



COSCA GUIDELINES FOR USE AND STORAGE OF VISUAL AND AUDIO RECORDINGS

These guidelines relate to the permission, access, storage and disposal of audio/visual recordings of counselling practice for training or supervision purposes that are stored on recording devices.

Generally, the above recordings will be used only for the purposes for the training, assessment or supervision of the student or counsellor by a bona fide organisation and that they will be destroyed immediately after this purpose has been completed. More specifically, the following guidance should be implemented:

Use: The recording will be used only for the purpose of assessment or supervision of the student or counsellor by a bona fide organisation and will not be copied onto hard drives or uploaded to the website, etc.

Consent: Before any recording is made, the interviewee/client will have given informed consent and signed an authorisation form, permitting the recording and its further use. They should be given a copy of the authorisation form. The interviewee/client has the right to change their mind prior to the making of the recording and, if necessary, withdraw from the recording.

When the intended interviewee/client is a child or young person, before any recording is made, the intended client's suitability and capacity to make the decision to give their consent needs to be seriously considered.

In doing so, trainees are reminded that the welfare of the child is paramount in all decisions affecting a child and that recordings should not proceed if these needs are not met. It is the responsibility of the trainee to ensure that the interests and wishes of the child or young person are at the centre of the decision-making process, taking into account their familial, educational, social and cultural context.

In Scotland, a child is defined as someone under the age of 16 years. For children to be able to make their own consent to therapy sessions being recorded, they must meet certain criteria that demonstrate their capacity to do so. The critical point in assessing legal capacity for recording purposes is not the age of the child but an assessment of the child's ability to enter into transactions that would not be considered unreasonable for a child or young person who has capacity to consent to counselling. The legislation relating to the capacity to enter into transactions is the Age of Legal Capacity (Scotland) Act 1991, Section 2(1).

In all cases it is important that:

- the child/ young person is given age-appropriate information which is easily understandable to them and which explains what is involved
- if the child or young person is able to assess the information provided, you must adhere to any explicit wishes expressed by them. This includes their refusal to have their session recorded or to stop recording sessions once they have begun
- If the child or young person does not have the capacity to consent to recording, in keeping with the spirit of partnership of working with parents and others, especially in the case of younger children, consent from the person(s) who has legal rights and responsibilities (most often the parent) should be sought, unless there are circumstances where parental consent could jeopardise the safety and well-being of the child. The trainee should seek guidance from their supervisor and training provider where this arises
- if a child or young person is indicating that they do not want their parent (or the person with legal responsibilities/rights) to be informed then this should be respected
- the child or young person completes the consent form prior to any recording being made

Copying: Once completed, no copies of the recording will be made for unauthorised third parties.

Ownership: The ownership of the recording remains with the counsellor practitioner or the organisation providing the counselling/support/training. The interviewee/client does *not* have ownership of the recording.

Storage: Recordings will be held safely and securely. The interviewee/client is aware and confident of the measures in place to keep the recordings secure. Practitioners are responsible for recordings while in their possession; the recording will be safe and secure at all times.

Naming & Identification: All recordings should be dated and coded and clearly identified without identifying the interviewee/client e.g. via the existing student coding system.

Access: It is important that the interviewee/client in the recording knows who will have access to and view/listen to the recording i.e. counsellor supervisors, trainers or peer training group and has given informed consent for this. The interviewee/client involved in the recording may have access to the recording, should this be requested. However, this access cannot be extended to third parties without the explicit permission of the interviewee/client and the organisation as owner of the recording. This access should be given only in exceptional circumstances.

Destruction: Recordings should be retained for no longer than 6 months. They should be safely and securely destroyed immediately after the purpose of use has been completed and the disposal of the recording should be in a manner that renders the recording unusable.