

6. Client records and confidentiality

Acknowledgements

6.1 Client records and information

6.2 Confidentiality

Acknowledgments

Informed by Muswellbrook, DAWN House, Albury, Amberlys, SAAP manuals

The Client records and confidentiality section has been written using a number of manuals as source material. We gratefully acknowledge this input. The resources used include:

Albury Wodonga Women's Refuge Inc 2002, Policy and Procedure Manual

Amberlys Single Women's Refuge 1999, Policy and Procedure Manual

Dawn House Inc 2002, Policy and Procedure Manual, Northern Territory

National Case Management Working Group 1997, Case Management Resource Kit for SAAP Services, Section 4

NSW Women's Refuge Movement 1999, An Open Door — NSW Women's Refuge Movement Access and Equity Manual NSW Women's Refuge Resource Centre Inc, Sydney

Upper Hunter Community Services Policy Group 1999, Policy and Procedure Register, Muswellbrook Shire Council

6.1 Client records and information

Primary responsibility

All staff working with clients

Policy

- (*Insert name*) Refuge will maintain regular case file notes for each client of the service.
- Children clients of the service will have their own files, maintained by the children's support worker.
- All client information is confidential and will be treated according to the refuge's confidentiality policy.
- Clients will be informed upon entry that information given to any staff member is documented in case files and, if relevant, that staff members have access to these files in the context of shared case management.
- Where there is a request from a client to exclude sensitive information from her case file or for information not to be shared with other workers or that a particular worker not have access to her file or file information, workers are to discuss this request within the service.
- Clients have the right to access their own file and can clarify or add information to their file as necessary. However, clients cannot remove the file from the refuge. (*A&E Resolution 38*).
- Client files will be stored in a lockable filing cabinet when not in use.
- Client files are not to leave the refuge unless it is for a genuine work-related reason.

Purpose of client files

Client files are kept to:

- communicate with other workers within the refuge and help facilitate consistent service provision
- ensure that women and children are not required to retell their story over and over again
- ensure there is an accurate record of events and contact between workers and client
- help with planning client support and reviewing client progress
- demonstrate observance of the refuge's duty of care obligation
- summarise and organise information
- provide a safe place to keep information about clients in a confidential way.

Access to client files

- Only staff members that are providing a service to the client are to access that client's file.
- Clients may access their files upon request. Clients wanting to view their file should give the service 24 hours notice. (Clients will have been informed on intake to the service that they have the right of access to their file and how they can exercise that right.)
- If a client is viewing their file, they must do so in the office where the file is kept and a worker must be present. Clients are not to remove their file from the refuge.
- Management committee members and non-support workers are not to have access to client files.

Procedure

Content of client files

- Only record information in writing that is necessary to pass onto other workers and information that enables the support plan to be achieved.

- Record all client information in an objective format. Avoid using any labelling terminology (*A&E Resolution 36*).
- Source all client information, for example from your observation, from a third party, client comment etc.
- Ensure all client information is written clearly and phrased sensitively.
- Date and sign all entries and number pages.
- Records that should be kept in the client files include:
 - details of any referrals in to and out of the service
 - details of intake and/or assessment
 - individual Service Agreement
 - all significant staff contacts with clients
 - case meeting plan details where there is combined case management
 - copies of any incoming and outgoing correspondence relating to the client
 - any client’s consent to disclosure of information
 - exit and follow-up plan, including reasons for exit or eviction
 - forwarding address
 - record of any complaints
 - client’s evaluation of service provided
 - any legal documents and documents used for reporting.
- If a client requests that sensitive information be excluded from the file, discuss this with the client to ascertain the reasons why and reiterate the refuge’s information management policies. If the client insists, then discuss the matter within the service.
- If a client requests that information not be shared with other workers – discuss this with the client and remind the client that file notes and information sharing were explained to them on intake.
- If a child specifically requests that a parent not have access to their file, respect this in every case and/or discuss it within the service.

When to record information

- Document all formal contacts as soon after the appointment as possible.
- Document all significant informal contacts immediately, that is during the meeting with the client or as soon after as possible.
- Document information relating to the client's case management, for example the support plan or the exit plan etc, in conjunction with the client wherever possible.

Storing client files

- Keep all client files in a lockable filing cabinet when not in use. Keys are not to be left in the filing cabinet (*A&E Resolution 37*).
- Secure any electronic (computer) client files by password protection (*A&E Resolution 37*).
- Do not leave client files unattended in the office or on the desk. They are not to be left in vehicles or taken home.
- Files may leave the office for a genuine work-related purpose. In these instances, carry the files in a secure fashion in a non-identifiable format and do not leave them unattended.
- If client files are taken out of the office, record this in the day book so that other staff know where the file is.
- Return files to the office storage as soon as possible after use.
- Keep client files in the lockable filing cabinet in the office for two years. Files can then be placed in a secondary storage for five years. After this time files should be shredded.
- Inform clients at the assessment that their files will be kept for seven years

6.2 Confidentiality

Primary responsibility

Management, staff and residents

Forms and Refuge record keeping books referred to

- Client Consent to Release Information to Another Service form
- Contract of Confidentiality

Policy

Refuge responsibility

- *(Insert name)* Refuge will only collect personal information that is necessary for what the refuge does, including meeting legal requirements.
- Only staff who are involved in the support of a woman and/or her children should have access to the woman's or child's files.
- Management committee members and non-support staff are not to have access to individual client information.
- Personal information collected about clients and staff will be kept confidential within the service. The only exceptions to this are if:
 - The refuge is required to comply with legislation such as a Family Court order or there is a subpoena. In these cases, client consent is sought and if not given, the client is informed of information given.
 - There is genuine fear for a woman or child's physical safety.
 - Limited disclosure would be in the woman's interest, for example if she were suicidal.
 - The client has completed or attempted a crime.

- There is a genuine risk that the client may use violence towards other residents or workers within this or other services.
- A request is received under the *Freedom of Information Act*.
- The Refuge is required to respond to a missing person's report. In this instance, staff will notify the client and inform the inquiring agency that "The person is safe/unsafe and we are unable to give any further information. Please ensure when passing this information to other police or a member of the public that they are not informed where the information came from".
- All exceptions are to be discussed within the service and with the client before taking action, except where to do so would compromise the safety of the woman or her child/ren.
- (*Insert name*) Refuge will only employ staff with a clear understanding of the importance of confidentiality and the issues that surround it. This will be determined at interview, before employment.
- All management committee members must have a working understanding of confidentiality.
- Breaches of confidentiality will be taken seriously and acted on immediately.

Staff responsibility

- Staff will not give out any information regarding a client, including whether or not they are a client, without client consent. Clients are required to sign a Client Consent to Release Information to Another Service form before staff will discuss any case issues with any other service.
- Where an exception arises and staff are compelled to disclose information, staff will discuss this within the service before disclosing any client information.
- Staff will sign a Contract of Confidentiality upon commencing employment at the refuge.

- Staff will not disclose the location of the refuge unless there is a professional reason to do so, for example for a client or so a service provider can visit the refuge.
- Information about staff will only be available to the manager/collective, management committee and bookkeeper (as required) unless:
 - specific permission is given by the staff member
 - there is reason to believe that the disclosure is necessary to prevent or lessen a serious or imminent threat to an individual’s life or health
 - the organisation is required by law to do so.

Client responsibility

- All clients are expected to maintain confidentiality about, and respect the privacy of, other service users at all times. If confidentiality or privacy is breached by a client, service to this client may be withdrawn.
- All clients will be expected to keep the location of the refuge confidential. The only exceptions would be for authorised visitors or service providers. Any disclosure must be discussed with staff before it is made.

Procedure

Refuge

- If a staff or management committee member breaches the confidentiality policy, the refuge must act immediately to initiate grievance procedures.
- If a client breaches their confidentiality responsibilities, the refuge must act immediately and may withdraw services from this client.
- If confidentiality is breached by a management committee or staff member or a client, the refuge must ensure that the safety and security of the refuge, staff and/or clients has not been threatened by the breach.

Staff

- Staff must not discuss client's details with anyone outside the organisation without the client's permission.
- Staff must not give any staff details, including address and phone numbers, to any client or other organisation without the staff member's permission.
- Staff are to check the identity of callers claiming to be from other agencies.
- If staff feel compelled to disclose information in some situations, for example where there is a subpoena or a risk to a third party, they are to discuss this within the service before taking action.
- If it is agreed that information about a client must be disclosed, staff are to inform the client of what information will be disclosed and why, unless to do so would place a third party such as a child at risk of harm.
- When staff are using clinical supervision outside the refuge, it is acceptable to discuss general details of a case, but not the client's name.
- Staff are not to discuss information concerning the financial and confidential arrangements of the organisation with anyone outside the organisation.

Clients

- As soon as a client enters the service, let them know about the refuge's confidentiality policy. Let them know that their confidentiality and privacy will be respected and that they are expected to respect confidentiality and privacy of others. Specifically, let clients know they are not to:
 - tell anyone outside the refuge the names or details of other women/families in the refuge
 - tell anyone outside the refuge the location of the refuge unless they have an authorised reason for doing so, for example they require a visit from a doctor or service provider. Any disclosure of refuge address must always be discussed with a staff member beforehand
 - enter another woman/family's room without permission.

- To help staff check the identity of any callers claiming to be from outside agencies, clients must let staff know if they give out the refuge phone number to anyone.
- Clients are asked to only use the client phone.

Resources for client records and confidentiality section

- Client Consent to Release Information to Another Service form*
- Contract of Confidentiality*

*A copy of the Client Consent to Release Information to Another Service form can be found in the resources for the Working with Clients section. A copy of the Contract of Confidentiality can be found in the resources for the Staff Matters section.