



CONFIDENTIALITY IN HELPING WORK: A LEGAL OR ETHICAL REQUIREMENT?

One of the most frequently asked questions in counselling training is *'Is confidentiality in helping work a legal or ethical requirement or both?'*

The short answer to this question is 'both'. Counsellors have specific laws that link into confidentiality such as the General Data Protection Regulation 2016/679 (GDPR).

Clearly, keeping our client's data secure is both a legal and ethical requirement.

But what about general confidentiality, such as a client telling you that they are thinking about leaving their partner?

A helpful article, compiled by Julie Norris, a legal partner at Kingsley Napley solicitors, observes:

“The duty of confidentiality placed on therapists arises from a variety of obligations imposed by law, derived from acts of parliament, the common law and the European Convention on Human Rights. Confidentiality has been defined by the court (Venables v MGN [2001] 1 All ER 908 per Lady Justice Butler Sloss) as ‘[a]ll information about the [patients]...whether by records or otherwise, which relates to their medical, psychological or therapeutic care is, in principle, confidential. That confidentiality would, in my view, extend to art, or any other form of therapy, and to all those taking part in group therapy, and not only the therapist...””

As we can see confidentiality has a basis in law, with some exceptions such as:

- Money laundering
- Terrorism
- Drug trafficking

Anyone practising as a counsellor should have a working knowledge of the exceptions to confidentiality. If unsure, contact your supervisor or ethical body.

If you need legal advice around a specific ethical issue regarding confidentiality, contact your insurance company who will have access to qualified legal advisors.

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Reference

Norris, J., 2015. *Telling Tales on Your Patients? What Are the Limits of Therapeutic Confidentiality and What Are Lawful Disclosures?* | *Defending Professionals Law Blog* | Kingsley Napley. [online] Kingsleynapley.co.uk. Available at: <<https://www.kingsleynapley.co.uk/insights/blogs/defending-professionals-law-blog/telling-tales-on-your-patients-what-are-the-limits-of-therapeutic-confidentiality-and-what-are-lawful-disclosures>> [Accessed 30 June 2020].