

Nova Scotia
Guidelines for School
Counselling Records
and Standards of
Practice
Draft



Department of Education and Early
Childhood Development

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Introduction

The Nova Scotia Guidelines for School Counselling Records and Standards of Practice have been prepared for all public schools and school boards in Nova Scotia. These guidelines may be applied to schools not affiliated with school boards such as private schools in Nova Scotia or federally-funded First Nation administered schools, at their discretion.

The Nova Scotia Guidelines for School Counselling Records and Standards of Practice are prepared in accordance with the Freedom of Information and Protection of Privacy Act (1993), the Education Act (1995-96), and per the national standards established by the Canadian Counselling and Psychotherapy Association's Standards of Practice for Counsellors (2008) and Code of Ethics (2007).

The Nova Scotia Guidelines for School Counselling Records and Standards of Practice are prepared in accordance with the *Comprehensive Guidance and Counselling Program* (2010), which is the recommended program for school counselling in the *Public School Programs* (2013-2014) document. This program supports all students equitably to ensure their personal, social, educational and career development and well-being.

Purpose

The purpose of these guidelines is to provide clear direction to all school Guidance Counsellors, school Administrators, and school boards regarding the proper handling of student counselling records and to bring consistency to the practice of school counselling across the province. For the purpose of this document school Guidance Counsellors will simply be referred to as Counsellors.

As part of professional practice, Counsellors are required to keep counselling records, including individual case notes, for students with whom they are engaged in a counselling relationship. The case notes are for the Counsellor's professional use, maintenance of records, and to support the counselling process for students.

All counselling records are created and maintained electronically in the provincial student information system, iNSchool, within TIENET effective September 2014. Counselling records are in the care and custody of school boards. However, counsellors, as employees or agents of school boards, are responsible for the creation and maintenance of counselling records.

In order for Counsellors to effectively meet the requirements as outlined in these guidelines, it is recommended that the following be made available to Counsellors:

- private space for meeting with students
- telephone in a private location
- computer (mobile or in a private location)
- locked filing cabinet for paper based school counselling records (created prior to TIENET and for documents which cannot be stored in TIENET)
- printer and scanner in a secure location

Definitions

For the purpose of this document, some key terms have been defined. This provides more clarity as the terms are used throughout the document in various contexts.

Counselling Relationship- a relationship between the Counsellor and student that is therapeutic in nature, is on-going and deals with an issue(s) pertaining to the student's personal, social, academic or career development.

Informed consent- is granted by a student (Grades 7-12) who voluntarily, knowingly and intelligently consents to engaging in a counselling relationship where s/he is capable of understanding the nature of counselling to the degree necessary in order to offer informed consent.

Diminished Capacity- when a student is deemed to demonstrate diminished capacity, s/he may be incapable of understanding the nature of counselling to the degree necessary in order to offer informed consent. Diminished capacity may be related to intellectual disability, developmental delay, or mental illness, among other contributing factors.

Assent- is an active affirmation by a student (Grades P-6 or with a diminished capacity) of a desire to participate in a counselling relationship, although s/he is not deemed age appropriate or capable of offering informed consent independently. Conversely, students can indicate a desire not to participate in a counselling relationship, which must be honoured.

School Counselling Record- a record that may include school counselling referrals, individual case notes, school counselling log notes, as well as other uploaded documents, which pertain to the counselling service. Includes both paper-based counselling records created prior to TIENET and the online version of counselling records found in TIENET.

School Counselling Case Notes- are notes written by the Counsellor pertaining to an individual student and his/her counselling session(s).

Need to Know- when access is considered on a "need to know" basis, need to know is determined by the relevancy for delivery of programming and provision of services and the safety and security of students, staff, and members of the school community.

Active Record- a counselling record of a student who is currently enrolled in a school.

Semi-Active Record- a counselling record that is dormant because a student is no longer enrolled in a school.

School Counselling Activity Log- a log of counselling services provided to students, outside of a counselling relationship, that do not require case notes, but document the reason for engagement with the student. This may include, but is not limited to, daily activities, meetings, telephone/email correspondence or communication, program support, course selection, post-secondary inquiries, and incident consultations regarding students.

Dual/Multiple Relationships- when Counsellors have a simultaneous or sequential relationship or role with a student additional to the counselling relationship (e.g., relative, classroom teacher/administrator, coach).

Referral for School Counselling Services

A referral for school counselling services can be made by completing the *Referral for School Counselling Services* form in TIENET through a Counsellor or an Administrator. A referral through TIENET can be initiated through the Counsellor or an Administrator by any of the following people: a student seeking counselling, a student(s) requesting counselling for/on behalf of another student, parent/guardian/relative of a student, teacher or other school staff, the Program Planning Team, an Administrator, a source external to the school, or the Counsellor herself/himself.

This portion of the referral form will be viewable by Administrators and Counsellors but no one else. After receiving a referral through TIENET for school counselling services, the Counsellor must complete the *Referral Status Decision* component of the online form in TIENET to begin the counselling process. The *Referral Status Decision* component is only viewable by the Counsellor(s) at the school.

Please note that information of a highly sensitive/confidential nature should not be recorded on the referral form in the “Additional Information” text box, as it is visible to others in Administration. Highly confidential information is best communicated verbally with the Counsellor. It is important and helpful for the Counsellor to inform other school staff about this practice.

Consent for School Counselling Services

Grades Primary to Six

In most situations, students in grades Primary to six require parental consent prior to entering into a counselling relationship in the public school setting. While elementary students may meet with the Counsellor for an isolated incident or services outside of a counselling relationship without parental consent, in most circumstances, services defined as a counselling relationship require that the Counsellor contact the parent/guardian to obtain consent for services. Parental/Guardian consent is documented in the *School Counselling Case Notes* section in TIENET.

In situations where parental/guardian consent cannot be obtained, or a parent/guardian is not contacted due to extenuating circumstances, a professional decision by the Counsellor can be made to enter into a counselling relationship with a student who provides assent, if it is deemed in the best interest of the student. In such cases, assent by the student is recorded in the student’s counselling case notes, as is a brief rationale and description as to why parental/guardian consent was not obtained and/or sought.

Grades Seven to Twelve

Informed consent is given by students who are deemed capable of understanding the nature and scope of a counselling relationship. It is generally accepted that students from grade seven onward are able to give informed consent independently to participate in personal counselling sessions.

However, there are instances where students in grade seven onward will require parental/guardian consent for counselling services; for example, those with a diminished capacity. Student consent must be documented in the *School Counselling Case Notes* section in TIENET.

Establishing a Counselling Relationship

When a counselling relationship is established between a Counsellor and a student, a counselling record should be opened right away. Once a counselling relationship is established, the Counsellor should immediately:

1. Obtain and document informed consent provided by a student or parent/guardian, where applicable. Informed consent is documented in the *School Counselling Case Notes* section in TIENET.

Before obtaining consent, the counsellor must advise/inform students and/or a parent/guardian of:

- purpose(s) of counselling
- process for record keeping in TIENET
- limits of confidentiality
- student's rights with respect to participating/sharing in counselling

It is good practice, while obtaining consent, to advise/inform students and/or a parent/guardian of such issues where necessary and applicable:

- goals of counselling
- techniques used in the counselling sessions
- limitations of counselling
- length of counselling
- types of referrals/follow-up
- qualifications of the Counsellor
- relevant information pertaining to the student's counselling record
- Counsellor's engagement in consultation regarding the student and the student's counselling needs
- Dual/multiple relationships*

*In the case of a dual/multiple relationship, the Counsellor should discuss with the student the boundaries of the counselling relationship, or where necessary according to ethical practices, refer the student for alternative counselling arrangements.

2. Inform the student of boundaries/limitations with respect to confidentiality including:
 - imminent danger to an identifiable third party or self
 - when a counsellor is aware of or suspects abuse or neglect of a child
 - when a disclosure is ordered by a court
 - when a student requests disclosure
 - when a student discloses involvement in any way in severely disruptive behaviour(s)

Counsellors, as teachers, have a duty to report to an Administrator for investigation, any student engagement in severely disruptive behaviour, including bullying and cyberbullying, in accordance with Section 26 (1) of the *Education Act*. This is done to support the safety and well-being of students in an attempt to avoid harm.

3. Provide and document disclosure to the student or parent/guardian, where applicable, regarding the transfer and access of online School Counselling Records. Disclosure to students or parent/guardian concerning the transfer and access of online counselling records, including case notes, is documented in the *School Counselling Case Notes* section in TIENET.
 - School counselling records are maintained electronically in TIENET and transfer with a student should s/he move to another public school within the province of Nova Scotia.
 - Access to an existing counselling record is only available to the Counsellor(s) at the school where the student is registered and will no longer be available to Counsellor(s) at the student's former school(s).
 - Prior to viewing an existing school counselling record, the Counsellor must obtain the consent of the student or the parent/guardian, where applicable. Consent to view a previously created counselling record is documented in the *School Counselling Case Notes* component in TIENET.

The following is one example of a suggested script for use with a student:

“You should be aware that any notes made about our counselling sessions will be kept electronically in a school counselling record and will automatically transfer to the school that you are enrolled and registered in. Only the Counsellor(s) at the school where you are attending will have access to the counselling record so that s/he can better support you. You or your parent/guardian (where applicable) will have the opportunity to consent to the notes being accessed by the Counsellor(s). Knowing that, you can choose to tell me whatever you feel comfortable sharing. As long as you are not sharing something where I cannot maintain confidentiality, as we already talked about, I will do my best to respect your privacy.”

The following is one example of a suggested script for use with a parent/guardian (where applicable):

“You should be aware that any notes from my counselling sessions with your child will be kept electronically in a school counselling record. When/If your child moves to another school within Nova Scotia, the counselling record will automatically transfer to that school. Only the Counsellor(s) at the school where s/he is attending will have access to your child's counselling record. This is so that the Counsellor can better support her/him and provide a continuity of care. You will have the opportunity to consent, if applicable, to the record being accessed by the Counsellor(s) at your child's new school.

However, providing consent for counselling services and access to an existing counselling record does not mean that you also can access the record. Please understand that this is done to respect the privacy and confidentiality of your child and what s/he decides to share during our sessions.

It also helps to build a safe and trusting relationship between a counsellor and your child, which is critical to providing the best support and service possible.”

The transfer of counselling records is done to maintain the best possible continuity of care for the student, as s/he transitions to other school throughout Nova Scotia. Case notes are taken for the purpose of the Counsellor’s professional use and to capture the nature and scope of the counselling session, as well as any relevant information shared by the student.

The Counsellor at the school where a student is registered is only responsible for seeking consent for herself/himself to access a previously existing school counselling record should s/he deem it necessary to provide an effective and informed counselling service. Accessing previous counselling records is not mandatory but is recommended when additional information may be helpful or necessary to support or enhance the counselling process.

Please note that paper based school counselling records created prior to TIENET will not be transferred to another school with the student; however, pertinent information from the previous paper based counselling record may be shared with the receiving Counsellor for example, with the consent of the student or parent/guardian, where applicable.

Opening a Counselling Record

As part of the Comprehensive Guidance and Counselling Program, Counsellors create and maintain counselling records, including case notes, to enhance their service to students in an individual counselling relationship. Notes are kept to facilitate counselling sessions and will include information necessary to formulate plans for assisting the student to cope with the issues that are addressed during the counselling process.

Not all contact with students will require the Counsellor to establish a counselling record. The following guidelines will assist counsellors in determining when it is appropriate to open a counselling record, and once a counselling record exists, to assist with the care and maintenance of the record.

Please be aware that any notes created by Counsellors related to a counselling relationship with a student should be included and maintained in the student’s counselling record and are subject to these guidelines and the Freedom of Information Protection of Privacy (FOIPOP) Act. This includes all electronically maintained counselling records in TIENET, as well as paper based counselling records and notes, should they exist.

Content

Counselling records may include:

- school counselling referrals
- school counselling case notes
- school counselling activity log
- other counselling related documents, such as a piece of artwork or a piece of writing

Paper documents that belong in a counselling record can be scanned and uploaded to the *School Counselling Case Notes* or the *School Counselling Activity Log* sections in TIENET.

When in question, documents outlined in the *Policy Directives, Content* section, of the Student Records Policy, should be stored in the student’s Cumulative or Confidential record as per the policy, and not in the student’s counselling record. Please refer to the Student Records Policy for more detailed information.

School Counselling Case Notes

“The question then becomes one of how to strike a balance between the need to create a record of services provided, while minimizing the potential harm to clients that the record could have” (Schulz 2000).

Counsellors should record case notes in an objective, factual, and timely manner. Case notes should avoid opinions and assumptions and where such are perceived to be necessary the counsellor must clearly indicate that these are the opinions/assumptions/hypotheses of the author. Counsellors should be mindful to not record information that is not relevant to the counselling session, particularly where it involves third parties.

Content of School Counselling Case Notes

Case notes should include:

- issues or concerns related to consent and/or disclosures (see the *Establishing a Counselling Relationship* section of this document)
- counselling domain: personal, social, educational or career
- long/short term goals
- sufficient information from the session to support future counselling session(s)
- action plan, including any follow-up to the session
- Counsellor’s signature/initials at the end of the session notes, if necessary

Student demographic data will automatically be populated in the *Student Profile* section of the school counselling record in TIENET.

Sharing Information and Transitioning Students

At times it is important to share information with other Counsellors or school staff that will be providing similar services or support to the student. This may be done with the consent of the student or the parent/guardian (where applicable), and always with the best interest of the student in mind.

Information sharing is encouraged while following appropriate ethical protocols to do so. This may occur verbally in the form of case consultations in person and/or by phone.

When sharing information with counsellors from external agencies, school board policy must be followed and the appropriate forms for sharing/obtaining information must be completed and signed by the parties involved. Forms for sharing/obtaining information are stored in the student's confidential record, as per the Student Records Policy, and not in the student's school counselling record.

Transitory Records

Transitory records are those that are created and used to serve a particular, short-term purpose but are not considered for decision-making with respect to the student or in the counselling process. Examples of transitory records created by Counsellors include:

- Day planners and appointment notes used to schedule meetings with students (as long as they do not record the content of meetings)
- Drafts of hand written case notes that have been subsequently typed or transcribed

Transitory records may be destroyed once they have served their purpose and are no longer required. Yearly day planners may be destroyed at the end of each school year and appointment notes may be destroyed once the meetings that they were used to schedule have been held, and the content of those meetings has been recorded for inclusion in the counselling record in TIENET.

If draft versions of hand written case notes are subsequently typed or transcribed into TIENET, then the draft becomes transitory and can be destroyed. The electronic version of the case notes in TIENET becomes the record which is used for counselling purposes, and for any decisions that are made about the student.

***If a request is made under the FOIPOP Act for a student's counselling records, none of the records can be destroyed, including transitory records.**

Access to School Counselling Records

Any request for access to a student's counselling record should be documented in the record itself. The chart below indicates the process by which access for various individuals is determined. In such cases where the FOIPOP process is identified, please refer individuals to the Information Access and Privacy Officer at your school board. When another process, such as the "need to know" clause is being followed, an attempt to inform the student of access to his/her record should be made where applicable.

Please note that due to the potential of extremely sensitive information being shared about a student, any decisions for access by a school board employee will need to be granted at the school board senior administration level, and always in consultation with the Counsellor responsible for creating and maintaining the counselling record being accessed.

Access by Whom	Process	Authority
Student (any age)	FOIPOP process, in consultation with counsellor	Clause 27 (a) of FOIPOP Act
Parent/Guardian of students under 19 years	FOIPOP process, in consultation with counsellor	Clause 27 (a) of FOIPOP Act
Parent/Guardian of students 19 years or older	FOIPOP process, in consultation with counsellor, and including written consent of student	Clauses 20 (4) (a) and 27 (a) of FOIPOP Act
School Principal or Vice-Principal	<p>The Director of Programs and Student Services, in consultation with the Counsellor and other school board staff where applicable, considers the “need to know” and approves access only to relevant and necessary information.</p> <p>*The person considering the “need to know” and the person requesting access to the record(s) should not be the same individual.</p>	Clauses 5 (3), 26 (c) and 27 (f) of FOIPOP Act
School Board Staff (not including school site staff)	<p>The Director of Programs and Student Services, or the Superintendent, in consultation with the Counsellor and other school board staff where applicable, considers the “need to know” and approves access only to relevant and necessary information.</p> <p>*The person considering the “need to know” and the person requesting access to the record(s) should not be the same individual.</p>	Clauses 5 (3), 26 (c) and 27 (f) of FOIPOP Act
Third party (student’s legal counsel)	<p>FOIPOP process, in consultation with the Counsellor, and including</p> <ul style="list-style-type: none"> ▪ written consent of both student and parent/guardian if child is under 19 years and in the care of the parent/guardian; or ▪ written consent of the student if the student is 19 years or older, or not in the care of the parent/guardian 	Clauses 27 (a) and 20 (4) (a) of FOIPOP Act

Law enforcement agencies	Search warrant or with explanation of lawful investigation purposes; or information exchange agreement *In such cases only relevant information, directly related to the investigation should be shared.	Sections 110-129 of Youth Criminal Justice Act; Clauses 27 (d) and (m) of FOIPOP Act
All other third parties	Subpoena; or FOIPOP process, in consultation with the Counsellor, and including <ul style="list-style-type: none"> ▪ written consent of both student and parent/guardian if child is under 19 years and in the care of the parent/guardian; or ▪ written consent of the student if the student is 19 years or older, or not in the care of the parent/guardian 	Clauses 27 (a), (b) and (e) of FOIPOP Act; subsection 5 (3) of FOIPOP Act; Clause 20 (4) (a) of FOIPOP Act

Storage, Retention and Disposal

Counselling records must be maintained with a high degree of security to avoid unauthorized access and use.

Previously created paper based counselling records must be kept in a locked cabinet, in a secure location (preferably the Counsellor’s office) and separate from the Cumulative and Confidential records. Where a school counselling office does not exist, a separate locked cabinet containing the counselling records should be kept in a secure location in the School Administration’s office.

Electronic counselling records should be created and stored in TIENET on a secure password protected computer. Personally owned computers and devices, should not be used to create and store school counselling information outside of TIENET. All information should be stored in the *School Counselling* component of TIENET. The use of personally owned computers and devices to access TIENET is dependent on school board policy.

When the student leaves the school (i.e., ceases to be enrolled) for any reason, the date of departure is recorded on his/her counselling record and the record is designated as semi-active.

Semi-active paper based counselling records are retained at the school or a prescribed off-site location, should the school no longer be open, for a period of seven (7) years. Semi-active paper based counselling records should be maintained with the same level of security as the records of students currently in attendance.

If a student returns to the school, his/her counselling record will now be created and maintained in TIENET. It is good practice to note in the electronic counselling record that a previous paper based counselling record also exists. All counselling records, paper and/or electronic, will be maintained in accordance with the FOIPOP Act.

After the seven (7) year retention period, semi-active paper based counselling records are to be securely shredded in a manner that will maintain the confidentiality of the information contained in the record. However, if any of the information contained in a record is used to make a decision that directly affects the student, then that information must be retained for at least one year after it is used, in compliance with section 24 (4) of the *FOIPOP Act*. Where applicable, this one (1) year can extend the standard seven (7) year retention (for example, if a six-and-a-half year old semi-active counselling record was used to make a decision, then its lifespan would be extended another full year, to seven-and-a-half (7.5) years total).

Where applicable, it is recommended that the Counsellor at the school securely shred paper based counselling records at the end of the retention period. In such cases where a Counsellor is no longer assigned to a school site, it is recommended that another Counsellor, who adheres to the same code of ethics and standards of practice in the counselling profession, be made available to shred the records.

Counselling records maintained in TIENET will be automatically purged after a seven (7) year period, after the student has reached the age of majority (age nineteen according to the Student Records Policy).

If a request is made under the *FOIPOP Act* for a student's counselling record, nothing in the record or pertaining to the record can be destroyed until the request has been fully responded to and the file closed, including any request for Review by the FOIPOP Review Officer. Once a FOIPOP application and any request for Review have been completed, the record may be securely shredded in accordance with the retention period specified above.

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