Safeguarding Policy

At Freedom Counselling, I will do everything I can to develop and protect our clients’ trust. I will make each client the primary focus of my attention and my work during our sessions together. However:

* Any professional or personal interests that conflict with putting a client’s interests first will be carefully considered in consultation with a supervisor, and independent experienced colleague or, when appropriate, discussed with the client affected before services are offered
* I will give careful consideration to how I manage situations when protecting clients or others from serious harm or when compliance with the law may require overriding a client’s explicit wishes or breaching their confidentiality
* In exceptional circumstances, the need to safeguard clients or others from serious harm may require me to override my commitment to making my client’s wishes and confidentiality my primary concern. I may need to act in ways that will support any investigations or actions necessary to prevent serious harm to my clients or others. In such circumstances, I will do my best to respect the parts of my client’s wishes or confidences that do not need to be overridden in order to prevent serious harm
* I share a responsibility with all other members of our professions for the safety and wellbeing of all clients and their protection from exploitation or unsafe practice. I will take action to prevent harm caused by practitioners to any client

Circumstances that may override client confidentiality:

* Crime – It is defensible to breach confidence, in good faith, in order to assist the prevention or detection of a crime. However, there is no general duty to report crime except in specific circumstances. There is also no general obligation to answer police questions about a client. A polite refusal on the grounds of confidentiality is sufficient if this is considered appropriate, but deliberately giving misleading information is likely to constitute an offence
* Prevention of serious harm to client or to others – The Department of Health offers the following guidance on what counts as serious crime. ‘Murder, manslaughter, rape, treason, kidnapping, child abuse or other cases where individuals have

suffered serious harm to the security of the state or to public order and crimes that involve substantial financial gain and loss will generally fall within this category

* Statutory obligations to disclose – The Terrorism Act 2000 makes it a criminal offence for a person to fail to disclose, without reasonable excuse, any information which (s)he either knows or believes might help prevent another person carrying out an act of terrorism or might help in bringing a terrorist to justice in the UK
* Court orders – A court may order disclosure, or order a Counsellor to attend court and to bring notes and records with them. Refusal to answer the questions of the court may constitute contempt of the court. The Counsellor may be asked to produce a report for court relating to work with a client. Consent should be obtained direct from the client wherever possible and in writing. Clients may ask to see the reports written about them, and in accordance with the legislation on Human Rights, GDPR, Freedom of Information clients should have access to their reports in the same way as records, unless there is a cogent reason in their interest or that of the public not to do so
* Requirements to produce counselling records – Family courts dealing with child protection cases have different rules of evidence form other civil and criminal courts. They may order the production of documents including personal medical reports which would otherwise have been protected from disclosure
* Child protection – A ‘child’ is defined as a person under the age of 18. The Children’s Act 1989 (CA 1989) in conjunction with subsequent legislation including the Children’s Act 2004, places a statutory duty on health, education and other services to co-operate with local authorities in child protection. There is a statutory duty to work together, including information sharing, in conducting initial investigations of children who may be in need or subject to abuse. Further information is available at [Every Child Matters](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/272064/5860.pdf#:~:text=It%20sets%20out%20a%20framework%20for%20services%20that,suffer%20from%20ill%20health%2C%20or%20become%20teenage%20parents.)
* Clients at risk of suicide or serious self-harm – Responding appropriately to suicidal clients creates one of the most challenging situations encountered by Counsellors. As there is no general duty to rescue in British law, Counsellors need to be explicit about reserving the power to breach confidentiality for a suicidal adult client. To do so without explicit agreement may constitute an actionable breach of confidence