Dear [Name of MP]

**Keep Counselling Confidential**

I am contacting you as your constituent to make you aware of the difficulties that survivors of sexual violence experience when accessing counselling and the criminal justice system.

You will already know that sexual violence and abuse are deeply traumatic for victims and survivors. For many, the impact of it can be wide-ranging and life-changing, impacting mental health, personal relationships, the ability to work, and long-term educational attainment.

Currently, victims and survivors who have reported into the criminal justice system and are also receiving counselling (or have received counselling), face a very serious problem. The private and personal material contained in counselling records are being routinely requested by the police and Crown Prosecution Service, undermining confidentiality and jeopardising a safe, therapeutic space.

*“IT SEEMS TO GO AGAINST THE FOUNDATION OF THERAPY - THAT IT’S AN OPEN AND NON-JUDGEMENTAL SPACE - WHEN YOUR NOTES FROM THERAPY COULD BE TAKEN LITERALLY TO JUDGE YOU.” Lucy, Counsellor at Nottinghamshire Sexual Violence Support Services.*

The purpose of therapy is to explore feelings, not to investigate facts. Given the importance of counselling and therapy for sexual violence and abuse survivors, and the fact that the overwhelming majority never have their cases charged, there is a clear need for a new higher threshold for disclosure which is unique to counselling and therapy records. Survivors should not feel like they have to choose between justice and support.

**There is a better solution**

The Keep Counselling Confidential campaign is led by Rape Crisis England and Wales, the Centre for Women’s Justice and the End Violence Against Women coalition and is endorsed by counselling and therapy organisations such as the BACP and UKCP. In it, they ask that we follow a more balanced approach, currently used s used in New South Wales, Australia. This strikes a “middle ground” between balancing survivors’ and defendants’ rights. Their system, if adopted over here, could look like

* Any request for counselling or therapy notes is only made once a suspect has been arrested and charged.
* Requests for counselling notes are considered by a judge who is specially trained in this area, creating clear caselaw and consistency.
* Victims and survivors would be supported by an independent specialist lawyer who would help them decide if they are happy with handing over their counselling or therapy notes or if they would like to argue that these notes are privileged (they are private and cannot be made public).
* In cases when the judge has approved the request for counselling or therapy notes, any information found in them could only be used at trial if it is counted as significant evidence for either the prosecution or the defence. And that the public interest in this information being used outweighed any negative impacts.

I ask that you take the time to look through [the linked document](https://rapecrisis.org.uk/documents/166/Keep_Counselling_Confidential_briefing_Rape_Crisis_England__Wales_May_2023.pdf) and to consider the impact that access to counselling notes has on survivors of sexual violence and how this can be changed. A perfect opportunity would be to seek an amendment on the Victim’s Bill that addresses this issue.

As we are heading into a General Election year, I am eager to hear your views not only on this specific subject but also on the provision of support for survivors across the UK, where a postcode lottery is still very much in place.

Yours sincerely,

[Your name]

[Your Address]