

POST-PRIMARY

(CPD) Legal Responsibilities of Guidance Counsellors: Where Confidentiality meets Child Protection



NCGE were delighted to consult with [La Touche Training Ireland](#) to create a CPD day like no other, one that was focused on the needs of Guidance Counsellors in present day post-primary education. This event was originally scheduled to run in four counties nationally and a further two dates were added to the calendar as demand for this CPD was exceptionally high. The first session was held in early March 2020, immediately prior to national decision making around Covid-19. Unfortunately, the subsequent five events had to be postponed as it is with the active participation and personal sharing that the learning happens. These sessions will be rescheduled as soon as possible, once Covid-19 related restrictions have been lifted.



In the interim, several resources were designed to accompany and compliment the content delivered on the day. For example, an 'Assessment Policy sample template and a 'Confidentiality Policy sample template' were developed. Both resources are available on the NCGE website. The following article has been written by Sarah Tully from La Touche and NCGE look forward to working with Sarah again soon.

In early March 2020, in collaboration with the NCGE, I facilitated a CPD event in the Department of Education, Marlborough St, Dublin. Entitled 'Clarification on the Legal Responsibilities of Guidance Counsellors: Where Confidentiality meets Child Protection'; the aim of the day

was to support Guidance Counsellors with decision making in daily practice. We covered topics such as accountability, record keeping, reporting, GDPR, confidentiality, policy and various "what if" scenarios delving into the gritty issues of practice. The day's content was jam-packed.

My role as a solicitor is to know the relevant law and my role as a trainer (in this instance) was to be able to marry that law with the everyday role of a guidance counsellor in the hope that it would assist decision making and practice. To do that in any meaningful way, I always seek group engagement and I wasn't disappointed! I always find that it is in the discussion that the richness is found. Bubbling undercurrents can be explored and acknowledged. It is in the questioning that issues can be teased out and debated amongst colleagues in a safe space.

The day commenced with the issue of accountability. Who are you answerable too? You might be surprised when you give it some thought. Next, we covered record keeping. The question that always gets asked "how long do my notes have to be?" I have been asked this so many times. Seeking comfort in knowing. I can't tell you how much to write, but I can tell you how to record effectively so it won't be an issue. We looked at GDPR and how it relates to guidance counsellors. What should you keep? For how long?

We explored and debated the complexities of the issues that arise in the guidance counsellor role, such as sex, relationships, social media, alcohol and drugs. We discussed suicide and self-harm. We held precious the balance of the child/teacher relationship. We looked at disclosures, discussed what to do and where to go when you just don't know what to do! We looked at the importance of school policy and how it interweaves into practice.

To be confident within your scope of practice is empowering. Participants had the opportunity to assess if what they are currently doing is legally sound and to highlight areas that perhaps need to be thought about differently and discussed within their own schools or part of a larger forum.

To take the worry of the legal element out of your work and replace it with considered knowledge brings the focus back to the student.

I hope participants left feeling more confident, with increased awareness around their legal responsibility and filled with thoughts and more questions. I additionally hope participants found the space enriching perhaps even a little uncomfortable at times as boundaries were explored. Keep on asking those questions, seek what you need. The NCGE are always on hand to guide you in any area you may need advice on. Many thanks to Carol Guildea, NCGE for inviting me to participate and for her own valuable contribution on the day and to Luke who managed the technical elements!

To access the online resources referenced in this article click below

Developing a Confidentiality Policy for Post-Primary Schools

<https://www.ncge.ie/school-guidance-handbook/developing-confidentiality-policy-post-primary-schools>



Developing a Policy on Assessment in Post Primary Schools

<https://www.ncge.ie/school-guidance-handbook/developing-policy-assessment-post-primary-schools>



About the Author:

Sarah Tully is a Solicitor and Consultant Trainer. Sarah works closely with clients from both the public and private sector to design specialised legal training programs to support clients in the different aspects of their work. Prior to this Sarah maintained a specialty in defence litigation and practised in one of the recognised top defence firms in the country.

Sarah holds a Certificate in Professional Education (Law Society of Ireland) an LLB (Law) and B.A (Honours) from NUI Galway