



Guidance Note: Confidentiality, School Counseling & Collaboration – A Complex Balancing Act



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ABOUT AISA

The Association of International Schools in Africa (AISA), established in 1969, is a non-profit education association supporting the professional learning and school improvement strategies of international schools on the continent of Africa. Based in Nairobi, Kenya, AISA offers a professional learning program specifically designed to meet the unique needs of our diverse member school community. AISA also offers a number of supplementary programs, scholarships and facilitates collaboration among member schools to advance school effectiveness and improve student learning.

Contents

| | | |
|------------|------------------------------------------------------------------------------------|-----------|
| 1. | Introduction & Purpose | 4 |
| 2. | School Counselors: Scope of Practice | 4 |
| 3. | School Counseling & Confidentiality | 5 |
| | Limits to confidentiality | 6 |
| | Weighing Student Confidentiality & Duty of Care obligations | 6 |
| 4. | School Counselors and Collaboration | 8 |
| 5. | Student Confidentiality & Parental rights | 9 |
| 6. | Privacy, Student Records & Data | 10 |
| | The two-part student record | 11 |
| | Access & Permissions Within the School | 12 |
| | Information sharing with External Parties | 12 |
| | Transfer of Student Records | 12 |
| | Privacy Policy | 13 |
| 7. | School Counseling Policy or Handbook | 14 |
| 8. | Summary of Recommendations | 15 |
| | Appendix 1: Example School Confidentiality Guidelines | 17 |
| | Appendix 2: Example School Confidentiality Guidelines | 18 |
| | Appendix 3: Example Confidentiality and Privacy Policy | 19 |
| | Appendix 4: Consent for Release/Exchange of Student Records and Information | 21 |
| 9. | Resources | 24 |
| 10. | References | 24 |

1. Introduction & Purpose

Confidentiality in counseling relationships helps ensure trust between clients and counselors. Yet, defining and understanding the boundaries of confidentiality in school settings is often difficult, as school counselors are engaged in multiple relationships and with various stakeholders, including the student client.

This Guidance Note is designed to offer school counselors, student support staff, educators, and school leaders and administrators a deeper understanding of student confidentiality and school counseling and will explore:

- the need for the whole-school to value the confidential nature of the student-counselor relationship to ensure a school-wide approach to safeguarding,
- effective practices for collaboration between counselors and school leadership, staff and other stakeholders,
- strategies for reporting and information sharing that can help counselors maintain confidentiality whilst at the same time working with others in the school to support student outcomes,
- how to balance confidentiality with a school's duty of care to protect the safety and wellbeing of *all* students.

This Guidance Note will also offer direction on determining the situations in which counselors should contemplate disclosing a student's confidential and private information. This difficult terrain is explored in the hope that counselors and other school staff will be better equipped to act in the best interest of all students.

2. School Counselors: Scope of Practice

The British Association for Counseling and Psychotherapy (BACP) defines school-based counseling as, “a professional activity delivered by qualified practitioners in schools. Counselors offer troubled and/or distressed children and young people an opportunity to talk about their difficulties, within a relationship of agreed confidentiality.”

International school counselors typically undergo professional training; however, the term encompasses individuals with diverse qualifications. Some may be licensed psychologists, while others hold credentials in social work or counseling. The International School Counseling Association (ISCA) found over twenty-five national and international organizations dedicated to promoting the development of counseling, but only some of these are directly relevant to school counselors (2011, p8). Thus, the ethical guidelines under which school counselors practice will differ according to the governing body to which they are credentialed.

Regardless of their qualifications and professional accreditation, school counselors play a crucial role in assisting schools in fulfilling their duty of care to students. ISCA proposes that the role of the school counselor is to implement a comprehensive program that covers four key domains: Social/Emotional, Global Perspective & Identity Development, Academic, and Career, the goal of which is to, “help(s) all students achieve success in school and develop into contributing members of our local and international community” (ISCA, 2022, 2011). This is done by counselors performing a range of direct student services such as delivering counseling curriculum, supporting student planning and providing responsive student support, as well as indirect student services such as referrals and working collaboratively with other student support staff and parents (ISCA, 2022).

Mental health challenges and learning difficulties are two significant impediments to educational achievement where school counselors play an important preventative and therapeutic role. Current statistics about the rise in mental health challenges of young people highlight the increasingly important role that counselors provide in the prevention, early intervention and support for students who experience or are at risk of mental health problems.

The World Health Organization reports that globally, one in seven (14%) 10–19-year-olds experiences a mental health disorder. Adolescents with mental health issues are particularly vulnerable to social exclusion, discrimination, stigma, educational difficulties, risk-taking behaviors, physical ill-health and human rights violations (WHO, 2021).

Thus, identifying students who are showing signs of mental health problems early and getting them the appropriate support and treatment is a vital role that school counselors play.

School counseling & therapy

In some international school contexts, the school counselor may be the only professional able to provide therapeutic intervention within the city or country who is able to support students and families. However, providing long-term therapeutic counseling is not necessarily within the scope of practice of a school counselor, nor is it feasible given that their primary role is to implement a comprehensive counseling program for the whole school. Thus, school counseling is mostly short-term or solution-focused, with students referred to community resources for longer term therapy (ISCA, 2022). The American School Counselor Association (ASCA) also cautions that the school counselor's role is not to diagnose but to support a student's ability to achieve academic, post-secondary and social-emotional success as best they can notwithstanding their diagnosis (ASCA Ethical Standards, 2022).

School counseling & crisis or critical incident support

School counselors also play an important role in supporting students during a critical incident, child protection issue or other crisis such as political unrest, environmental disasters, etc. School counselors may be involved in coordinating emergency response efforts, helping individuals cope and process any trauma, loss or grief, and working to rebuild a sense of security and wellbeing for the entire school community.

In summary, school counselors design and implement school-wide counseling programs that improve student outcomes for all students and create emotionally safe and inclusive school environments. They do this in collaboration with students, parents, school leadership/staff members and external partner stakeholders.

3. School Counseling & Confidentiality

"Counselors make explicit and implicit promises to clients (students) that they will actively work against disclosing clients' secrets, except under agreed upon conditions. Without this assurance, most students would be hesitant to seek the help they need to improve their mental health."

Glosoff & Pate, 2002

Confidentiality: An Ethical and Legal Obligation

Confidentiality and respect for privacy are the cornerstones of any school counselor-student relationship. This is designed to enable students to feel a degree of safety and comfort in speaking to a school counselor which also helps to build trust within this special relationship. Confidentiality is a key determinant for students to seek help with a school counselor which is why it is in the interest of the whole school to fiercely protect student confidentiality (O'Connell, 2012).

ASCA defines confidentiality as: ***"the ethical duty of school counselors to responsibly protect a student's private communications shared in counseling."*** However, ASCA acknowledges that a student's rights to privacy must be balanced against competing demands of protecting their safety as well as the safety of other students, parental rights, and the local legal environment (ASCA Ethical Standards, 2022).

Confidentiality is not only an ethical obligation but is also a legal obligation. As student advocates, counselors need to be aware of the legal status of minors and the legality of privacy, including the minimum age at which an individual can make decisions regarding their private information, confidentiality, and informed consent as applicable in their specific context (see the Resources section for where to find this information for your country context).

LIMITS TO CONFIDENTIALITY

Confidentiality is a cornerstone of the counselor-student relationship as it aids in building trust and promoting a safe environment for a student to seek support and care. School counselors can encourage help-seeking behavior by explicitly promoting to students, in an age and culturally appropriate way, their ethical standards in relation to confidentiality, when it applies, and the limits to confidentiality. This should be articulated in the School Counseling Handbook (see Section 7) and can be promoted in school posters and other school communications channels (See Appendix 1 & 2).

Reflection questions as a decision-making tool:

There are times when a counselor will need to disclose private information, with or without student consent, to uphold the school's duty of care to that student and the school community. The following reflection questions are provided to help guide counselors to consider when it might be appropriate to disclose private information about a student:

1. Is the student experiencing harm or abuse (e.g. the student discloses abuse or that someone has threatened to harm them)?
2. Is the student posing a danger to themselves (e.g. the student is self-harming, indicates suicidal ideation, substance misuse, an eating disorder, a plan to run away or other dangerous and risky behavior)?
3. Does the student pose a danger to others (e.g. anti-social and extremist views)?
4. Has a student disclosed knowledge of a serious crime?
5. Has a student disclosed that they are aware of significant harm of another person?
6. Is there is a court-ordered disclosure? (i.e. a court directs that records, reports, or testimony be provided by the school)
7. Is it in the best interest of the child to consult with other professionals, such as colleagues, supervisors, treatment teams and other support personnel, in support of the student (applicable information only will be shared, protecting private information as much as possible)?
8. Have you become aware of the improper conduct of a staff member or other adult (e.g. an allegation of a child protection nature made against an employee or volunteer to a counselor)?
9. Where students are participating in group counseling, have you explained confidentiality, and its limits, to all group members? (i.e. You cannot guarantee that group members will maintain confidentiality).
10. Would you be in breach of state (local) laws and guidelines were you to maintain confidentiality?

See American School Counselor and Confidentiality, 2018 and Education Authority (UK), 2020

WEIGHING STUDENT CONFIDENTIALITY & DUTY OF CARE OBLIGATIONS

A school counselor's obligation to protect a student's privacy and confidentiality must often be balanced with the school's duty of care to that student and to the wider student body.

To ensure that the school counselor can fulfill both the ethical obligations to maintain privacy and their duty of care obligations, the school counselor is advised to:

- **Be explicit about the limits to confidentiality:** Inform students that confidentiality is a vital feature of the student-school counselor relationship, but that where their safety, or the safety of other students, may be at risk, confidentiality might not be able to be maintained.
- **Share the necessary only:** Even when private student information is disclosed, for instance due to one of the situations above, that disclosure should be treated with due care and every effort should be made to

maintain confidentiality as much as possible according to relevant legal and ethical limits. Thus, “the information shared must be relevant, specific and not excessive” (Education Authority (UK), 2020).

- **Student-centered sharing:** Furthermore, a student may consent/assent to private information received through counseling being disclosed to others. In such cases the counselor should involve the student, as much as reasonably possible, in how and who the information is shared with.
- **Foster trust:** Build a trusting, collaborative relationship with the Head of School and leadership team. Schools have a duty of care to act *in loco parentis* – literally in place of the parents – while students are in the school’s care. In order to fulfill a school’s duty of care to its students, a Head of School may seek information from a school counselor regarding a student(s). So as not to undermine the school counselor’s ethical and legal duty to maintain confidentiality, the Head of School must trust that the school counselor will act in the best interests of the student and the whole school and disclose private information in order to keep a student(s) safe, *if that is necessary*. But otherwise, confidentiality will be maintained at all times as ultimately this promotes a safe environment for students to discuss concerns (O’Connell, 2012). Having explicit, scenario-based discussions with the school leadership team about the circumstances that would warrant a counselor breaching confidentiality can be a useful way to build trust and understanding before a critical incident arises. This is particularly useful for new or incoming counselors, and/or administrators, as expectations and understanding may differ between school and school contexts.
- **Uphold legal and ethical responsibilities:** Additionally, school counselors are held to a higher standard regarding their duty as a mandated reporter to report disclosed or suspected abuse or neglect to the school child protection lead/school leadership. They may also be required to report to local authorities in order to comply with local child protection policies and legislation. School counselors must understand their legal obligations applicable to their specific context (see Section 7).

Principles to consider when limiting confidentiality:

1. **Best Interests of the Student:** Always ask: *Does sharing this information protect the student’s safety and wellbeing?*
2. **Minimum Necessary Disclosure:** Share only what is *relevant, specific, and essential*. Avoid unnecessary details.
3. **Student-centered sharing:** Where possible, inform the student in advance that information must be shared. Involve them in deciding *how* and *with whom* information will be shared.
4. **Need-to-Know Basis:** Disclose information only to those directly responsible for safety, wellbeing, or duty of care (e.g., child protection officer, school leadership, relevant professionals).
5. **Respect for Privacy & Dignity:** Even when disclosure is required, protect the student’s dignity. Avoid gossip or casual sharing.
6. **Documentation:** Record what was shared, with whom, when, and why (access log).
7. **Consultation & Supervision:** If uncertain, seek guidance from supervisors, child protection officers, or professional peers.
8. **Legal & Ethical Standards:** Be aware of relevant country laws, child protection policies, and professional ethical codes (e.g., ASCA, ISCA, APS).

4. School Counselors and Collaboration

“Clients’ trust in their counselors may be violated when information is communicated without their knowledge and permission, and when information, including details beyond what is minimally required, is communicated to third parties” (Glossoff & Pate, 2002).

As the ongoing mental health challenges among young people remain a pressing global issue, schools are increasingly called upon to implement comprehensive interventions that incorporate various integrated services or multi-tiered systems of support (MTSS). How interprofessional collaboration occurs within the school setting becomes increasingly important.

Collaboration with senior leaders, student support and special needs educators, nurses, teachers, parents and guardians and external health providers in multidisciplinary teams is considered best practice in achieving positive student outcomes (Berger, 2019). Furthermore, counselors play a pivotal role in supporting critical incidences or child protection issues which require collaboration from a broad range of school and external stakeholders. The issue of how and to what extent school counselors engage in these collaborations in a way that supports the best interest of the child, whilst also maintaining their right to confidentiality, is a delicate balancing act for counselors.

Findings from a study on collaborative practices among school counselors in Australia (Thielking, Skues and Le, 2018) found that collaboration can be supported by:

1. **Shared value of safe collaboration that honors confidentiality:** Collaboration is more likely where all parties are aware of the need to maintain confidentiality and are aware of the boundaries of information sharing. When counselor’s feel confident that sensitive information will be handled with care and that the right to privacy of students and their families will be maintained, counselor’s will have more confidence to participate collaboratively. When working within a team, a helpful question the counselor might ask themselves before sharing a student’s information might be, “How will knowing this help the team make decisions that facilitate the student’s educational progress?”
2. **Student-centred collaboration:** Keeping students and their wellbeing at the centre of collaboration builds trust within teams that the collaborative process is in the best interest of the student and that any information shared will be done so thoughtfully and sensitively.
3. **Student-informed collaboration:** Counselor’s are important collaborators with various school stakeholders such as multidisciplinary teams or child protection teams. Sharing pertinent non-sensitive information about a student does not breach their commitment to confidentiality. Furthermore, advising a student about the information that they will share with other school support staff can result in the student feeling empowered in the process of support as well as protecting the counselor-student relationship.
4. **Invite and offer collaboration:** Open communication and collaboration with relevant staff are important features of the school counselor’s role in managing individual and school-wide wellbeing objectives. School counselors will thus have regular discussions with members of the senior leadership team, attend staff meetings and meet with teachers and other relevant staff to bring their expertise to bear on individual and school-wide issues. Disclosing confidential material would not be appropriate in these forums, but the school counselor should play a role in issues such as educational attainment, student wellbeing, mental health, social and or behavioral concerns, school policies, and the like.
5. **Common values and mutual respect for roles:** Shared professional values and goals were found to be a driver of collaboration as was mutual respect and understanding for each professionals role in supporting student outcomes.

Student Perceptions of Confidentiality and its Impact on Counselor Collaboration

The actual and perceived confidentiality of a counseling service is a crucial component of student help-seeking behavior with studies showing that students highly value a confidential school counseling service. Thus, a school counselors decision to collaborate or not collaborate may be influenced by their perception of how their collaboration is perceived by students. For instance, where student perception is that confidentiality is not highly regarded, school counselors may be less willing to collaborate with school colleagues which is why student confidentiality needs to be a whole-school value.

5. Student Confidentiality & Parental rights

Informed consent

School counselors have an ethical obligation to uphold the privacy of their student clients and maintain confidentiality. Balancing this against the rights of parents to know about the care their child is receiving and deciding what is in their best interest can create an ethical dilemma for school counselors.

School counselors may provide counseling services to a young person without the consent of a parent as long as the student is deemed to have the capacity to give informed consent (i.e. make decisions for themselves) and this does not contravene any local laws or school policy. The school may determine at what age this is appropriate and state this in the school counseling handbook/policy with a caveat that school counselors will also use their professional judgement to determine if a student has the capacity to provide informed consent to receive counseling services or whether parental consent is required. Taking a developmental approach is appropriate and should be done in consultation with school leadership. Schools may also determine that after a certain age, parent consent is needed only after a certain number of sessions (e.g. two or three), which would be stated in the school counseling policy/handbook.

As part of the process of obtaining informed consent, the school counselor should ensure the student understands, and can make an informed choice about:

- The role of the school counselor and the nature of the counseling service, its potential benefits and any risks,
- confidentiality and the limits to confidentiality,
- the relationship between the school counselor and other members of the school staff (such as the principal and teachers)
- how student information is stored, for how long and who can access that information
- the rights and responsibilities of each of the parties, emphasizing the voluntary nature of the counseling relationship.

Where a school counselor deems a referral to another service to be appropriate, it is important that the student, and their parents, give informed consent about the sharing of any private and confidential information.

The student right to Confidentiality & the parents' right to information

A common dilemma facing school counselors is balancing the right of students to access school counseling that maintains student confidentiality with the parents' right to information about their child.

School counselors have an obligation to their students, whilst at the same time acknowledging and respecting the vital role of parents and guardians in the health and wellbeing of their children. Thus, it is incumbent upon the

school to educate the parent community about the need for the school counseling program to maintain confidentiality, and the limits therein, between the school counselor and students. The school should make every effort to educate parents on the benefits of counseling and when their consent will be sought and when a student might choose to exercise their right to privacy and seek school-based counseling services. This should be clearly articulated in the school Counseling Handbook which should be made available to all parents (see Section 7).

Information sharing principles:

- **Students:** Should be informed of how their information will be recorded, who can see it, and when it may be shared. Older adolescents should increasingly be given agency to consent to or refuse disclosure, unless overridden by safety concerns.
- **Parents/Guardians:** Generally have the right to access educational records, but not the counselor's confidential notes. Counselor's should balance parental rights with the student's right to confidentiality, guided by developmental stage and school policy.

Scenario:

- *A parent demands access to all of their child's counseling notes. The school can provide the student service record but explain that confidential counseling notes are private and not part of the student's educational record.*
- *A parent asks a teacher what their child has shared in counseling. The teacher should respond by redirecting the parent to the counselor. The counselor should affirm confidentiality, however, can share generally the themes covered (e.g., friendship issues, self-confidence, etc.) but should not share details of the sessions or provide confidential session notes.*

6. Privacy, Student Records & Data

Protecting the privacy of student records and data is a vital part of maintaining trust between schools, students, families, and counselor's. While most African countries do not currently operate under robust privacy legislation, international schools are still responsible for safeguarding sensitive information. To do this well, schools can draw on global frameworks such as the Family Educational Rights and Privacy Act (FERPA) in the United States, the General Data Protection Regulation (GDPR) in the United Kingdom and European Union, and South Africa's Protection of Personal Information Act (POPIA).

These frameworks outline common principles that provide a practical roadmap for schools even where no national laws exist. Adopting these principles helps ensure both ethical practice and accountability to students and families.

Core Privacy Principles

Here are some principles schools should adopt when creating or updating their privacy policies, adapted from FERPA, GDPR, and POPIA:

- **Data minimization:** Collect only what is necessary to support the student's education, wellbeing, and safety.
- **Purpose limitation:** Use student data only for clearly defined educational or safeguarding purposes.
- **Accuracy:** Keep student records up to date.
- **Security:** Protect both physical and digital records through restricted access, secure storage, and encryption where possible.

- **Storage limitation:** Define how long student records are retained and ensure secure destruction after the retention period.
- **Transparency:** Communicate clearly to students and parents about how their data will be used, who has access, and how confidentiality will be maintained.

THE TWO-PART STUDENT RECORD

For school counselor's to meet their obligations of privacy and confidentiality, The Australian Psychological Society (APS) recommends that student records be maintained in two distinct parts (APS, 2016). This approach is also reinforced by international data protection frameworks such as the Family Educational Rights and Privacy Act (FERPA) in the United States, the General Data Protection Regulation (GDPR) in the United Kingdom and European Union, and South Africa's Protection of Personal Information Act (POPIA), which emphasize role-based access, minimization of sensitive data, and transparency in information sharing.

1. **Confidential Counseling Notes** (or "practitioner notes" / "sole possession records")
 - These notes contain personal reflections or sensitive information maintained by the counselor for therapeutic purposes.
 - They are not part of the official educational record (FERPA, 20 U.S.C. §1232g).
 - They should remain accessible only to the counselor (or, if necessary, their successor when a student transfers schools, with appropriate consent).
2. **Student Service Records (Educational Records)**
 - This less sensitive part of the student file contains administrative material such as demographics, attendance records, behavior management plans, Individual Learning Plans, Counseling Student Service Record (see Appendix 5), and documentation of services provided.
 - It may also include correspondence with external health providers when relevant and with parental consent.
 - In line with GDPR's principle of *legitimate interest* (Art. 6), this record should be accessible on a need-to-know basis. For example, school leadership, learning support staff and other member of a multidisciplinary team who are directly involved in supporting the student.

By adopting this two-part system, schools ensure both the confidentiality of counseling relationships and the operational need for accessible student service information, aligning with ethical obligations and international data protection standards.

Scenario: Head of School & Counselor Relationship

Where a school leader has a concern regarding the school's duty of care to a student, the recommended approach is for the leader to engage in a discussion with the school counselor about their concerns rather than accessing private and confidential counseling records. This collaborative approach ensures that both the school leadership and the school counselor adhere to their duty to privacy and confidentiality, mandatory reporting requirements and their duty of care (The Australian Psychological Society, p19).

ACCESS & PERMISSIONS WITHIN THE SCHOOL

Accurate and comprehensive record keeping is an ethical responsibility of a school counselor. Determining with the school leadership who can access student counseling records and under what circumstance, will guide school counselors in their record keeping procedures. Furthermore, the school counselor, in consultation with the school leadership, will need to determine what measures the school may want to track to help determine the impact and effectiveness of the school counseling program (see Chapter 4, Program Management, of the ISCA International Model)

In accordance with the two-part student record system, access to student records by role would be:

- **Counselors:** Full access to both types of records for students with whom they have a counselling relationship. The counselor can exercise discretion over what is appropriate to share with school leadership and other members of staff who are directly supporting the student.
- **School Leadership (Head of School, Principals):** They should not have access to confidential counselling notes. Summaries may be provided on a minimum-necessary basis when required for student safety or duty of care reasons. Any sharing of information must be documented in an access log.
- **Teachers:** Access only to information that directly supports classroom practice and learning (e.g., accommodations), and not to confidential counseling notes.
- **Multidisciplinary Teams (learning support, nurse, Child Protection Officer (CPO), etc.):** Access to the service record and limited, need-to-know information shared by the counselor.

INFORMATION SHARING WITH EXTERNAL PARTIES

Student information should not be shared with individuals outside the school unless:

- Parent/guardian consent is obtained (e.g., referral to a therapist or doctor).
- The student provides informed assent/consent, depending on age and capacity.
- Mandated reporting laws require disclosure to child protection or law enforcement authorities.

Health or safety emergencies necessitate immediate action, in which case the minimum necessary information should be shared to address the risk, only for the duration of the emergency, and record what, why, when and with whom the information was shared in an access log (GDPR, Recital 46).

TRANSFER OF STUDENT RECORDS

Child Protection Considerations

While confidential counseling notes should not normally be transferred between schools, **an exception applies where there are substantiated or ongoing child protection concerns**. In these cases, the counselor or CPO has a duty of care to share relevant safeguarding information with the receiving school.

This duty is supported by international child protection standards, which emphasize that confidentiality must not override the safety of a child or other children. Data protection frameworks such as the GDPR and South Africa's POPIA also permit disclosure without consent when necessary to protect the "vital interests" of a child.

Any information shared should:

- Be limited to what is necessary for safeguarding purposes.
- Be communicated through secure channels (e.g., direct counselor-to-counselor call, encrypted transfer).
- Be documented by the sending school, noting what was shared, to whom, and why.
- This exception ensures continuity of protection and care for students moving between schools while upholding ethical obligations around privacy and confidentiality.

Scenario: Student Transfer

A student is applying to another international school. The counselor may share service records with parental consent, but confidential notes should not be transferred. If the receiving school has concerns, a counselor-to-counselor phone call may be the most appropriate channel.

*However, where there are **substantiated or ongoing child protection concerns**, schools have a duty of care to ensure the safety of the child and other children. In line with international safeguarding standards, this may require the school counselor or CPO to share relevant child protection information with the receiving school, even without parental consent, if withholding that information could place the child or others at risk of harm.*

Digital Records & Cross-Border Transfers

Use secure, access-controlled platforms for storing electronic student records. Confidential notes should never be stored on shared drives or personal devices. Systems should allow for role-based access, audit trails of who accessed data, and encryption. Put processor contracts in place (detailing security, sub-processors, audits, breach duties) and restrict bulk exports.

Examples of closed systems commonly used in schools include:

- **CPOMS** – safeguarding and wellbeing platform with tiered access controls.
- **iSAMS** – integrated school management system with pastoral and safeguarding modules.
- **MyConcern** – safeguarding software for controlled access by designated staff.
- **OpenApply** – admissions platform with secure student data transfer features.

When transferring records across borders (e.g., to universities, testing agencies, or new schools):

- Avoid sending sensitive files by open email.
- Use password-protected files, encrypted attachments, or secure portals provided by the school's management information system.
- Verify the identity of the recipient before sending.
- Consider whether a phone call between counselors may be more appropriate for sharing sensitive details.
- Under GDPR principles, international transfers of personal data must include safeguards such as encryption, documented consent, and verified recipient identity.

PRIVACY POLICY

The **role of a school Privacy Policy** is to clearly outline how the school collects, uses, protects, and shares personal information about students, families, and staff. It sets expectations for confidentiality and data handling, while also ensuring compliance with legal requirements.

An example Privacy Policy is provided in Appendix 3, but generally your Privacy Policy should:

- **Set clear boundaries** – define what information can and cannot be shared, and with whom (e.g., parents, teachers, external agencies).
- **Ensure legal compliance** – align the school's practices with privacy laws and regulations (such as GDPR, Australian Privacy Principles, or local equivalents).
- **Promote trust** – reassure students, parents, and staff that their personal information is handled with care, fairness, and transparency.

- **Support confidentiality in counseling** – specify how counselling records are managed, stored, and accessed, protecting the student–counsellor relationship.
- **Guide staff practice** – provide a framework for staff on collecting, storing, and sharing information responsibly.
- **Clarify student and parent rights** – outline rights to access, correct, or request limits on the use of their personal information.

7. School Counseling Policy or Handbook

School counselors working in an education setting face unique challenges. School counselors who provide services on behalf of the school need to balance their obligations to the school, their student clients and the students' parents. Developing a school counseling policy or handbook can assist all stakeholders in managing the complexities of a school counseling program. The school counseling policy or handbook should be provided to parents during the admissions and orientation process, and to school staff, so that the school community shares a common understanding of the role of counseling and how the counseling program supports students to achieve positive education and wellbeing outcomes.

The policy should include items such as:

- **Introduction** that includes:
 - School Mission/Vision, including school Wellbeing/DEIJ statement,
 - The goal of the school counseling program (how this relates to the school mission/wellbeing/DEIJ statements),
 - Link to the school Child Protection Policy (and supplementary policies such as Anti-bullying, Discipline, Child-on-Child abuse, etc.), definitions of harm and abuse and the role of the school counselor(s) in providing a protective environment for students.
- **School counseling:** This section should outline:
 - The role and responsibilities of the school counselor.
 - The services offered by the school counseling program, by school section.
 - Referral processes to community health providers.
 - How counseling services are accessed by students. This should include a statement outlining under what circumstances/at what age the school determines a student able to give informed consent.
 - Provision of professional development and supervision for school counselors.
- **Confidentiality:** This section should outline:
 - How the school protects student confidentiality, and
 - Where limitations exist,
 - School privacy policy.
- **Information sharing and Student Records,** including:
 - Who within the school may access which types of records.
 - Circumstances when parental consent is required before information is shared.
 - Guidance on responding to parent requests for records.

- Standards for digital storage and cross-border transfers.
- The storage and access of student/client files and how long they are kept — This should include what happens to the confidential student records/practitioner notes when a counselor moves schools.
- Transfer of student confidential information when a student moves schools — Consideration should be given to the vulnerability of electronic communication and local and international laws (GDPR) governing the sharing of private information. In some instances, a phone call to the school may be more appropriate

The policy should be developed in a consultative manner between all relevant stakeholders, including the school counselor(s), senior administrators, the Board, student support staff and students. The policy should be made available to all staff, students and parents. Any such policy must operate in accordance with the local legal framework.

It is also advisable to include a form that students and parents sign at the beginning of the school year, or when they begin at the school, that confirms they have read and understood the school counseling handbook/policy,

8. Summary of Recommendations

1. Promote a Whole-School Commitment to Confidentiality

- Ensure all staff understand that confidentiality is essential for fostering a culture where students feel safe to seek help.
- All staff must uphold the privacy of student information, being discreet and thoughtful in how they share it.
- School leaders and counsellors should develop a common understanding of confidentiality and its limits. Consider having scenario-based discussions with the school leadership team about the circumstances that would warrant a counselor breaching confidentiality.
- Include student perceptions of confidentiality in school climate surveys.

2. Clarify the Counselor's Role and Responsibilities

- Clearly communicate the role, responsibilities, and expectations of the school counsellor to all staff.

3. Understand and Uphold Ethical and Legal Obligations

- School leadership and counselors must be familiar with host country privacy laws and other relevant regulations.
- Collaborative teams should also understand the ethical codes governing each member of the interdisciplinary team.

4. Provide Student-Centred and Informed Services

- Involve students in decisions about their care and how their private information will be shared.
- Where confidentiality must be breached without student consent, share only essential information, and only with those who need to know.

5. Collaborate in the Best Interests of the Child

- Ensure the student's best interests guide all collaboration.
- Foster shared professional values, goals, and mutual respect for each professional's role in the multidisciplinary team.

6. Develop a School Counselling Handbook

- Create and share a counselling policy/handbook with students, staff, and parents.
- Promote transparency and trust by clearly outlining confidentiality practices.

7. Develop a School Privacy Policy

- Define when a student may access counselling without parental consent (considering age, developmental stage, local laws, and norms).
- Include this guidance in the Counselling Handbook and communicate it to parents.

8. Adopt a Two-Part Counselling Record System

- Implement a system where non-private information is accessible to other school team members supporting the student (such as members of the MTSS team).
- Ensure confidential notes are stored securely and never on shared drives.

9. Establish a Record-Keeping Checklist

- Purpose & Access: Document why each type of information is needed and who can access it.
- Need-to-Know: Share private information only for student safety or duty of care reasons, recording what was shared and why.
- Retention & Deletion: Define retention timelines and secure deletion processes.
- Secure Sharing: Use portals or encrypted email; apply extra safeguards for cross-border or cloud-based storage.
- Breach Plan: Maintain a clear plan for data breaches and provide staff training.

10. Provide Counsellor Support and Supervision

- Encourage counsellors to consult with supervisors and peers when uncertain of obligations.
- Leadership should be alert to signs of vicarious trauma, burnout, or PTSD, and provide access to school-based support and external peer consultation/supervision.

Appendix 1: Example School Confidentiality Guidelines

Example form to be used in a school counseling handbook/policy.

Your confidentiality as a student is important to me! At (school name), what is said in the counseling office or to a counselor stays private and confidential.

But there may be some exceptions, as required by law or the ethical standards under which I practice:

1. **Harm to self or others:** This could include things like a suicide attempt or plan, cutting or other self-injury, eating disorders, addictions, fighting or other physical violence, illegal behaviors, threats, etc. — anything that puts your health or safety, or someone else's health and safety, at risk.
2. **Abuse or neglect:** If you talk with one of us about abuse (physical, emotional, verbal, sexual, or other abuse), whether to yourself or to another minor, we are required to report it to the Head of School and the Child Protection Officer, and possibly the local police.
3. **Court or other legal proceedings:** By law, if we are subpoenaed (required by law to attend a hearing or other court proceeding), we cannot guarantee that your information will be kept confidential. We will always do our best to reveal as little as possible in a legal setting, but we must cooperate with the police and the courts.

If there is ever a need to reveal information, we will let you know in advance, and work with you to handle the situation in a way that respects you, your feelings, and your needs.

I have read and I understand (school name)'s school counseling confidentiality guidelines and exceptions.

Student Signature

Date

Parent/Guardian Signature

Date

Appendix 2: Example School Confidentiality Guidelines

To be placed in a school counseling office.

Your confidentiality as a student is important to me! At (school name), what is said in here, stays in here.

But there may be some exceptions, as required by law & the ethical standards under which I practice:

1. Harm to self or others
2. Abuse or neglect
3. Court or other legal proceedings

If ever I need to reveal your private information to others, I will let you know in advance, and work with you to handle the situation in a way that respects you, your feelings, and your needs.

Appendix 3: Example Confidentiality and Privacy Policy

Introduction

The [School Name] recognizes the importance of protecting the confidentiality and privacy of student information. This policy outlines our commitment to ensuring the security and appropriate use of student data in accordance with applicable laws and regulations, including but not limited to the US Family Educational Rights and Privacy Act (FERPA), the UK General Data Protection Regulation (GDPR), as well as Senegal's Law No. 2008-12 relating to Information and Communication Technologies (ICT) and relevant ECOWAS directives on data protection.

Statement on the Protection of Student Information

In compliance with [x country law], relating to Information and Communication Technologies (ICT), as well as applicable ECOWAS directives on data protection, the school is committed to safeguarding the privacy of students' personal information (SPI). These laws require the school to inform parents/guardians about the collection, processing, disclosure, and destruction of SPI.

As an educational institution, we may collect, share, and process SPI to support identified learning needs. This includes the development and implementation of Learning Plans. Our staff is trained to handle SPI in accordance with the law, ensuring appropriate use, storage, and security measures are in place.

Parents/guardians have the right to request access to their child's SPI, including information contained in Learning Plans. The school remains committed to upholding privacy standards outlined in the law, its regulations, and other relevant data privacy legislation, to protect the confidentiality and integrity of students' personal information.

Scope

This policy applies to all students, parents or legal guardians, faculty, staff, contractors, and third parties who have access to student information or are involved in its collection, processing, storage, or disclosure.

Principles

Lawfulness, Fairness, and Transparency

We collect and process student information lawfully, fairly, and transparently, ensuring individuals are informed about the purposes and methods of data processing.

Purpose Limitation

Student information is collected and used solely for legitimate educational and administrative purposes, as outlined in this policy.

Data Minimization

We limit the collection and retention of student information to what is necessary for the specified purposes, ensuring it is accurate, relevant, and up-to-date.

Security

We implement appropriate technical and organizational measures to protect student information against unauthorized access, disclosure, alteration, or destruction.

Accountability and Compliance

We take responsibility for compliance with data protection laws and regulations, and regularly review and update our practices to ensure ongoing compliance.

Collection and Use of Student Information

We collect student information directly from parents or legal guardians during the enrollment process and throughout the student's tenure at the school. Information collected may include personal data such as name, address, date of birth, academic records, health information, and contact details. Student information is used for educational and administrative purposes, including but not limited to enrollment, academic progress tracking, provision of support services, and communication with parents or legal guardians.

Access to Student Records

Student records are accessible only to authorized personnel on a need-to-know basis for legitimate educational and administrative purposes. Parents or legal guardians have the right to access their child's educational records upon request, subject to applicable laws and regulations.

Disclosure of Student Information

We do not disclose student information to third parties without prior consent, except as required by law or to protect the safety and well-being of students. In cases where disclosure is necessary, we adhere to legal requirements and procedures to ensure the protection of student privacy rights.

Data Security

We implement a range of technical and organizational measures to ensure the security of student information, including encryption, access controls, and regular security assessments. All staff members receive training on data protection principles and their responsibilities in safeguarding student information.

Retention and Disposal of Student Records

We retain student records for the duration required for educational and administrative purposes, and in compliance with applicable retention schedules. When student records are no longer needed, we ensure secure disposal to prevent unauthorized access or disclosure.

Parental Rights

Parents or legal guardians have the right to review, request amendments to, and restrict the use of their child's information in accordance with applicable laws and regulations.

Compliance and Review

We conduct regular audits and assessments to ensure compliance with this policy, as well as with applicable data protection laws and regulations. Any concerns or questions regarding the handling of student information should be addressed to the Head of Student Support or designated Data Protection Officer.

Conclusion

The [School Name] is committed to maintaining the confidentiality and privacy of student information in accordance with the highest standards of data protection. By adhering to this policy, we aim to create a safe and supportive learning environment for all members of our school community.

Appendix 4: Consent for Release/Exchange of Student Records and Information

Student's Full Name: _____
Date of Birth: _____
Current Grade Level: _____

School Name (Receiving Records): _____
Contact Person: _____
Phone Number: _____
Email Address: _____

Records to be Released

I, the undersigned, hereby authorize the [School Name] to release and/or exchange the following records and information for the above-named student to the school listed above (check all that apply):

- Academic Records (transcripts, report cards, standardized test scores, etc.)
- Health Records (vaccination records, medical history, etc.)
- Learning Support Records (Individualized Education Plans (IEP), 504 plans, etc.)
- Behavioral Records (disciplinary actions, attendance, etc.)
- Other (please specify): _____

The purpose of releasing these records is:

- Transfer to a new school
- Evaluation for placement in a specific program
- Other (please specify): _____

I understand that:

The [School Name] is committed to protecting the privacy and security of student records in compliance with GDPR, FERPA, and other international data protection laws.

This consent is voluntary, and I may revoke it at any time by providing written notice to ISD, except where records have already been released.



The released records may not be shared with any other party without my explicit written consent unless required by law.

I have the right to request a copy of the records being transferred and to inspect and review these records before they are released.

This authorization is valid until _____ (date), unless revoked in writing prior to that time.

I hereby give permission to the [School Name] to release the records checked above to the recipient school or organization listed. I understand the conditions of this release and the implications regarding my child's privacy rights.

Parent/Guardian's Full Name: _____

Relationship to Student: _____

Contact Phone Number: _____

Email Address: _____

Parent/Guardian's Signature: _____

Date: _____

Appendix 5: Counseling Student Service Record

| | | |
|----------------------------------|-----------------------------------------------------------|-------------------------------|
| Student Name: | Student Grade: | Date of first session: |
| Counselor: | (See ISCA Student Standard for high level domains) | |
| Other relevant personnel: | | |

| Record of service | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------|
| Session date: | Overview/goals (e.g. ISCA standards): |
| | |
| | |
| | |
| <i>Add rows below as needed</i> | |
| Relevant documentation <i>e.g. behavior management plan, ILP, consent for release of information</i> <ul style="list-style-type: none"> • | |
| External referrals & correspondence | |
| Date: | Purpose of referral/correspondence: |
| | |
| | |
| <i>Add rows below as needed</i> | |
| Other notes <i>e.g. information shared verbally or written from sole possession notes</i> <ul style="list-style-type: none"> • | |

9. Resources

- [ICMEC Education Portal: Local & International Law](#)
- [ISCA Publications: ISCA International Model for School Counseling Programs](#)
- [American School Counselor Association Ethical Standards](#)
- American School Counselor Association, 2022, ASCA Ethical Standards for School Counselors. See <https://www.schoolcounselor.org/getmedia/44f30280-ffe8-4b41-9ad8-f15909c3d164/EthicalStandards.pdf>
- American School Counselor Association, 2018, The School Counselor and Confidentiality. See: <https://www.schoolcounselor.org/Standards-Positions/Position-Statements/ASCA-Position-Statements/The-School-Counselor-and-Confidentiality>

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- World Health Organisation, 17 November 2021, Mental Health of Adolescents. See <https://www.who.int/news-room/fact-sheets/detail/adolescent-mental-health>