




# Office Policies & Protocols

## Chapter 7 Assessment Tool



### Survivor Client Files: Maintenance and Storage

#### Questions to Ask: Privacy and Record Keeping: Files and Notes

- Does support staff have access?
  - Do they need access?
  - Do they need access to everything?
- Is access restricted to employees covered by attorney-client privilege?
- Are your paper files maintained in locked cabinets or a locked file room?
- Are your digital records located on a secure server/in a secure database?
- May paper files be removed from the office?
  - Under what circumstances?
  - With what restrictions/protections?
- May digital files be accessed remotely?
- How may they be accessed remotely?
  - Consider email, remote server access, web-based database access, etc.
- Under what conditions may digital files be remotely accessed?
  - Password protected device, non-public devices, out of public view, etc.
  - See VRLC tip sheet on **VRLC Personal and Remote Devices Tip Sheet**. 
- Who in your organization is in charge of discussing privacy and record keeping policies and practices and their mission-specific importance to all staff?
  - Are privacy and record keeping policies and practices reviewed during employee orientation?
  - Are refresher trainings periodically provided for staff?

#### Questions to Ask: VAWA and Survivor Confidentiality

- Has your organization reviewed your policies to ensure VAWA compliance?
- Has your organization reviewed your policies to ensure compliance with state law?
- Who are the individuals in your organization that have professional ethical obligations?





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### Questions to Ask: Record Retention and Disposal

- Do your state laws or ethical guidelines mandate that you maintain client files for a minimum length of time?
  - Is there a suggested best practice?
  - Are there any exceptions that would require you to maintain a file for longer than the minimum period?
- Per state law and ethical guidelines, must you notify clients before destroying their files?
  - Must you provide a copy of the file to the client?
- Has your organization applied the state law and ethical guidelines to both hard copy and electronic records?
- How and when is the policy communicated to clients?
  - Is it communicated in the retainer?
  - Is it communicated in the closing letter?

### Survivor-Specific Office Policies


#### Questions to Ask: Mandatory Reporting Policies

- Has your organization reviewed state, ethical, and funding obligations?
- Has your organization taken steps to reduce risk of over-reporting?
  - What are staff/organization obligations?
  - Have you reviewed the statute carefully?
  - Has your organization instituted a protocol to review mandated reports to ensure that your response is in fact mandated?
  - Who in your organization is responsible for determining whether a report must be made?
- Has staff been trained on your policies/protocol surrounding release of information?
- Have you considered any reporting obligations of individuals to whom you refer clients?
  - Have you notified clients of these obligations and discussed the risks and benefits of accessing services from the providers to whom they are being referred?





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- Do you communicate your policy to clients before you interview them, every time?
  - Do you know when your obligations require you to make a report of a *past* assault, even when the client is not *currently* of a protected age or in a situation that requires a report?
- See **Mandatory Reporting Tools**. 

### Questions to Ask: Protect Privilege

- Has your organization conducted an office-wide audit to identify privilege-holders?
  - Does anyone on staff have dual licensures or dual roles?
    - How does this impact the staff person's privileged status?
    - Do the different privileges interact?
    - Is the applicability of the privilege dependent on the circumstances or the role in which the person is acting at the time of disclosure?
- How do the privileges of different employees interact (e.g., attorney and advocate or attorney and mental health provider)?
  - May these privileged employees discuss client information without piercing their respective privileges?
  - Has the client signed a release to permit these employees to share information?
  - See **Privilege and Communication Between Professionals**. 
- Are there any limits or exceptions to the privileges?
  - Have you informed the client of these limits or exceptions?
  - If a limit or exception applies, do you attempt to notify the client before sharing information?
- See jurisdiction specific **VRLC Privacy Cards**. 

### Questions to Ask: Intra-Office Discussion

- Who has access to client information?
  - Who needs access?
- How does staff discuss cases?
  - Has your organization provided a designated opportunity to discuss cases (e.g. weekly meetings)?



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- Are your organizational practices responsive to the privacy concerns of survivors?
- If working with non-attorney, have you assessed the privilege and confidentiality obligations of the various staff positions?
  - Do you need a release of information to share details among staff?
  - May two staff members with different professional privileges exchange information without piercing those privileges?
- Are there ways in which your organization could become more survivor-friendly in sharing case information (i.e., only share limited details, no casual chatting about cases, etc.)?

### Questions to Ask: Office Safety Measures

- Can your organization secure the entrance to its office?
- Is your organization location confidential?
  - Does it need to be?
  - Can survivors still find you?
- Do you confirm with client that a phone number or address is safe to use before calling, leaving a message, or sending a letter?
- Does your organization have a private phone number that will not appear on caller ID?
- Do you ask clients what their preferred method of communication is?
- Does your organization have any policies that staff should follow if they encounter a survivor outside of the office?
  - Have you communicated the policy to clients?

### Questions to Ask: Survivor Safety Outside the Office

- May staff provide client transportation to meetings, court, etc.?
  - Under what conditions and with what parameters?
- May staff meet with a client in the client's home or the staff person's home?
  - Under what conditions and with what parameters?
- May staff meet with clients in a public space (e.g., coffee shop, library, etc.)?
  - Under what conditions and with what parameters?
- May staff socialize with clients?



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- Under what conditions and with what parameters?
- If staff has a pre-existing social relationship with a client, can they be shielded from the case?
- May a client volunteer at your organization while receiving services?

### Survivor-Centered Confidentiality

#### Questions to Ask: Visitor Confidentiality

- Who visits your office, beyond survivors and staff?
  - Community partners, maintenance workers, cleaning crew, etc.?
  - What steps do you take to ensure client confidentiality related to office visitors?
- Do you provide services to individuals other than survivors (e.g. supervised visitation exchange, general legal aid clients, mental health services, etc.)?
  - How might these programs interact?
- Is it possible that you could serve both a survivor and their perpetrator (e.g., legal services for a survivor and batterer intervention classes for a perpetrator)?
  - How has your organization planned to manage this situation to protect survivor privacy and safety concerns?

#### Questions to Ask: Confidentiality in an Emergency

- Have you reviewed your funding, legal, and ethical obligations to identify any circumstance in which you may breach confidentiality?
- Has your organization established a protocol or identified an individual that will determine whether survivor information may be shared?
- How have you communicated the policy to the client?
  - Is it communicated in the retainer?
  - Have you provided clients with a written notice of their privilege and confidentiality rights?
- Will you inform the client before sharing the information?