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Ethical Issues in Note Taking and Record Keeping in Coaching

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Abstract

While note taking and record keeping are widely established coaching practices, academic and practitioner literature on them is conspicuously absent. In this chapter, borrowing from the literature on psychology, counselling and psychotherapy, the issue of ethics in note taking and record keeping is addressed by discussing some of the most practical ethical considerations for any coach engaging in these practices. These ethical considerations include confidentiality, informed consent, ownership, timing, storage and disposal, and are very much situated in the sphere of process. Expanding reflections beyond the sphere of process, coaches are encouraged to reflect on the relational value of ethical note taking and record keeping, namely, how the value and purpose of these practices enriches and enhances the coaching relationship. The main argument is that conscious reflection on the purpose and value of note taking and record keeping – aside from the practicalities of these practices – can help enhance the development of a respectful and trusting coaching relationship.

Introduction

While writing and keeping effective records of coaching sessions has been deemed significant for an ethical coaching practice (Skoumpopoulou, 2017; EMCC, 2018), research on the ethics of note taking and record keeping in coaching is overwhelmingly overlooked, apart from a few notable exceptions (see, for instance, Passmore and Sinclair, 2020, esp. pp. 189-194). Conversely, the ethical issues surrounding note taking and record keeping in relevant helping professions, such as psychology, counselling, and psychotherapy, have been addressed both by scholars and practitioners in a variety of academic and practitioner publications (see, for instance, Mitchels & Bond, 2021, and bibliography therein). It is for this reason that substantial confusion still exists, not only on the practicalities of note taking and record keeping, but on the actual purpose, value, and relational aspects of the practices. In this chapter, we synthesise the relevant literature on the ethics of note taking and record keeping in an initial effort to extract the transferable knowledge for the discipline and practice of coaching. While we have strived to consult any relevant sources in coaching, due to their paucity or their lack of theoretical or empirical grounding, we have focused primarily on more robust literature stemming from psychology, counselling, and medicine. Accordingly, we list some of the most pertinent practical considerations of ethical note taking and record keeping practices and discuss them against the backdrop of the relevant literature. Moreover, we provide, in the form of succinct vignettes, some reflections resulting from conversations with esteemed colleagues that have enabled us to forefront, aside from the practical aspects of ethical note taking and record keeping, the significance of the relational aspect of ethical note taking and record keeping. Our main argument is that conscious reflection on the purpose and value of our note taking and record keeping – aside from the practicalities of these practices – can help enhance the development of a respectful and trusting coaching relationship.

For the purposes of this chapter, note (or record) taking is defined as the “process of writing records”, for the purpose of organising one’s “thoughts and feelings”, in order to “reflect systematically on what has occurred and plan for future sessions” (Reeves and Bond, 2021, p. 236). This practice enables “accurate recall of client related information [...] in order to provide the best possible care to the clients” (Australian Psychological Society, 2007, p. 1). Record keeping, by extension, is the practice of creating and storing formal records. A definition of the word ‘record’ is more challenging. It would be easy to define records as, simply, “any notes” practitioners “keep about their work with their clients”. From a legal perspective,

however, the term “records” entails a lot more than mere notes (Mitchels & Bond, 2021, p. 12), including the diary of appointments, and jottings on scrap paper beyond what we deem more formal notes, the client’s own notes or drawings during sessions, any assessment or psychological measurement records, reviews and reports, emails, audio or video recordings of sessions, and any other notes prepared for discussion, supervision, or training purposes (Ibid.).

The chapter starts by offering a brief introduction on the relevant literature on note taking and record keeping, as it emerges from relevant disciplines, such as psychology, counselling and psychotherapy. It moves on to consider an array of practical issues relating to note taking and record keeping. Interspersed with these issues, we provide three vignettes with the purposes of inciting further reflections on how note taking and record keeping may impact – positively or negatively – the development of a respectful and trusting coaching relationship. A case study with reflexive questions follows, before the chapter is closed with a summative conclusion and some pertinent discussion points.

Ethics in note taking and record keeping: the Context

In helping professions such as psychology, counselling and psychotherapy, and medicine, note taking and record keeping are an integral aspect of the work of professionals. In such settings, note taking and record keeping might not only enable the development of a trusting relationship between the client and the practitioner, but may also prevent the client from having to recount any painful information which, on occasion, may be traumatic (Australian Psychological Society, 2007). Record keeping is also important in cases a professional is subpoenaed by a court. In such cases, any kept notes and records can be used as evidence in court. Importantly, well-kept records can be used in support of a practitioner in case of a formal complaint against them and there seems to be discrepancy between the professional’s and client’s recollection of events (Australian Psychological Society, 2007).

Given that coaching also involves the collaboration of two or more individuals who work together respectfully and confidentially, note taking and record keeping may enhance the working relationship in several ways: firstly, keeping concise notes of what is shared in the coaching sessions may help both coach and coachee to remember the goals of the session, the actions that need to be taken, and any other key facts that are relevant to the coaching. (Skoumpopoulou, 2017). Passmore and Sinclair (2020) offer a simple framework – the PIPS

framework – which can guide coaches on what to capture during sessions. This includes **Personal**, non-sensitive issues, relating to the client; **I**deas or passing remarks that might be worth exploring at a later time; **P**lans of action that we might encourage the client to summarise at the end of a session; and **S**uggestions from the client for the coach to implement (Passmore and Sinclair, 2020). From a practical perspective, this type of concise note taking and record keeping might enable the coach to plan the sessions, keeping track of what works and what can potentially be detrimental to the client’s progress. Moreover, note taking and record keeping enable reflection on the coaching process and progress. If taken by the coach, brief notes might enable them to assess the effectiveness of the tools and methods used, in order to decide whether they work or whether alternative avenues need to be explored and adopted (Skoumpopoulou, 2017). If taken by the client, notes might empower them to take ownership of their progress, evaluating their skills, abilities and limitations. For all these reasons, coaches tend to take notes and keep records of their work with their clients, depending on their level of expertise. We would also like to emphasise the merits of encouraging clients to take notes for themselves, as part of the learning journey that they embark on during their coaching (Passmore & Sinclair, 2020).

As coaching is an unregulated profession, there are still no clear guidelines with respect to record keeping in line with the code of ethics of a licenced regulatory body (Afton, 2013). The International Association for Coaching Code of Ethics (IAC, n.d.) suggests that:

“(a) Coaches create, maintain, disseminate, store, retain, and dispose of records and data relating to their practice, and other work in accordance with the law of the country in which they practice, and in a manner that permits compliance with the requirements of this Ethics Code.

(b) Coaches are recommended to appropriately document their work in order to facilitate provision of services later by them or by other professionals, to ensure accountability, and to meet other legal requirements of their country.”

This brings to the fore the issue of data protection and the lack of universal rules regarding data protection (Coron, 2021). In the European Union (EU), for instance, the use and management of personal data is dictated by the General Data Protection Regulation (GDPR) (for coaching, see elsewhere within this volume). Accordingly, coaches are expected to have a strategy for the management, storage and destruction of clients’ written and digital data, being aware that

clients can request access to any personal data held by an organisation or an individual, such as a coach (Passmore & Rogers, 2018). It is important to emphasise that even if the coach is not based in the EU, coaching a client based in that region digitally is protected by GDPR (Passmore & Sinclair, 2020). Moreover, in the current climate, where the Covid-19 pandemic normalised digital ways of working across national boundaries, the variety of platforms that coaches use to work digitally might dictate coaches' legal responsibilities. Coaches, therefore, need to be aware of their contractual and legal obligations in the digital sphere, aside from national legal requirements that have traditionally protected face-to-face coaching practices. Accordingly, coaches are advised to understand how the law operates in their part of the world (Passmore & Turner, 2017), and their contractual responsibilities as dictated by the digital platforms they use for their coaching practice.

Even though these guidelines offer some direction as to how coaches should treat the notes and records they retain, they do not provide clear instructions with respect to the confidentiality and privacy of the client within an organisation (Afton, 2013). Thus, just like any other ethical issue in coaching, note taking and record keeping is dependent on each individual coach's professional values and ethical commitments (Afton, 2013; Iordanou, Hawley & Iordanou, 2017). It is for this reason that note taking and record keeping entail several challenges. Some of the pertinent issues pertaining to the ethics around them will be outlined in the following section.

Ethical issues in note taking and record keeping

There are several issues involving note taking and record keeping in coaching, with an emphasis on what should or should not be included in the coach's notes, the timing of writing such notes, and their secure storage. These concerns have primarily been raised in neighbouring disciplines such as psychology, counselling and psychotherapy but are also relevant to coaching. Pope (2015) argues that the exponential increase in record keeping laws and professional guidelines and standards of ethics has resulted in great confusion for clinical professionals who work with clients. Pope (2015) clearly explicates a variety of challenges pertaining to note taking and record keeping, including confidentiality, informed consent, and third parties. Although his work is situated in the discipline of psychology, some of his arguments and recommendations are relevant to coaching and will be outlined below.

The most obvious and prevalent issue with regard to note taking and record keeping is fairly straightforward: is there really an **obligation** on the part of the coach to take notes and keep records? As the profession is unregulated, the answer is not clear, with limited advice from professional bodies or thought leaders in the coaching sphere. In the neighbouring disciplines of psychology, counselling and psychotherapy in the UK, there is no consensus on the matter, although keeping records of a session is starting to become a requirement, even if the notes written are brief (Reeves & Bond, 2021). Nevertheless, effective note taking and record keeping are an integral part of the work of counsellors, psychotherapists, and psychologists, because it allows them to recall information related to their clients (Australian Psychological Society, 2007).

According to the British Psychological Society's Code of Ethics (BPS, 2006), all psychologists should keep records of their work, obtain their client's consent to disclose confidential information, when necessary, limit this disclosure to the purposes relevant to the request, and keep records in a way that does not put confidentiality at risk. Coaching marks a stark contrast to psychotherapy and other helping professions. One reason is that, as the emphasis is on the client taking responsibility for their learning and development, there is an argument for the client to be responsible for their own note taking. Whatever the approach, if coaches wish to keep their own records, they might consider either journaling as a reflexive practice after the session (Iordanou, Hawley & Iordanou, 2017) or taking only brief notes during the session. The brevity of notes is essential for the coach to continue engaging in the conversation and, thus, not jeopardise the trust and intimacy that can result from the inevitable distraction of continuous note taking. Needless to mention that clients should be made aware, from the initial contracting, of coach's practice and purpose of note taking, of the possibility of confidentiality breaches, and of their right to offer informed consent (BPS, 2008).

Vignette: Capturing the silences

In the literature on note taking and record keeping in coaching (and other helping professions) emphasis has primarily attended to the spoken word. Yet, the deeper we explore the nuances of the coaching process the more the issue of silence in the coaching conversation surfaces (Turner, 2021). This leads us to a fundamental question for all coaches

who engage in note taking and record keeping: How do we capture the silences – their content, meaning, and quality? According to David,¹ a highly experienced coach and supervisor, silences are very important in coaching; it's where the coachee is engaging in real and deep thinking, engaging in the kind of reflection and reflexivity that leads to new understanding and, potentially, change. From a note taking perspective if all we are capturing as coaches is the words of the client, we could be missing out on an integral aspect of the coaching conversation. This is because, according to David, within the coaching conversation there is always a triad: firstly, the spoken conversation; secondly, the coach's silent conversation; and thirdly, the coachee's silent conversation. So, an ethical question to ask is: Are we actually doing our best by the client, if we are only capturing parts of the spoken conversation in our notes and records? Consequently, we would like to encourage coaches to reflect deeply on the purpose of their note taking practice and the ethical implications of what, how, when, and why they keep notes of coaching sessions.

Granted that notes and records are relevant, if not welcome, in coaching, the second issue coaches are encouraged to consider involves **confidentiality**, indeed, a concept that goes hand in hand with any written record of any therapeutic or developmental intervention (Pope, 2015; Mitchels & Bond, 2021). According to the Australian Psychological Society (2007), all entries involving clients should be accurate and factual and ascertain the client's confidentiality and integrity, especially when sensitive information is stored. The notes should be written in a format that shows respect towards the client, and in no way should the language used dishonour the client. It goes without saying that abusive language or prejudiced remarks should be avoided (Reevens & Bond, 2021), as should speculation and any types of labels or unauthorised diagnoses of client behaviour (Passmore & Sinclair, 2020). Coaches are also encouraged to bear in mind that tiredness, burnout, and distractions, which are, at times, part of the job, may result in poor notes with counterfactual information and/or errors. Coaches, therefore, are encouraged to look after themselves, to minimise this risk. As already mentioned, coaches should bear in mind that clients may request access to any notes taken or records kept on them. For this reason, Passmore and Sinclair (2020) suggest that coaches make the assumption that clients will request to see their notes after the session. Doing so will encourage coaches to "focus on the essentials and avoid staying into areas of speculation" (Ibid., p. 191). It is further recommended that clients are informed from the initial session or contracting stage about the

¹ We would like to thank Professor David Clutterbuck, who allowed us to use the content of our discussion with him on the matter of ethical note taking and record keeping in order to produce the vignettes of this chapter.

manner in which the records will be stored and the measures that will be taken to ensure their safety and, by extension, protect confidentiality (Coron, 2021). It is, thus, up to the professionalism of each coach to write notes in a respectful and factual manner which honours the client's right to privacy and informs the client about the steps taken to ensure the records' security. To be sure, there might be instances when confidentiality may have to be broken and the coach may be asked to disclose (parts of) their records. This is due to the moral obligation of the coach to protect the client and other members of the public from harm (Iordanou, Hawley & Iordanou, 2017), as well as the more complex issue of the legal (or not) obligation of the coach to submit notes as evidence in court (Passmore & Sinclair, 2020), or to the police (Turner & Woods, 2015; Turner, Woods & Mountain, 2016).

This brings to the surface the perpetual question of who the client is, especially if the coach works for an organisation (Iordanou, Hawley & Iordanou, 2017). Indeed, in coaching, the client may not be an individual, but rather a group of people or an organisation. A key ethical concern when more people or a whole organisation are involved is maintaining the confidentiality of each individual involved. If, for example, a coach's notes go missing, due to loss or theft, the coachee's personal information could become exposed. With the exponential growth in the use of technology, especially as more and more coaches work in the digital sphere, mechanisms such as password protection or data storage in encrypted servers minimises some of these risks. However, as Fouracres (2022) has aptly shown, coaches' command of data security is still quite basic, if non-existent. Moreover, if a coach's notes must be presented as evidence for a court case, this means that information involving other parties of the group or the organisation might be disclosed, compromising, thus, confidentiality (Australian Psychological Society, 2007). To avoid confusion and act as professionally and ethically as possible, coaches are encouraged to consider informing everyone who might be affected about the possibility of disclosure of the records. This should be done from the initial contracting. It is in the interest of all parties involved that the coaching alliance is based on this knowledge from the outset.

What naturally stems from the above observation is the practical issue of **informed consent** to note taking and record keeping. Coachees have the right to be informed about who will have access to records kept on their coaching sessions, as well as the duration the records will be kept for and the manner in which they will be subsequently disposed of. But should consent be given verbally or in writing? In other helping professions there has been a lot of

debate on the effectiveness of giving clients a form and asking them to read through dense legal jargon, in order to agree to its content (Pope, 2015). We hold the view that such an approach may sabotage the relationship between coach and client. Here, drawing from the related literature on psychotherapy is helpful. One study, for example, showed that patients perceived informed consent forms exist to protect therapists from patients (e.g. in cases of formal complaints) and not the other way around (Akkad et al., 2006). Seen through this lens, offering a written consent form and expecting a client to read through it and sign it may prove counterproductive for the development of a respectful and trusting working relationship. Coaches have the ability to communicate these issues simply and succinctly, building, rather than jeopardising, the trust between themselves and their clients (Passmore & Sinclair, 2020). This contrasts with the context of other helping professions. It is the coach's ethical responsibility to consider their client's rights and to initiate a dialogue which promotes and enables informed decisions for both (or all) parties. This type of open communication may prove extremely valuable in cases when informed consent involves people who come from different cultural backgrounds and are expected to work together (Wang, 2009; Pope, 2015).

Another key ethical issue in coaching, particularly in business environments, involves the **ownership of the records** and, by extension, reporting mechanisms on the progress of coaching. In the sphere of psychotherapy, the owner of the records is the company where the files were initially created unless the contract stipulates otherwise (Australian Psychological Society, 2007). It is expected that any records created on material provided by an employer or organisation or in the employer's premises for the benefit of the employer and/or organisation belong to said employer and/or organisation (Reeves & Bond, 2021). As a result, the employer may ask for access to these records. These practices are not common in coaching, where a carefully constructed contract can stipulate the reviewing and reporting tools for client progress. Passmore and Sinclair (2020) suggest that tripartite contracting, which is based on a pre- and a post-coaching assignment meeting, is an effective way to minimise the possibility of the sponsor asking for feedback reports or access to the coach's notes. This is because the priorities and the confidentiality of the coaching are mutually agreed upon. The client's progress can be discussed in the post assignment meeting or in a mid-assignment meeting, if deemed necessary. Throughout these interactions, the coach can act as the facilitator of the conversation without providing input (Ibid). Overall, ethically minded coaches might anticipate ethical pitfalls and dilemmas by having clear guidelines on confidentiality and

disclosure, which they can communicate to both the sponsor and the client from the contracting stage of a coaching programme (Iordanou, Hawley & Iordanou, 2017).

A note taking ethical challenge that has received more attention in the literature recently involves the **most appropriate time** to take notes. Put plainly, should notes be taken during the session or afterwards? Research with medical doctors who tend to create electronic records during the consultation using tablets, laptop or desktop computers makes for an uncomfortable read (Pope, 2015). Margalit et al. (2006) argued that typing on a keyboard during a medical appointment adversely affected doctors' and patients' therapeutic interaction. They further found that gazing at the screen disrupted the patient's emotional responsiveness and that screen contact rather than eye contact had a negative impact on the patient's ability to disclose information about their issue (Margalit et al., 2006). A systematic review by Kazmi (2013) showed that computer use with the purpose of note taking during the consultation negatively affected the physician-patient relationship, resulting in the reduction of eye contact and emotional support, as well as poor rapport building. These findings have significant implications for coaches. Considering the diversity the coaching discipline encompasses, such as the different cultural backgrounds of coaches and coachees, the plethora of approaches to coaching, and the variety of issues that are brought in the coaching, one wonders when – if at all – is the right time for effective note taking during coaching?

Vignette: Balance between process and the developing coaching relationship

There is always a tension between the process – following the rules; a model; a framework – and the relationship that is evolving as a result of it. According to David, coaching is about helping an individual to recognise patterns, for example, by opening new perspectives, and making new meaning. Within the context of note taking and record keeping, if too much of our attention, as coaches, is consumed by capturing words, we might lose sight of the patterns. From this situation, we can see that if we focus too much on the process of note taking, in order to maintain an effective coaching practice, paradoxically, we risk missing the point of ethical coaching, which is built on the development of a trusting and respectful relationship. It follows, therefore, that ethical note taking (and record keeping) involves a balancing act between adequate structure based on process and the unrestricted development of a respectful and trusting relationship, based on the coach's undivided attention. David, therefore, cautions coaches against an overreliance to process which could lead to low-

quality coaching. Because, if we concentrate too much of our attention on recording what the client is saying, we might not listen to our own internal voice, upon which we depend in order to support the client, while losing sight of the whole. An important question to ask, then, is how do we rise above the process, to ensure some balance between taking notes and developing a respectful and trusting coaching relationship? Accordingly, when is the right time to take notes? Writing notes after the coaching session provides the coach with an invaluable tool for reflection, consolidation of information, and sense-making about what is going on for the coachee and the coach.

The limited coaching literature, which follows similar trends in psychology and psychotherapy, recommends that notes are taken as soon as possible after – and not during the session and to consider their **safe storage** (Australian Psychological Society (2007); Passmore and Sinclair, 2020). While in psychology and psychotherapy the recommendation is that records are kept for seven to ten years after the end of the intervention (Australian Psychological Society, 2007; Reeves & Bond, 2021), some coaches suggest that two to three years after the completion of the coaching relationship are a good timeframe for deleting/destroying client notes (Passmore & Sinclair, 2020). Alas, more empirical research is needed in order to understand and reflect upon these practices by coaches. Nevertheless, coaches are advised to store their records safely and securely in line with the guidelines and/or recommendations of appropriate licensed bodies or legislation and their own integrity and professional standards. Moreover, as coaches increasingly work in digital environments, it is paramount that they familiarise themselves and keep up to date with technologically supported storage provisions and requirements, such as password protection (Coron, 2021). In fact, the British Psychological Society (2019) has published specific guidelines to help psychologists and coaching psychologists use, retain, and manage electronic records, which coaches might find useful. Finally, the safe **disposal of the records** after the recommended storage period has elapsed should also be given careful consideration. Physical files can be shredded, while electronic files can be deleted both from their original folders and the computer's recycle bin. The disposal of computers and hard discs that contain sensitive records should also be considered in advance, to ensure clients' confidentiality (Passmore & Sinclair, 2020).

All these guidelines and recommendations are reflected in the Global Code of Ethics (GCoE), which suggests that:

“Members will keep, store and dispose of all data and records of their client work including digital files and communications, in a manner that ensures confidentiality, security, and privacy, and complies with all relevant laws and agreements that exist in their client’s country regarding data protection and privacy” (EMCC, 2018).

It goes without saying that each coach is expected to be familiar with and abide by recommended guidelines on ethical practice (Pope & Vasquez, 2011; Pope, 2015). These do not necessarily have to be a code of ethics by an established professional association, much as we fully recognise the value of such formal codes (Iordanou, Hawley & Iordanou, 2017). As coaches are accountable for their decisions, they ought to be aware of the fact that formal codes are there to undergird their practice, not absolve them of difficult ethical decisions (Ibid.). Moreover, coaches are advised to be aware of the current legislation in their country of practice and ply their trade ethically and reflexively, welcoming and respecting equality and diversity. Indeed, as we live and work in societies enriched by individuals from diverse backgrounds, coaches can take advantage of this diversity to enhance their reflexivity on the aspect of ethical note taking and record keeping and, by extension, reflect on the variety of ethical issues pertaining to note taking and record keeping. As we, the authors hope to have shown here, these issues go beyond the clear-cut, straightforward practical ethical considerations involving process, such as confidentiality, informed consent, ownership, timing, storage and disposal. Importantly, what should be focusing on more – both as practitioners and scholars of coaching – is reflecting on the relational value of ethical note taking and record keeping, namely, how the purpose of these practices enriches and enhances, rather than stifles, the coaching relationship and the coaching practice, overall.

Vignette: What is the purpose of note taking and record keeping?

For the coach, the coaching conversation is a balancing act between looking inwards to themselves and looking outwards to the client. So, when considering the value of note taking and record keeping, David encourages coaches to ask themselves two questions: What value am I trying to create with my note taking for the client? What value am I trying to create

with my note taking for myself as a coach? Coaches often take copious notes of sessions and, more often than not, share them with their clients. While, in principle, an ethical act could stop the coachee from doing their own thinking? Could this practice also, inadvertently, absolve the coachee from the more laborious act of deep reflection, as the coach is seemingly doing the work, while the client is doing the talking? So, according to David, when a coach shares their notes with a client, unless they invite them to reflect upon them and share their views, they could be imposing their views on the client. This could be unethical, as notes are subject to personal interpretations, time and space restrictions, amongst other issues. This brings us back to the issue of the real purpose of note taking and record keeping. Why do we take notes and keep records as coaches? Is it because it is a recommended process? Is it because it adds value to the client or the coach? Is it to protect ourselves in legal terms? In short, have we got more selfish or more altruistic motivations and how ethical are these motivations? These questions encourage reflection on what collaborative note taking might look like in practice, now and for the future.

Requests for notes lead to consider the purpose of record keeping for an ethical coaching practice. As stated at the outset of this chapter, there can be complex issues relating to the making, disclosure, and retention of notes/records, and each situation needs to be assessed in context. However, some core principles emerge. The following case study shares the reflections of experienced coach Aisha, who explored the ethical threads of walking the tightrope.

Case study

Aisha, is an accomplished coach, experienced in working across a variety of professional contexts. As a seasoned coach, Aisha thought that she would be happy to disclose her coaching notes, if she thought that they could help a coachee but this is an issue she only spared a passing thought on, as she had never received such a request. With the advent of the Covid-19 pandemic in early 2020, which ushered in a more uncertain coaching landscape compared to the one she once felt at ease with, forced her to reflect deeply on the legal aspect of her note taking and record keeping. Indeed, as Aisha found herself engaging in more complex coaching relationships online, and although not coaching outside of her home country, she became aware of the need to protect herself and her clients through the notes

she took and records she kept. More specifically, even though Aisha was open to sharing her notes, should a formal request be made, she began considering the potential implications of such requests, and how the content or format of her notes might impact on her practice. For this reason, she reached out to her insurer to explore the purpose of her note taking and record keeping for an ethical coaching practice.² Her ultimate goal was to be better prepared to be able to respond to any request for her notes. Fundamentally, she recognised that a request for disclosure of a client's notes may come in different forms – it might be a simple informal request from a client; a letter from the client's solicitors; a Subject Access Request (SAR); a court order requiring disclosure; or even a request from the police without a court order. The nature of such requests varies according to the impending issue and, importantly, the regional legislation.

From the conversation with her insurer's legal team, Aisha became aware of the following valuable information: If the request for a coach's records has no legal authority, it might be helpful to explain to the client themselves (not their solicitor or the police) that the notes are written by the coach for their own use, covering a whole range of issues discussed; that they are not a verbatim account of what has been said in the sessions or a chronologically accurate account of any facts discussed; that, as the coach may only record things they feel are pertinent to the coaching work, that the notes may simply be reflections, or short memos to help them recall what issues they want to address; that, as such, that they could be taken out of context and misconstrued. Moreover, as it is likely that notes are being requested for a specific reason, it follows that the information needed and, in turn, the information which should be provided, should pertain to that issue at hand only; everything else should remain confidential. For this reason, the coach is encouraged to consider writing a statement on the actual issue based on their records, rather than offering their actual notes.

If the request for the coach's records has legal authority the coach must comply. Nevertheless, before they do so, coaches might have to seek legal advice, as they might not have to submit their actual notes but, possibly, a statement. Coaches are advised to familiarise themselves with the terms of their professional liability insurance, as legal advice will most probably be offered to them through that avenue, enabling them to understand

² We would like to thank Jo Mountain, who allowed us to use the content of our discussion with her on the matter of navigating boundaries in order to produce this case study.

whether they could get away with partial disclosure, should they wish to. Importantly, in all circumstances, coaches are advised to reflect on the purpose of their note taking and record keeping not only from a procedural perspective but from a relational, that is, how their note taking and record keeping practices affect the development of a respectful and trusting relationship with their clients.

Reflective questions:

- What value do my notes and records create for my client?
- What value do my notes and records create for myself as a coach?
- How can I share the content of my notes and records in a way that ensures my client's safety and confidentiality?
- What steps do I need to take now to become more consciously reflexive of the purpose of my note taking and record keeping?

Before this chapter is concluded, a final note is provided on the exponential increase of the use of digital technology and Artificial Intelligence (AI) in coaching (on AI in coaching, see elsewhere in this volume). This entails not only the use of technological means to support the delivery of coaching services, such as digital platforms that enable virtual coaching conversations (Coron, 2021); but also the use of tools, such as chatbots, that augment or even replace functions carried out by coaches (Ellis-Brush, 2021). Following the peak of the Covid-19 pandemic, such digital tools have enabled the rise of virtual exchanges, rendering coaching conversations ubiquitous despite differences in time zones. While, anecdotally, coaches are embracing this form of work, recent research has shown that they also find it challenging for several reasons, including testing their capacity to be fully present and to establish intimacy and trust (Schermuly et al., 2021; Coron, 2021). These challenges have an impact on note taking and record keeping. While empirical research on this issue is in its infancy, it is agreed with initial suggestions that encourage the coach to “pace the virtual coaching engagements to allow time for note taking and meta reflection on the session, as well as ensuring there is enough time between sessions for the coach to resource, refresh and refocus” (Coron, 2021, p. 375). While this chapter does not delve deeply into the opportunities the digital world offers to coaching, coaches are encouraged to reflect deeply on the nature, purpose and timing of their notes, as well as to become familiar with their contractual and legal responsibilities, as dictated by their chosen digital platform and the regions in which the coaching takes place.

Conclusion

There are several practical issues and legal challenges pertaining to ethical note taking and record keeping. A consciously ethical coach is reflexive and mindful of the purpose, value, and practicalities of these practices and how they might impact on the development of a trusting coaching relationship. Mistakes might be made, at times, and unconscious biases might need to be reflected and worked on. This chapter has explored how ethical note taking and record keeping goes beyond the mere practicalities of process to embrace the coaching relationship as a whole. Indeed, aside from a practical issue, note taking and record keeping is a relational one, involving coaches' and clients' mutual learning, development, and growth. Accordingly, it is encouraged for coaches to evaluate the practicalities and value of their note taking and record keeping against the backdrop of acknowledging (and capturing) the silences of the client – their content, meaning, and quality; balancing the capture of what the client is saying with listening to their internal voice – process vs relationship; and, ultimately, consciously reflecting on the purpose of note taking and record keeping. Unavoidably, challenges and frustrations are part of the process. But if used and reflected upon productively, they can contribute to the personal and professional development of both the coach and the coachee.

Discussion points

1. Ethical note taking and record keeping draws on many fields of knowledge. What are your views on the way different fields approach note taking and record keeping and how does this knowledge inform your own note taking and record keeping?
2. What does ethical note taking involve for you in your practice?
3. There could be a tension between having enough structure to keep people safe and to appreciate the richness of what is going on behind the process – the spoken and unspoken words. This is the difference between linear and systemic thinking. In your practice, how do you ascertain you capture your client's verbal and nonverbal cues to offer a constructive coaching experience?
4. How can you as a coach maintain a balance between process and relationship and place the latter at the heart of ethical note taking and record keeping?

Suggested Reading

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