

NOTE TAKING AND CLIENT FILE POLICY

1. Definition

Note taking includes any written or other artefacts created by the counsellor and client during their therapeutic work together.

2. Key aims

The aims of this policy are to ensure that:

- clients' rights are protected
- counsellors understand the legal requirements regarding note taking
- notes are made, stored and disposed of legally and with the client's consent

3. Key principles

Sue Lambert Trust (SLT) believes that note taking may be detrimental to the counselling process and to the creation of a solid and trusting relationship with our clients. Many of our clients have never told anyone what has happened to them and may have anxieties about doing so. Our clients often need to feel in control of how much they disclose and they need to feel that their anxieties around disclosure are understood and respected. Because our counselling is long term and each counsellor has a limited client workload we feel that taking notes, in general, should not be necessary.

Whilst our clients do not have a legal entitlement to the handwritten process notes made by their counsellor, we think that it is their right to have access to any material which has been collected while they have been receiving a service from SLT. Therefore counsellors should be sensitive about any information which they choose to record only using factual information.

- counsellors should be mindful that clients have a right to access their notes
- notes that the SLT counsellors/Clinical Leads must take and keep in the client's file include the following:
 - a completed initial assessment form
 - a signed copy of the client contract outlining the terms and conditions of therapy, to be completed during the first counselling session
 - client journey review forms, to be completed approximately every eight weeks
 - notes of all contact with clients from administrative staff including review calls
 - a completed closure form once a client's counselling has ended
 - a complete form: client feedback and permission to contact in 6 months
 - any safeguarding notes, in accordance with the Safeguarding policy

- Additional notes that may be taken include:
 - a record of sessions
 - process notes (these may sometimes be necessary for trainee counsellors and they must be anonymous)
- Counsellors must obtain their client's permission before taking notes. Clients need to be informed about the purpose of the notes, how they will be used and any limitations on confidentiality. Recording sensitive personal data against the client's explicit wishes is illegal.
- All records should be factual and respectful of clients and shared only with relevant staff on a need to know basis before being stored securely in a locked filing cabinet.
- Notes taken by SLT counsellors belong to the charity. Any requests for notes from courts, police or solicitors must be dealt with by the charity, not by individual counsellors.
- A solicitor's letter requesting disclosure of client information is not sufficient to obtain disclosure of confidential client records. However, the justice system may override a therapist's duty of confidentiality requiring access to information relevant to court cases. The courts may require:
 - a disclosure of original therapeutic records in civil and criminal proceedings
 - a report for the court in legal proceedings
 - a therapist to attend court as a witness
- Extending the retention of data beyond what is reasonable to provide therapy requires additional explicit client consent. Therefore, SLT will securely destroy a client's file no longer than 12 months following closure unless the client specifically requests it or notes are ordered by the courts.

4. Who this Policy affects

This Policy affects staff, volunteers, trustees and clients.

5. Monitoring and Review

This Policy will be reviewed annually to ensure that it complies with legislation and best practice. It will be approved by the trustees who will be given details of the annual review prior to approval.

6. Related guidance, policy and procedures:

- Data Protection procedures and guidelines
- Safeguarding policy
- Client contract with pre-trial therapy guidance