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## THE AGE OF REASON AND COUNSELLING

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The general rule of thumb for students seeking counseling is derived from three factors: the Counsellor is bound by the Public Schools' Act and is providing a service within the school setting; the Counsellor is bound by the MTS Code of Conduct and if a member of MSCA, MSCA's Guidelines for Ethical Behaviour; and the Counsellor acts within the legal limits of the Protection of Privacy Act.

In the school setting, students seek out many of the supervising adults in the educational setting without the requirement of parental permission. Unlike a school psychologist, occupational therapist, or speech/language pathologist, the Counsellor is a member of the school staff, is usually a certified teacher, and works towards a team approach in solving issues. For these reasons, many students take the initiative of seeking out the Counsellor without prior parental knowledge. Other students have parents who suggest they seek out the Counsellor, and still others are referred to the school Counsellor by other school staff or peers.

In terms of the Protection of Privacy Act, although it is in the context of accessing information usually found in records, its assumptions provide guidance to counselors: (Part 2 of FTPPA (b)) "Where a student is under 18, the issue is whether he/she is "capable" of making the request (for example, does the student understand the nature of the request, the consequences of making it, etc.). This implies that there is no set age at which students are capable of self-directed, confidential access to counseling. On a case-by-case basis, the Counsellor must assess the degree to which the student is capable and balance that with the degree of concern regarding the health and well-being of students. Of course, in the case of self-harm, harm by others, or potential for harm, there are very clear legal requirements as dictated by child protection legislation.

When we combine ethics, setting and the privacy act together with the mandate of school counselors, it is sensible that when students request the assistance of a school Counsellor, the following should be considered:

- The school Counsellor assess the degree to which the student is capable of making an informed decision and understand the limits of confidentiality
- The consequences of involvement or lack of involvement of parents in the support plan.

The school Counsellor should also complete the following:

- Inform students of the purposes, goals, techniques, and specific policies under which they may receive counseling, at or before the time when the counseling relationship is entered. Such information includes concerns about confidentiality, legal restraints on counselors, and the possible necessity for consulting with other professionals, (risk situations) See Guidelines for Ethical Behaviour.
- In cases where students are reluctant to inform parents of their concerns, and it is in the best interests of the students, the Counsellor will work towards supporting the students in involving their parents in the solution.

## COUNSELLING RECORDS AND NOTES

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### **Implications for Style and Format**

1. Make your notes as soon as possible after contact.
2. Write your notes in the expectation that others will read them with a critical eye - and perhaps in your absence.
3. "Sloppy, disorganized, incomplete or meaningless notes suggest incompetence, or even negligence."
4. Keep notes in sequential, chronological order.
5. Don't alter the record after the fact. Don't "white-out" or delete records. If an error has occurred, cleanly cross out with a single line and write "error" or insert a "strikeout" over the text and indicate "error". Add "correction". Date and sign.
6. Notes should be as specific and precise as possible in order to reduce the potential for misunderstanding or misinterpretation by another reader. Focus on objective, observable behaviours and statements.
7. Keep language simple and direct. Use clear, short sentences and avoid jargon or diagnostic labels. Beware of adjectives; favour verbs that describe behaviours. ("He said \_\_\_\_\_." I said \_\_\_\_\_ ." She was crying." etc.)
8. Be objective and factual. If you feel you must record an opinion or conjecture, identify it as such and provide justification in terms of facts and observations. Avoid unjustified generalizations or stigmatizing statements.
9. What and how much should you record? A record of a counseling session should be as complete as necessary in order to avoid misinterpretations. A record of counseling session must include:
  - Client's name - Date
  - Referral information (from, to)
  - Interagency contacts and their results
  - Other contacts and their results
  - Signature of Counsellor

## IMPLICATIONS FOR PRACTICE

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1. **Keep within the limits of your training and competence.**
  - Have a clear sense of your role and purpose as a school Counsellor
  - Know when you will consult and refer.
2. **Keep accurate and current records.**
3. **Inform students:**
  - a) that records are being kept
  - b) regarding limits to confidentiality
  - c) regarding who may have access to the record and under what conditions

Advise students that you are available to answer any questions they may have about the records kept.
4. **Include information that is complete enough to allow monitoring and evaluation of the services provided, but...**
5. **Record only that information that is relevant and necessary to respond to the needs of the student with respect to the support of his/her education. The record should be complete enough to show that "best professional practices have been fulfilled. (CGC)**
6. **Ensure that the school division's policies are followed:**
  - For safe keeping, security, and destruction of records
  - For control of access
  - For processes for transmitting records
  - For seeking information from other sources
  - For dealing with all matters related to third party information.
7. **Any record made during the course of employment with a school division district is in the custody or under the control of the school division or district.** Working files are subject to the same access and privacy provisions as all other information about a specific pupil.
8. **Remember: the school division has the right and obligation to refuse access to records under specific circumstances** - e.g., if there is a threat to a person's health or safety, or unreasonable invasion of privacy.

### NOTES:

For detailed information on the gathering, holding, and disposal of student information, the *Manitoba Pupil File Guidelines* and the *Guidelines on the Retention and Disposition of School Division/District Records* should be consulted.