



Confidentiality POLICY

At James McCarthy Ltd known as James McCarthy Counselling offers confidential counselling and psychotherapy services to clients in accordance with the BACP Ethical Framework for the Counselling Professions (2018). BACP says: 'We will protect the confidentiality and privacy of clients by... actively protecting information about clients from unauthorised access or disclosure' (BACP, 2018, p. 21).

This policy proactively protects personal information from unauthorised access or disclosure. Any breaches of confidentiality are taken seriously.

Maintaining confidentiality is of vital importance in developing trusting relationships with clients and in maintaining wider public credibility.

Ownership of Information

Information passed to James McCarthy in the course of their work is deemed to have been passed to James McCarthy to be used, or not, within reason based on the nature of the information and work being done. That is unless the 'giver' of the information specifically requests it not to be shared, and the information does not indicate risk to the 'giver' or another. The 'giver' of the information remains the owner.

Disclosing Information

Clients will be informed of any reasonably foreseeable limitations of privacy or confidentiality in advance of working with James McCarthy – for example, supervision and in circumstances including the risk of harm to individuals or as required by law. This will not be considered a breach of confidentiality. However, the information remains personal and private and in the control of the 'giver'.

Should it be necessary to disclose personally identifiable details of a client or their counselling and psychotherapy to a third party or external organisation outside of the above circumstances, an official form will be sent to them to complete in consent and requesting evidence of personal identity that they will need to submit. Clients will be informed and must be kept informed of any issues concerning confidentiality and disclosure in relation to their counselling and psychotherapy.

Private Practice:

74-80 Upper Tooting Road, London SW17 7PB and 85 Wimpole Street, London, W1G 9RJ

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In line with the BACP's Ethical Framework for the Counselling Professions, GPs and/or psychiatrists will be informed their patient is receiving counselling only where risk has been identified. No further details will be disclosed without the client's consent, and the client is informed of this in writing.

Where email is used as a form of communication about specific clients, information contained will be anonymised.

The client's individual counselling and psychotherapy contract will contain details of the confidentiality boundaries that apply to that counselling referral. This is a written contract.

In addition to these procedures, the following comments are offered for guidance:

Storing Information

Where appropriate, all personal information about clients' stakeholders is securely stored electronically in a password-protected server, held in confidence within James McCarthy's practice. Electronic records are maintained in accordance with the [UK GDPR](#) and the Data Protection Act 2018. An individual who is the subject of a computer record is entitled under the Act to access their record, as well as the right to erase, amend or restrict the processing of the data held under these regulations. James McCarthy will immediately inform anyone if their data confidentiality has been breached.

Personal or sensitive information includes name, date of birth, contact information of an emergency contact and home postal address.

In accordance with GDPR personal or sensitive data will be destroyed or deleted when deemed no longer needed for purpose or archived. to an archive.

When presenting a client in clinical supervision, care will be taken to conceal client identity – i.e. initials or first names only should be used. Clients will not be discussed outside the supervision group.

Any case material used in seminars, case presentations or discussion groups should be disguised to conceal client identity.

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If client case material is to be used for external discussion of any kind, the client's informed written consent must be obtained.

Media Contact and Requests for Information

On occasion James McCarthy may wish to interview a client for quality control, marketing or similar purposes, the client will be asked if they wish to participate. It is entirely their decision, and no pressure must be placed on them to agree.

James McCarthy will not discuss any clients on social or media platforms.

Reasonably Foreseeable Limitations to Confidentiality

These include any limitations that a James McCarthy may anticipate as causing difficulties in protecting client confidence – for example, arising from legal or contractual obligations to disclose confidential information, or to protect people from serious harm. Some situations that arise in practice may be so unexpected or exceptional that they are not considered to be reasonably foreseeable.

Breaching Confidentiality

This is where something is disclosed that has been communicated in confidence by mutual agreement, or with the expectation that it will be kept secret. The expectation of secrecy may have been stated explicitly or implied. Confidentiality is breached when any disclosure is made without the consent of the person concerned, legal authorisation or being legally defensible in the public interest. Breaches can occur accidentally or deliberately. In most circumstances, obtaining the consent of the person concerned provides an ethical way of avoiding a breach of confidentiality. Any disclosure of confidential information requires respecting the possible rights to confidentiality of any third person who is identifiable within the disclosure.

Reference

British Association for Counselling and Psychotherapy (2018) *The BACP Ethical Framework for the Counselling Professions*

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