



# **CLIENT RECORD KEEPING POLICY AND GUIDELINES**

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# Policy framework and context

## Purpose

To outline to all Cruse Scotland Volunteers, Staff Members and Sessional Workers, (henceforth collectively known as volunteers) the current procedures and protocol for record keeping for work with clients and to ensure standardised practice across all Cruse Scotland Areas.

## Ethical framework

All Cruse Scotland volunteers and staff are required to work within the COSCA Statement of Ethics and Code of Practice in all aspects of their practice.

## Scope

This policy and the associated guidelines apply to:

- *All volunteers engaged with working directly with clients, including Helpline volunteers*
- *All volunteers who have access to records created for clients*

The policy does not apply to:

- *Non-client facing volunteers.*
- *Cruse Scotland paid staff whose terms and conditions of service are set out separately in the Cruse Scotland Staff Handbook.*

## Context

Cruse Scotland is an organisational member of COSCA (Counselling and Psychotherapy in Scotland) and as such needs to demonstrate that it has adopted a systematic and detailed method of record keeping, including a statement on how long records are kept.

Volunteers need to be aware of the Cruse Scotland policies on Confidentiality, Data Protection and the position Cruse Scotland has taken with regard to the legal basis in Scotland on disclosure of information, breach of confidence and defensible breaches of confidence.

The legal basis for confidentiality has been founded on several different sources of law. In short, on common law which recognizes a duty of confidentiality, through contract whether or not a fee is paid by clients and statutory protection of confidences. Defensible breaches are identified as disclosures with client consent.

# Practice Guidelines

## Background

There are good and sound reasons for record keeping which are underpinned by ethical considerations such as the wellbeing of the client, confidentiality, adherence to the Data Protection Act 1998 and protection for the volunteer to ensure good practice.

There are no specific legal requirements for the period of time to keep client records.

## Case or Process Notes

It is necessary to distinguish between:

- *Client record which is an electronically generated record which is held on Cruse Scotland National Database and to which only a few volunteers have access and*
- *Client case or client process notes which are kept by volunteers on their work with clients*

There is no reason to distinguish between client case notes or client process notes as some form of client note creation by the volunteer is mandatory.

For the purposes of clarity, client case or process notes are now referred to by the generic term **client notes**. Cruse Scotland client-facing volunteers who keep client notes agree to keep Cruse Scotland policies of this nature when signing the Volunteer Agreement.

Client notes which record details about a client or an account of counselling should not contain any identifying matter. The electronically generated client number is sufficient for internal identification purposes.

Client notes should be seen by no-one other than the volunteer and the supervisor.

Client notes should be kept in conditions of security and are the property of Cruse Scotland. All paper records, including client notes, should be kept securely locked, preferably in a fireproof cabinet or container within a secure area. This applies to client records kept both within and outside of the organisation's premises. In the event that the organisation deems it necessary or unavoidable that its volunteers keep records at home or in another place outside of the organisation's premises, the above security measures should be put in place.

The Cruse Scotland volunteer should ensure that only the client number should be used to identify the client on the notes, never the client's name or other identifying particulars. When the case is closed they should be returned to the area administration office and immediately destroyed.

## Use of client notes

Should evidence of work other than for supervision, for example, for case studies for accreditation, Cruse recognition, work of student placements or research purposes be required, new notes ensuring client anonymity should be prepared.

Client's informed, written consent must be obtained in all the above circumstances. Please see Confidentiality Policy (accessible via the Cruse Scotland website)

## Client records

When contact is first made by a client, the client will have been asked for permission for a record to be started on the Cruse Scotland National Database, in accordance with guidance in the Integrated Services Policy Section 5. This will show the name and address of the client, the client number, the ID of the Cruse Scotland volunteer and when counselling commenced and terminated. It may also contain some other matters, such as the name of the client's doctor and date of bereavement. It should not include details of the client's presenting issues or the support process. This record will be kept securely on the national database and separate from any client notes. At the client's request, information should be given about the content, security, and the client's right of access to this record. All forms of client records are stored securely in local offices. Database records are retained for a minimum of 6 years

## Break-ins

If confidential records or client notes are stolen, the theft must be reported to the police, Area Manager and Cruse Scotland Headquarters. The report to the police must stress the confidential nature of the material and the importance of their being returned unread if they are found. Where client notes or records have not been stolen but an intruder might have examined them, a similar report should be made to the Area Manager.

## Access to records by third parties

Only by Court Order will client records be released to a third party. When a third party such as a solicitor makes a request for client notes and supplies a written consent note from a Cruse Scotland client, the response should be refusal. If in the judgement of the volunteer and his or her supervisor a response is needed to express appropriate concern, this is to be done by means of a letter summarising the facts of the service offered. Nothing about the counselling process involved, and no opinion as to outcome will be offered. This letter is to be given to **the client to give to the third party direct**. Cruse Scotland should not be communicating with the third party. In the event of suicide risk being identified reference should be made to the Suicide Awareness Policy and Guidelines.

## Data management and the keeping of computerised records

Information on computer is covered by the Data Protection Act 1998. This gives individuals the right to have a copy of all details about them stored on computer to have inaccurate personal data erased or corrected and, when appropriate, to seek redress for any damage caused. Legal advice should be sought before information is provided to anyone requesting it. This is available through the Professional Indemnity and Public Liability Insurance, which covers all Cruse Scotland workers. A child, if it fully understands the request it is making (reference Gillick Competency), has the same rights as an adult to ask for information. A parent does not automatically have the right to a child's records.

## Legal implications of record keeping

Cruse Scotland volunteers ordered by a Court to disclose confidential information, either in the form of documentary evidence or oral evidence, may find refusal could result in a contempt of Court with penalties being imposed such as imprisonment. In the event that an order is intimated from a Court or other forum, Cruse Scotland Headquarters and Area

Manager must be informed. Legal advice will be taken as soon as possible (as above). Certain conditions may apply in particular circumstances.

## Specific ethical issues

All Cruse Scotland volunteers and staff are required to work within the COSCA Statement of Ethics and Code of Practice in all aspects of their practice.

## Summary

The client record is held securely and confidentially on Cruse Scotland National Database and is distinct from client notes made by volunteers.

Notes are sometimes, with the consent of the client, taken during the initial client session for the purpose of information/history gathering. These and all subsequent notes made by volunteers should be reduced quickly to an essential and anonymised summary and immediately destroyed on completion with the client.

Notes may have the purpose of assisting the volunteer in processing work with the client, enabling the supervisor to support the volunteer's work, recording any significant agreements with client, recording client's agreement to be referred to another agency, recording significant issues such as suicidal feelings, possible child abuse, vulnerable adult abuse, risk assessment and confidentiality dilemmas.

Content of notes should take cognisance of the fact that Cruse Scotland clients have a right of access to session notes written about them under the Data Protection Act 1998 and care should be taken regarding content.

**Notes should be:** fair, accurate, anonymous, factual and clear, respectful, non-judgemental.

**Notes should not be:** open to misinterpretation or biased.

Care should be taken to distinguish between information offered by the client; the volunteer's hypothesis based on their training and experience; personal subjective and reflective material which should only be included with good reason; for example where risk has been identified.

## References

COSCA (Counselling & Psychotherapy in Scotland): [www.cosca.org.uk](http://www.cosca.org.uk); Statement of Ethics and Code of Practice; Record Keeping

BACP (British Association for Counselling & Psychotherapy): [www.bacp.co.uk](http://www.bacp.co.uk); Ethical Framework for Good Practice in Counselling & Psychotherapy - Revised Edition

### Suggested Reading

Confidentiality & Record Keeping in Counselling and Psychotherapy; Tim Bond & Barbara Mitchels; BACP publication; [www.bacp.co.uk](http://www.bacp.co.uk)

Making Notes and Records of Counselling and Psychotherapy Session. Liz Coldridge

## Client Attendance Sheet



Volunteer ID number:

Client ID number:

[illegible]

## Changes sheet

Date	Change Details	Author
01.02.2013	Addition of change sheet	Peter Bowes
27.03.2013	PSG response to board comments	Elaine Dunleavy
27.03.2013	Addition of attendance sheet	Elaine Dunleavy
02.04.2013	Addition of date coming into effect	Elaine Dunleavy
02.04.2013	Addition at 1.2 referring to statement of expectations	Elaine Dunleavy
23.07.2013	Incorporation of Phil Theaker's comments	Elaine Dunleavy
13.09.2013	Change of Policy name to client record keeping guidelines	Elaine Dunleavy
12.12.2014	Amendment to wording removing the "required to keep notes" as per PSG minutes 121214. Changes made to reflect new Areas and sort some	Elaine Dunleavy
18.06.2015	Reviewed and updated	Elaine Bayley
14.07.2017	Review date amended as per PGT request	Elaine Bayley
30.1.2024	Reviewed and name/branding updated	Matthew Haggis
25.07.2025	Reformatted document to 2025 house style -Replaced 'LearnPro' with 'Cruse Scotland Website' for accessing Confidentiality Policy. -Replaced reference to specific section '5.4' of Suicide Awareness Policy, with 'refer to document.'	Ed Strutt