



Bravehearts
Educate Empower Protect
Our Kids

CLIENT RIGHTS AND ACCESS TO CONFIDENTIAL INFORMATION POLICY

Policy number	CS002	Version	004
Responsible person	DOTTS	Approved by CEO	March 2020
Reviewed by	CIQAC	Scheduled review date	March 2021

INTRODUCTION

Bravehearts is committed to providing a client-centered service to its clients. Upholding client rights is a key part of this commitment. This includes ensuring that client privacy and confidentiality is maintained. Through a consultative process with each client, we will clarify and agree who can see or hear this information, and protect and uphold the legislated rights of our clients to access to their own records.

DEFINITIONS

Client: Bravehearts provides services (therapeutic and Redress support) to people across the lifespan who have been affected, may have been affected or have been identified to be at risk of being affected by child sexual assault and exploitation. Bravehearts also provides therapeutic support to 12 - 17 year old (up to 21 with approval from Director of Therapeutic and Support Services) who have or are at risk of exhibiting harmful sexual behaviours.

Confidentiality: Confidentiality refers to the protection of information obtained in a relationship of trust between a client and a service provider.

Department Manager: Department Manager refers to the manager assigned to a service operations department. This includes, but is not limited to, National Therapeutic Services Manager, National Advocacy and Support Manager, National Education Manager and National Child Protection Training Manager.

Intake: A process where clients makes contact with Bravehearts, either directly or through a third party, where the client is assessed for suitability to engage with Bravehearts therapeutic or case management programs.

Risk: The likelihood that any individual may be physically, emotionally or psychologically harmed.

Service Record System (SRS): Service Record System hosted by Infoexchange where Bravehearts stores all client information and records and is used to report data to appropriate funding bodies as per contractual obligations and service agreements.

Staff: People employed under a current Employment Agreement as casual, part-time or full-time employees of the organisation.

Stakeholders: Any agency, government or non-government, who have a vested interest in the outcomes achieved by Bravehearts.

Students: Tertiary students formally completing an internship or placement with Bravehearts.

Supervisor: A staff member with responsibility for supervising Bravehearts staff.

Volunteers: People who are registered as volunteers with the Bravehearts Volunteer Coordinator.

PURPOSE

Bravehearts Client Rights and Access to Confidential Information Policy outlines the rights of clients engaging with Bravehearts. It also makes clear statements about how client information is stored and shared.

POLICY

Bravehearts is committed to upholding the rights of clients, preventing unauthorised persons gaining access to a client's confidential records and to permitting a client access to their own records when this is reasonable and appropriate as determined by the Therapeutic Services Manager or National Advocacy Manager. Specifically, we will:

- Create a safe and accessible service;
- Respond to referrals and complete the intake process in a timely manner;
- Tailor services to the client's strengths and needs;
- Maintain accurate records of client engagement and store electronically in the Service Record System (SRS);
- Maintain relationships with other stakeholders (if appropriate and where the client has consented), excluding mandatory reporting as per Child Protection Policy and Reporting Harm Policy;
- Uphold the rights of clients at all stages of service provision;
- Actively encourage client feedback;
- Ensure client complaints are appropriately handled;
- Utilise evidence-based practice during service provision, by considering research and client perspectives;
- Monitor client progress throughout service provision;
- Respect client privacy and confidentiality;
- Inform clients of their rights to access their information and how to request information that directly relates to them. Sharing information obtained by Bravehearts with clients and/or other stakeholders is in line with the contractual obligations outlined in Bravehearts funding agreements; and
- Inform clients of Bravehearts obligation to abide by any court requests and mandatory reporting obligations.

INTERNAL RELATED DOCUMENTS

- Child Protection Policy and Procedure
- Client Rights and Access to Confidential Information Procedure
- Compliments, Complaints and Feedback Policy and Procedure
- Privacy Policy and Procedure
- Reporting Harm Policy and Procedure
- Service Record System (SRS) Policy and Procedure

EXTERNAL REFERENCES

- *Australian Association of Social Workers Code of Ethics*
- *Australian Counselling Association Code of Ethics*
- *Australian Psychological Society Code of Ethics*
- *Human Rights Act QLD 2019*
- *Information Privacy Act (2009)*

AUTHORISATION



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CEO
March 2020

CLIENT RIGHTS AND ACCESS TO CONFIDENTIAL INFORMATION PROCEDURE

Procedure number	CS002	Version	004
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RESPONSIBILITIES

Department Manager is responsible for ensuring that:

- Supervisors are aware of and adhere to this policy;
- Ethical and legal issues within their particular service centre are managed and responded to appropriately; and
- Ongoing program development occurs, which facilitates client access and provision of appropriate services to meet the needs of the client.

Supervisors are responsible for ensuring that:

- Staff are aware of and adhere to this policy;
- Information is shared between relevant external stakeholders and clients/stakeholders (with consent obtained from the client beforehand); and
- Subpoenas, Requests for Information and Freedom of Information Requests, in accordance with relevant legal requirements, are responded to and adhered to as per the Privacy Policy and Bravehearts Subpoena Process.

Staff are responsible for ensuring that:

- Confidentiality and limitations are discussed with clients and understood by the client and/or their legal guardian. Client narrative statement is captured to help evidence clients understanding of confidentiality and the limitations which is reflected in their notes recorded on SRS;
- Assessments are completed with clients at the beginning and completion of therapy (if applicable);
- Client plans are developed utilising the client's strength and are evidence based;
- Accurate and timely records of sessions through case notes are logged in Bravehearts Service Record System (SRS) and are maintained and up to date; and
- Consent from a client or legal guardian is obtained to facilitate communication with related agencies regarding clients if required. Client information is not shared with non-therapeutic or non-advocacy Bravehearts staff without the expressed permission of the client or legal guardian. Consent is obtained from clients to permit research staff to access client information for research and evaluation purposes via the Research Consent form

PROCEDURES

Safe and Accessible Space

1. All prospective clients who call the Bravehearts Information and Support Line are informed via a recorded message, of Bravehearts mandatory reporting requirements. This information is also provided in the client service agreement document and other various letters that outline the process of engaging with Bravehearts client services.
2. Bravehearts will offer services to all survivors of child sexual assault and exploitation – within the constraints of funding and resources – and their non-offending family members and supporting persons, regardless of age, gender identification, sexuality, race or cultural background, socio-economic status or religious belief. Bravehearts will also offer counselling support and services to children aged 12 and under who engage in sexual behaviour problems and also for young people aged from 12 to 17 (and up to 21 as approved by Director of Therapeutic and Support Services) who have or are at risk of engaging in harmful sexual behaviour.
3. Clients will be asked about their cultural identity and known disabilities and other potential barriers to them accessing Bravehearts services. Support will be sought from appropriate service providers to support clients to engage where required.
4. Information about the use of interpreters will be readily available to Bravehearts' therapeutic, Beyond Brave and Turning Corners staff and all staff will receive training in the use of interpreters as required. Professional interpreters will be used for all clients who are not fluent in English or who are hearing impaired.
5. Bravehearts therapeutic (including Turning Corners) and Beyond Brave staff will consider access issues during the development of client resources and evaluation measures. They will consult appropriate stakeholders for support with this process if required.
6. All Bravehearts branches will have premises which ensure the privacy, anonymity, safety, comfort and needs of the client at all times. The physical set-up of Bravehearts offices will maximise accessibility for all clients and ensure respect of client confidentiality and need for both a physically and emotionally safe environment.

Intake Assessment

1. Clients who self-engage or are referred by other organisations will be contacted via phone by Bravehearts Information and Support Line or Intake Officer. This will provide an opportunity for information about their family and/or individual needs to be obtained in order to identify what services they require. During this process, risk will also be assessed as per the operational procedure manual for their department. Clients will be informed of any waitlist times, and the Intake Officer will provide the client with an option to be referred to another service as required.
2. Clients will also have the right to remain anonymous while using the Information and Support Line service until they make the decision to fully engage with the service.
3. If identifiable information regarding risk of harm to a child or vulnerable person is received, in terms of transparency the client will be informed of our intent to report concerns to the relevant state child protection and or police authorities in line with Bravehearts Child Protection Policy and Reporting Harm Policy.

Person-Centered Support

1. Bravehearts staff will have received training on child sexual assault and exploitation during their induction. Bravehearts staff will use evidence-based practices when working with clients.
2. Bravehearts therapeutic, Beyond Brave and Turning Corners staff are committed to developing a therapeutic or case management plan that will guide the work to be undertaken with the client, and will be driven from a person-centered perspective.

Information Access

1. Confidential client information is stored within Bravehearts SRS system indefinitely. Bravehearts Service Record System (SRS) Policy outlines specific positions within the organisation which have access to SRS and what level of access, as well as authorities required for particular SRS functions.
2. Archive client files (files from clients prior to SRS implementation) are located within Bravehearts Head Office space. This secure storage facility is key locked and only accessible with approval from the National Advocacy and Support Services Manager or Director of Therapeutic and Support Services. The key is held by the Director of Therapeutic and Support Services Assistant and a logbook is kept identifying who has accessed the archive storage facility, when they have accessed the facility and whom has approved the access.
3. Bravehearts will not copy and/or provide access for a client/third party to copy contents of a case file, unless a subpoena is obtained and the relevant fees (as outlined in the Subpoena Procedure) paid or police issue a search warrant, or Bravehearts receives a Request for Information or Freedom of Information Request. Bravehearts will adhere to the Privacy Policy for all client information requests.
4. To maintain client confidentiality, information about a client may only be provided to a third party with written consent signed by the client or their legal guardian (if applicable). However if Bravehearts is ordered by a court to disclose client information, such as through a 'document only' or 'appearance' subpoena or a search warrant, the client will be informed but cannot necessarily prevent this information from being shared unless there are clear grounds for an objection.
5. Duty of care outweighs client confidentiality if a Bravehearts staff member, volunteer or student believe:
 - The client is behaving in ways that are dangerous to themselves or someone else;
 - If a child or vulnerable person is at risk of harm; or
 - If Bravehearts is ordered by a court to disclose information, such as through a 'document only' or 'appearance' subpoena or a search warrant.
6. A client may request to view their own file through Freedom of Information or Request for Information, and any reasonable request will be approved by Bravehearts Director of Therapeutic and Support Services. In addition, a parent or legal guardian may also request to view the file of the client through Freedom of Information or Request for Information, and any reasonable request will be approved by Bravehearts Director of Therapeutic and Support Services. Bravehearts will evaluate the request in context of code of ethics

and Bravehearts' Privacy Policy. Bravehearts Department Managers will decide what is contextually appropriate to provide in these instances.

RELATED DOCUMENTS

- Client Rights and Access to Confidential Information Policy
- Compliments Complaints and Feedback Policy and Procedure
- Conditions of Service and Consent Form
- Interagency Collaboration Policy
- *Privacy Act 1988*
- Privacy Policy and Procedures
- Service Delivery and Choice Policy and Procedure
- Service Record System (SRS) Policy and Procedures
- Subpoena Process

AUTHORISATION



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March 2020