

CONTENTS OF A FILE

What should be in a file?

Why Keep Files?

The purpose of keeping a file for a client's matter, whether it be a physical or electronic file, is to keep materials relating to a particular client in an organized way, so that it can be accessed readily by you, or another counsellor dealing with your matter in your absence.

The Faintest Ink is more Powerful than the Strongest Memory (Qing Dynasty)

Some counsellors have expressed a preference for having minimal files. Their theory is that if there is nothing in the file, there is no basis for their work to be criticized.

I do not support this view. Most disputes I have seen involving counsellors and their clients stem from the client being unreasonable, changeable or dysfunctional. In a dispute with a client, it is very valuable to have a file with a clear record of the client's instructions, and the information and options offered by the counsellor.

The Irreducible Essentials

The file must record clearly:

Counsellors File Notes

- * Who is the client? In some cases this clear, but if you are dealing with a family it may not be. One family member may purport to speak for the family, though there may be dissension within the family. If there is any doubt, it is vital to bear in mind the potential for a conflict of interest difficulty.

- * What does the client want? A major cause of potential dissatisfaction in a counselling relationship is a lack of clarity about projected outcomes. If the client views a successful outcome as holding on to a particular asset - a house, a farm, a business - but this is an unlikely outcome, it is better this is discussed frankly at the beginning of the counselling relationship, rather than a time-bomb which will go off at the end.

It is desirable the question: what does the client want? is asked right at the beginning, and the answer recorded in the file.

- * Identifying Options. A counsellor's task is not to advise, but to provide information and identify options open to the client. It is vital that the file records information suggested to the client, and options identified.
- * The Client's Choice. From the options identified, it is up to the client to choose what options they prefer, and what course they wish to follow. This must be recorded in the file.
- * Who Does What? The counsellor must clarify with the client who is to do what, and record this in the file.

Copies of Letters and Documents

Copying documents is now easy and cheap. Many counsellors operate on the basis that they keep copies of documents which the client hands to them, and hand the originals back to the client. This simplifies the issue of ownership of the file, at the end of the counselling relationship. It is vital to keep copies of important documents, e mails or letters from the client, and e mails and letters between the counsellor and creditors or other third parties. It is prudent to keep copies of all of these materials, - file notes, letters and documents for at least seven years. In matters that are difficult or involve large sums, a longer period is desirable.

Writing To The Client

Particularly if the client is difficult, uncooperative or apparently less than straightforward, it is highly desirable to write to the client (e mail, post or fax) to record salient points, in particular:

- * what the client wants;
- * options identified;
- * the client's choices: and
- * who does what

This is very valuable if the client later disputes what was discussed or agreed. It also helps to ensure there are no misunderstandings.

Nothing Defamatory

A counsellor, particularly with an exasperating client, may feel tempted to write some frank and uncaring opinions about the client and record them in the file. This can prove very embarrassing for the counsellor and the service if the file is ever subpoenaed.

Privacy Authorities

It is necessary for you to have your client sign a privacy authority in order for you to obtain information or documents from a third party. Copies of these should be kept in the file.

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