



Confidentiality Policy

1. Purpose and Scope

This policy outlines how The Listening Ear manages, protects, and shares client information in a way that maintains confidentiality while meeting legal and ethical obligations.

Confidentiality is central to counselling, supporting trust, safety, and openness between counsellor and client. However, confidentiality is not absolute — this policy explains the rare circumstances when information may need to be shared to protect clients or others from harm.

This policy applies to all counselling services offered by The Listening Ear, whether in person, online, or by telephone, and covers both adults and children.

2. Ethical and Legal Framework

The Listening Ear complies with the following legislation and ethical standards:

- BACP Ethical Framework for the Counselling Professions (2018, updated 2024)
- UK General Data Protection Regulation (UK GDPR)
- Data Protection Act 2018
- Children Act 1989 & 2004
- Care Act 2014
- Mental Capacity Act 2005

3. Commitment to Confidentiality

The Listening Ear is committed to:

- Protecting clients' privacy and personal information.
- Being transparent about the limits of confidentiality.
- Maintaining confidentiality in all supervision, administrative, and record-keeping processes.
- Sharing information only when ethically or legally required.

4. Limits to Confidentiality

Information shared in counselling sessions remains confidential unless:

1. There is risk of serious harm to the client or others (including suicide or violence).

2. There is disclosure or suspicion of abuse or neglect of a child, young person, or vulnerable adult.

3. There is a legal obligation to disclose (e.g., terrorism, drug trafficking, or court order).

4. Disclosure is required to protect a person's vital interests or to comply with safeguarding legislation.

Whenever possible, clients will be informed before information is shared and the reasons will be clearly explained.

5. Confidentiality for Children and Young People

Young people have a right to confidentiality if they are deemed capable of understanding the counselling process (Gillick Competence). However, confidentiality cannot be maintained where there is risk of harm or safeguarding concern. Parents or carers will be informed only if it is necessary for the young person's safety or required by law.

6. Confidentiality for Vulnerable Adults

For adults who may be at risk or lack mental capacity, information may be shared with relevant professionals if necessary to protect them from harm, in line with the Mental Capacity Act 2005 and Care Act 2014.

7. Record Keeping and Data Protection

The Listening Ear complies with UK GDPR and Data Protection Act 2018 requirements by ensuring:

- Records are factual, minimal, and securely stored (digitally encrypted or in locked files).
- Client data is retained for seven years, or until a child reaches age 25 (whichever is longer).
- Clients can request access to their records under UK GDPR rights.
- Data is deleted or shredded securely once the retention period ends.

8. Supervision

Counsellors may discuss aspects of client work in professional supervision to ensure safe and ethical practice. Discussions are anonymised, and no identifying

information is shared unless necessary for safeguarding or legal purposes.

9. Communication and Technology

The Listening Ear takes steps to maintain confidentiality across all communication platforms:

- Secure and encrypted email systems are used.
- Electronic devices are password-protected.
- Sensitive details should not be sent by text or social media.

10. Safeguarding Contacts – Bedfordshire

If a safeguarding concern requires external referral, the sole practitioner of The Listening Ear Nicola Simpson will contact the appropriate authority which is dependent on the local authority of the individual as to who will be contacted. Further details can be discussed.

11. Breaches of Confidentiality

If a confidentiality or data breach occurs:

- The incident will be investigated and recorded in accordance with The Listening Ears policies.
- Clients will be informed if their information is affected.
- The Information Commissioner's Office (ICO) will be notified.

12. Confidentiality After Death

The duty of confidentiality continues after a client's death. Information will only be disclosed if legally or ethically required. I hold a clinical will that follows a procedure to ensure all data is handled confidentiality.