



## Confidentiality and Consent in Guidance in Schools

### Introduction

The purpose of this work is to outline how information about other people should be treated by those who learn and work in schools.

### Confidence

*No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.* (Article 12, The Universal Declaration of Human Rights)

Confidence is both a privilege and a duty. People of all ages may expect adherence to, and are expected to adhere to, the principle that issues of a private nature, and issues discussed in private, should not be divulged to others without valid consent.

### Confidentiality in schools

The *Children First Guidance* (2017) promotes the safety and well-being of children and states (p. 30) that *while it is not possible to remove all risk, your organisation should put in place policies and procedures to manage and reduce risk to the greatest possible extent.* The *General Data Protection Regulation* (GDPR) (2018) and acts such as the *Freedom of Information Act* (2014) define the types of information that may be held and the conditions under which information may be held by schools. A summary of GDPR implications in record keeping for guidance counsellors is available [here](#).

It is clear that schools operate in an environment where relationships, records and information are part of the background to their curricular and academic functions. An effective school exists in an environment of positive relationships, where the support and care of students enables their optimal development, and where learning environments have been established in which the professional work of the teacher may be optimised.

In certain relationships within schools, such as that which exists in the work of a chaplain and a guidance counsellor, confidentiality is an ethical principle, adhered to under a code of professional ethics, that enables the creation of an environment of trust in which information may be shared. Similarly, some lessons in curricular areas related to human development are conducted in the context of “ground rules” or agreements that are made to enable more frank discussion without undue encroachment on students’ privacy. In addition, in the daily interactions of staff and students, it is inevitable that personal information is in circulation. To deal with such information, the support of management and of staff with specialist responsibilities is required. In some instances, additional interventions may be sought from agencies external to the school.

A number of documents are now in circulation encouraging action by schools in areas such as wellbeing, bullying, student support and curricular reform. Child protection guidelines, the *Children First Guidance* (2017), for example, are now well established and are



underpinned by statutory requirements. In this context, it is important that schools operate in an environment in which the meaning, limits and implications of confidentiality have been well defined and continue to be clarified for all who enter. To achieve this, a whole-school policy should be framed that clarifies

- the meaning of confidentiality
- the limits of confidentiality
- the circumstances under which a degree of confidentiality is expected
- the circumstances under which confidentiality is assured
- the circumstances under which confidentiality cannot be maintained

In addition, the policy on confidentiality should clarify:

- the persons to whom the policy applies, such as child (*i.e.* those students under 18 years old), adult (*i.e.* those students of 18 years and over), teacher, staff member, visitor, student-support team.
- how the policy may be applied to various categories of person
- the responsibilities of staff members and teams with regard to confidentiality (to discuss in confidence, to inform practice by evidence, to maintain records appropriately, *etc.*)
- the responsibilities of school departments with regard to confidentiality
- the conditions under which confidential information may be gathered, stored and shared
- the specific provisions covering the work of the guidance counsellor, the chaplain and other staff with student support responsibilities
- the link between the policy and the school's stated values (mission)
- the link between the policy and the school's student-support/whole-school guidance plan.

In keeping with the role of policy in school planning and self-evaluation, the policy on confidentiality should:

- be in keeping with the school's philosophy of education/mission
- be an integral part of the whole-school guidance/student-support plan, which should, in turn be an integral part of the whole-school plan
- be cross-referenced in the school's departmental plans and, in particular, in the Guidance Department plan
- be noted for approval by the Board of Management
- be noted for review by the Board of Management
- be developed and reviewed in collaboration with parents and students as appropriate
- be circulated, explained and available to parents
- be circulated, explained and available to students



## Confidentiality and the guidance counsellor

To ensure professional practice, guidance counsellors should

- ensure adherence to child protection guidelines in their practice and policy
- provide a safe environment in which students may discuss, in confidence, issues relating to personal, social, careers and educational decisions
- ensure that notes and records of students' interaction with the guidance service should be kept in a secure and confidential manner (see [Record Templates for Guidance Counselling One-to-One Meetings with Students](#) on NCGE School Guidance Handbook)
- clarify, for students, other clients and for the school community, the boundaries of confidentiality
- ensure that records are managed in accordance with good practice and in keeping with data-protection legislation (see [Data protection for the Guidance Counsellor \(GDPR\)](#) on NCGE School Guidance Handbook)

Guidance counsellors are encouraged to be members of relevant professional associations and thus adhere to the professional code of ethics of those professional associations. The Department of Education and skills provides a national programme of supervision support for guidance counsellors in schools. This is coordinated through the regional governance of the Institute of Guidance Counsellors. Guidance counsellors are encouraged and supported to attend this supervision.

## Confidentiality policy for students under and over 18 years of age

Section 3.9 and section 4.8 of the Children First (2011) guidelines outline the various roles and responsibilities in relation to confidentiality.

The school should clarify, in particular, the implications of its policy on confidentiality for those over and under (*i.e.* children) the age of 18.

Parents/guardians should be informed of the whole-school policy on confidentiality and its implications in guidance counselling practice for students under 18 years of age, and for those students who are over 18 years of age while still in school.

In particular, parents should be made aware of, and consent to, the conditions under which confidential information may be shared

## Consent/informed consent

As students may avail of the services of the guidance counsellor throughout their time at a post primary school, it is advisable that informed parental consent be obtained as part of the school's admission process. This should be provided whether the student enters the school in First year or into other school years (e.g. transferring schools in Transition Year)

## Relevant documents and information

Provision of guidance counselling in the school is guided by various national guidelines, codes of ethics and good practice guidelines. Please see links below to relevant guidelines.

- *Guidelines for second-level schools on the implications of Section 9(c) of the Education Act 1998, relating to students' access to appropriate Guidance. (2006)*  
[https://www.ncge.ie/sites/default/files/ncge/uploads/pp\\_guidelines\\_second\\_level\\_schools\\_9c.pdf](https://www.ncge.ie/sites/default/files/ncge/uploads/pp_guidelines_second_level_schools_9c.pdf)
- *National Guidance Forum report (Page 20)*  
[https://www.ncge.ie/sites/default/files/nationalguidance/documents/NGF\\_Guidance\\_for\\_Life%20final.pdf](https://www.ncge.ie/sites/default/files/nationalguidance/documents/NGF_Guidance_for_Life%20final.pdf)
- *Counselling Competencies statement of the Directors of Studies in Guidance Counselling*  
[https://www.ncge.ie/sites/default/files/ncge/uploads/Counselling\\_Competences\\_Statement.pdf](https://www.ncge.ie/sites/default/files/ncge/uploads/Counselling_Competences_Statement.pdf)
- *Children First - National Guidance for the Protection and Welfare of Children (2017)*  
<https://www.dcy.gov.ie/documents/publications/20171002ChildrenFirst2017.pdf>
- *Child Protecting and Welfare Practice Handbook*  
[https://www.tusla.ie/uploads/content/CF\\_WelfarePracticehandbook.pdf](https://www.tusla.ie/uploads/content/CF_WelfarePracticehandbook.pdf)
- *Data protection in schools*  
<http://www.dataprotectionschools.ie/en/>
- *Data protection in general*  
<http://www.dataprotection.ie/docs/Biometrics-in-Schools-Colleges-and-other-Educational-Institutions/409.htm>
- *Examples of codes of ethics*  
*IGC code of ethics* <http://www.igc.ie/About-Us/Our-Constitution/Code-of-Ethics>
- Blanche, G, Fitzgerald, J. and Marnell, R. (2003). *Ethical practice guidelines for CDVEC guidance counsellors and psychologists* (Second Edition). Dublin: City of Dublin Vocational Education Committee.

