prevented.
  - ✓ Imminence.
  - ✓ Effectiveness
- The Prevention and detection of serious crime (The Department of Health 2003) suggest this category as: murder, manslaughter, rape, child abuse, terrorism, drug trafficking, treason, kidnapping)

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## Therapy and the Law (Jenkins, 2007; 2014)

- From a professional and ethical point of view, a therapist's first point of reference should be with regard to their code of ethics (BACP, UKCP, NCS, BPS)
- From a legal perspective, the key factors relating to the therapists therapeutic relationship with clients are framed by the concepts of:
  - Contract – informed consent
  - Duty of Care
  - Liability

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## Keeping Records



- The way we make and keep client notes or records involve both law and ethics
- Keeping appropriate client notes is a professional responsibility
- Records need to be clear, concise, accurate, kept up to date and stored securely.
- Storage depends on work context and legal requirements.
- The length of time for storage again depends on the context that you are working within.
- Factors to consider are the time limitations on professional complaints and negligence.
- Clients have a right to see their case notes

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## (REMINDER) Data Protection Act 2018

- The Data Protection Act updates our data protection laws for the digital age.
- It received Royal Assent on 23 May 2018.
- The General Data Protection Regulation (GDPR) forms part of the data protection regime in the UK, together with the new Data Protection Act 2018 (DPA 2018).

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## Resources

- Bond, T. (2015) Standards and Ethics for Counselling in Action, 4th ed. London: Sage
- Data Protection Act (2018) Available at: <http://www.legislation.gov.uk/ukpga/2018/12/contents/enacted> [Accessed: 7th October 2018]
- Data Protection Act (2018) Available at: <https://www.gov.uk/government/collections/data-protection-act-2018> [Accessed: 7th October 2018]
- Jenkins, P. (2017) Professional Practice in Counselling and Psychotherapy: Ethics and the Law, London: Sage
- Mitchell's, B. and Bond, T. (2010) Essential Law for Counsellors and Psychotherapists, London: Sage
- Moore, J and Roberts, R. 2010, Counselling and Psychotherapy in Organisational Settings, Exeter: Learning Matters
- Therapy Today

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## Level 5 – Generic Assessment Criteria

In accordance with the Framework for Higher Education Qualifications, at the end of Level 5 students will be expected to have developed sound knowledge and critical understanding of the well-established concepts and principles in their field of study, and of the way in which those principles have developed. They will have learned to apply those concepts and principles more widely outside the context in which they were first studied, including, where appropriate, the application of those principles in an employment context. They will have knowledge of the main methods of enquiry in the subject area, and ability to evaluate critically different approaches to problem solving. They will possess an understanding of the limits of their knowledge, and how this influences their analyses and interpretations. They will be able to use a range of established techniques to initiate and undertake critical analysis of information, and to propose solutions to problems arising from that analysis. They will be able to effectively communicate information, arguments and analysis in a variety of forms to specialist and non-specialist audiences, and deploy key techniques of the discipline effectively. They will be able to undertake further training, develop existing skills and acquire new competences that will enable them to assume significant responsibility within organisations. They will have the qualities and transferable skills necessary for employment requiring the exercise of personal responsibility and decision-making.

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## Essay Structure

Writing your Essay  
University of Leicester

- <https://www2.le.ac.uk/offices/ld/resources/writing/writing-resources/writing-essays>

Anglia Ruskin

- <https://web.anglia.ac.uk/anei/students/documents/2010/helpful-guide-to-essay-writing.pdf>

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## Model Structure

### Introduction

- Arouse the reader's interest
- Set the scene
- Explain how you interpret the question set
- Define or explain key terms if necessary
- Give a brief outline of which issues you will explore, and in which order

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## Main Arguments/Body

Contains the points outlined in your introduction, divided into paragraphs:

- *Paragraph 1* Covers the first thing you said you would address.
  - The first sentence (the topic sentence) introduces the main idea of the paragraph.
  - Other sentences develop the topic.
  - Include relevant examples, details, evidence, quotations, references.
- *Paragraph 2 and other paragraphs*  
The first sentence links the paragraph to the previous paragraph then introduces the main idea of the paragraph.

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## Conclusion

- Draw everything together
- Summarise the main themes
- State your general conclusions
- Make it clear why those conclusions are important or significant
- Do not introduce new material
- In the last sentence, sum up your argument very briefly, linking it to the title
- Set the issues in a broader perspective/wider context
- Discuss what you have failed to do – answers not clear, space limited
- Suggest further questions of your own

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### Reminders

- No **headers** used within this essay
- Font - **Times New Roman** - 12
- **Double space your work**
- **Check for grammar and spelling.**
- Harvard Referencing (Please see Guide)
- **Please** check for text-matching via the DRAFT Portal (Multiple Submissions)



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