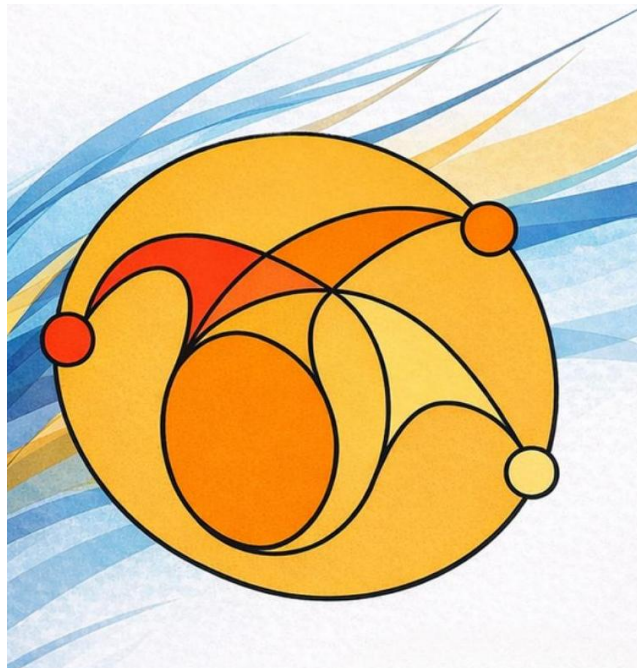


THE
**PROVOCATIVE CHANGE
WORKS**

BREAKING CONFIDENTIALITY POLICY





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Breaking Confidentiality Without Consent Policy

THE ASSOCIATION FOR PCW PRACTITIONERS

Effective Date: January 01, 2026

Review Date: January 01, 2027

Version: 1.0

Introduction

The Association for PCW Practitioners is dedicated to maintaining client confidentiality as a cornerstone of professional practice. However, there are exceptional circumstances where practitioners may be required to disclose personal information without prior consent to comply with legal obligations, prevent harm, or fulfil ethical responsibilities. This policy ensures that any breach of confidentiality is lawful, proportionate, and ethically justified. It aligns with key legislation, including the Data Protection Act 2018, Children Act 1989, Mental Capacity Act 2005, and other relevant laws, to guide practitioners in handling these situations responsibly.

Purpose

The purpose of this policy is to provide clear guidance to PCW practitioners on handling situations where confidentiality must be breached. It aims to balance the practitioner's responsibility to protect client confidentiality with their legal and ethical duties to prevent harm or comply with statutory obligations.

Scope

This policy applies to all PCW practitioners, including members, contractors, and volunteers, who are bound by the Association's Code of Conduct. It governs instances



where confidential client information may need to be disclosed without consent to address immediate risks or legal requirements.

Circumstances for Breaking Confidentiality Without Consent

Confidentiality may only be breached without consent in the following circumstances:

a. Protection of Children and Vulnerable Adults

Under the Children Act 1989, practitioners must disclose information to appropriate authorities if they become aware of a situation where a child or vulnerable adult is at risk of significant harm.

b. Incapacity or Medical Emergency

The Mental Capacity Act 2005 allows practitioners to share relevant information with medical professionals if a client becomes unconscious or incapacitated during a session, ensuring necessary care is provided.

c. Threats to Safety and Risks to Life

Practitioners must disclose information to law enforcement or relevant authorities if a client makes credible threats to harm themselves, others, or the practitioner. Similarly, if there are imminent risks to life or serious injury, practitioners may disclose information necessary to prevent the harm, even if the client has not provided explicit consent. In all cases, disclosures should be limited to the information required to address the specific threat and must comply with applicable laws.

d. Legal Obligations

Practitioners may be legally required to disclose information in specific circumstances. These include responding to court orders or complying with statutory requirements to



report serious criminal activities, such as acts of terrorism under the Terrorism Act 2000. In such cases, disclosures must align with relevant legal frameworks and be limited to the necessary information.

Procedures for Breaking Confidentiality

When confidentiality must be breached without consent, practitioners must follow these steps to ensure legal and ethical compliance:

Step 1: Assess the Necessity and Proportionality

Practitioners must evaluate whether the disclosure is lawful and proportionate. A lawful disclosure aligns with relevant legislation, such as the Data Protection Act 2018, and complies with legal obligations. Proportionality requires limiting the information shared strictly to what is necessary to address the specific risk or legal requirement, avoiding excessive disclosure.

Step 2: Seek Advice Where Possible

When time permits, practitioners should consult a supervisor or legal advisor to ensure compliance with applicable laws and ethical guidelines.

Step 3: Communicate with the Client

Where safe and appropriate, practitioners should inform the client of the potential disclosure, explaining the reasons, the specific information to be shared, and the parties involved, unless doing so could increase the risk of harm.

Step 4: Document the Decision

Practitioners must record the rationale for the disclosure, the information shared, the time and date, and the parties involved. This documentation must be securely stored in compliance with the Data Protection Act 2018.



Accountability and Support

Practitioner Support and Ethics Review: Practitioners can access a peer support group organised by the Association for guidance. All cases involving breaches of confidentiality will be reviewed by the Ethics Committee to ensure compliance with this policy and legal standards.

Training and Awareness: The Association will provide regular training to ensure practitioners are confident in handling situations where confidentiality may need to be breached.

Client Rights

Practitioners must strive to respect clients' dignity and privacy, even when breaching confidentiality. Disclosures should be limited to what is strictly necessary, and all reasonable efforts must be made to protect personal information.

Cross-References to Related Policies

This policy should be read alongside:

- ☐ The Association's Safeguarding Policy.
- ☐ The Association's Code of Conduct.
- ☐ The Association's Data Protection and Online Privacy Policy.

Policy Review and Updates

This policy will be reviewed annually by the Ethics Committee to ensure alignment with current legal standards, professional best practices, and the Association's values. Updates will be communicated to all members.



Issued by the PCW Association Board

This policy, effective January 1, 2026, has been approved by the PCW Association Board. It reflects the Association's commitment to ethical practices, legal compliance, and the protection of client confidentiality.



Appendix: Legal Framework Overview

1. Data Protection Act 2018 (UK GDPR): Governs the lawful and fair handling of personal data, including when confidentiality must be breached to prevent harm or comply with statutory requirements.

2. Children Act 1989: Places a duty on practitioners to report concerns about children's safety or welfare to appropriate authorities.

3. Mental Capacity Act 2005: Provides guidance for making decisions on behalf of individuals who lack capacity, emphasising actions in their best interests.

4. Terrorism Act 2000: Requires practitioners to report suspected involvement in terrorism or related activities to law enforcement authorities.

5. Public Interest Disclosure Act 1998 (PIDA): Protects individuals who disclose information in the public interest, such as reporting risks to public safety or criminal activity.

6. ICO Guidance on Data Protection: Offers practical guidance on compliance with data protection laws.

7. NSPCC Guidance on Child Protection: Practical advice on safeguarding children, aligned with the Children Act.