

Dear Ms Lawrence,

I am writing to you on behalf of a coalition of representative bodies for psychology, counselling, psychotherapy and psychiatry regarding the Crown Prosecution Service (CPS) guidance published on 26th May 2022.

We wish to express concerns that this guidance increases the likelihood that rape survivors' private therapy notes will be accessed by prosecutors.

The pre-existing provisions already allowed for therapy notes to be disclosed in criminal investigations where there is reason to believe that this would undermine the prosecution or support the defence. This new guidance advises that therapy notes should be secured if it is thought they may be "relevant" to the case. We believe that this is too broad and allows for unnecessary use of private medical information at the expense of survivors.

Building a trusting relationship is essential to effective therapeutic support and is often particularly difficult to establish in cases of sexual violence. It is also essential that people feel able to be open about their thoughts and feelings. The proposed guidance will make the establishment of trust much harder as people will fear that the notes of therapy, which are likely to be extremely sensitive for them, will be seen by others and may even be used against them in court

The fear created by this guidance may mean that many people will not access therapy when they need it and the therapeutic process will be seriously compromised even if people do engage with it.

We therefore strongly urge you to reconsider this new guidance in the interests of public health.

Kind regards,



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