

Professional Conduct Procedure

Guidance on Confidentiality

Introduction

The aim of the Professional Conduct Procedure and Article 12.6 is to provide an open and transparent process for complaints made about our members.

When a complaint is made, under normal circumstances we only share the information with the parties involved and their representatives. If, however, it is indicated that there is police or Social Services involvement in the underlying situation, we may contact the appropriate authorities to clarify the position.

We aim to protect members of the public and the reputation of BACP and the counselling professions.

This guide will explain the principles of confidentiality that should be followed by anyone who's involved in a complaints procedure.

What does confidentiality mean?

Confidentiality means not sharing information with anyone about the on-going complaint.

This applies to any documents relating to a complaint and panel decision. You should store documents about a complaint securely, and only share it in confidence to either a brief your support person, professional advisor or a potential witness.

If you're involved in either the Professional Conduct Procedure or the Article 12.6 procedure, it's important to keep the matter confidential. This applies to BACP staff, the Member and the Complainant and other professionals, such as the independent panels who make decisions at various stages of the procedures.

Guidance for Members and Complainants.

1. Personal Information

A Complainant will provide their consent to disclose personal information relating to their complaint at the beginning of the procedure. This information will only be used to process the complaint.

It's likely that information disclosed by the parties will contain sensitive personal data such as details discussed during therapy sessions. Such information will be treated as being disclosed in confidence.

2. Information from a third party

If either party want to submit information or evidence from a third party as part of the complaint, they'll need permission from that party.

This could include information used for court proceedings, or statements made for criminal proceedings. In these cases, you may need the permission of the court or relevant authority.

If you are unsure whether you can disclose information, please speak to your Case Manager.

3. Recordings or monitoring of communications

If you wish to provide a recording of a telephone call or electronic meeting, the Association may be able to take it into consideration in the initial stages of the assessment of the complaint, irrespective of whether the recording was made with or without the knowledge of the other party. Should the case progress to a formal hearing, then it is a matter for the independent hearing panel to decide whether the recording may be admitted into evidence.

4. External communication with support person/advisor

This guidance doesn't prevent you or the other party from discussing the complaint in confidence with a support person or adviser. Neither does it restrict your right to seek legal advice or make a complaint to another professional body. If you use a BACP appointed support person then they will be given your name and limited contact information - however, they will not be given any details in relation to your case.

5. Involvement in legal proceedings

If you're involved in legal proceedings relating to the complaint, then you must let us know.

BACP staff and other professionals

Confidentiality, during the complaints procedure, also applies to BACP staff, the Panel Members and Clerk involved.

The Professional Standards Authority (the Authority) who oversee our work, can attend a professional conduct hearing to review our work. The Authority would need to keep disclosed information during the hearing confidential. We'll let you know if the Authority plan to attend a hearing you're involved in.

We won't communicate a complaint or the accompanying papers to anyone who isn't directly involved in the case unless we need to seek legal advice about the procedure or are required to by law or any other regulatory requirement.

We take personal and collective responsibility for the security of information and evidence relating to the complaints procedures.