



FOR RUDOLF STEINER EDUCATION LTD.

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February 2018	School Counsellor in consultation with EM and College	Policy Created	As needed

Student Counselling and Wellbeing Services Policy

1. Overview

1.1 General

The School provides student wellbeing services to support the educational needs, learning, development, welfare and wellbeing of students at the School (wellbeing services). Wellbeing services may be provided by:

- counsellors and psychologists;
- medical health professionals (for example, external services not covered by the school);
- first aid officers;
- teachers

For the purpose of this Policy, these staff are wellbeing staff.

The role of wellbeing staff is to support the School:

- in meeting the educational needs of students and guiding them towards their full academic potential; and
- in discharging its duty of care to take reasonable steps to prevent harm to students.

Accordingly, the role of wellbeing staff operates within the broader educational framework in place at the School. Wellbeing staff do not have an independent role from the School and are part of the team of staff dedicated to supporting the learning, development, welfare and wellbeing of students at the School.

1.2 Access to information and reporting of concerns

During the provision of wellbeing services, it is expected that wellbeing staff will, on behalf of the School:

- collect students' personal and health information; and
- create records of students' personal and health information. Privacy legislation will apply to those records.

This information is generally to be dealt with confidentially. However, wellbeing staff have obligations to report any concerns they may have to and allow access to any student records they keep by, the Education Manager. In addition, in some circumstances there may be a legal obligation to disclose information to a relevant authority.

2. The School's obligations

2.1 Privacy legislation

The School collects personal and health information from students to assist it in its function of providing education services to students.

Personal information means information or an opinion (whether true or not) about an individual whose identity is apparent or can be reasonably ascertained, from the information or opinion.

Health information means personal information that is information or an opinion about the health of an individual and includes personal information collected in the provision of a health service.

The Privacy Act 1988 (Cth) and the Health Records and Information Privacy Act 2002 (NSW) provide for the handling of personal and health information collected and held on record by an organisation, such as the School. The legislation imposes various obligations on the School in this regard.

The key obligations imposed under Privacy legislation are as follows:

Collection

At the time of collection of personal or health information, or as soon as practicable thereafter, the School must inform the individual of specified matters including:

- (a) the purpose for which they are collecting the information;
- (b) who else they might give it to;
- (c) the fact that the individual is able to gain access to that information; and
- (d) any law that requires the information to be disclosed.

Use and disclosure

The School must not use or disclose personal or health information about an individual except in certain circumstances. Those circumstances include (but are not limited to) the following scenarios:

- a) where the individual's consent is obtained;
- b) where the School reasonably believes that that use or disclosure is necessary to lessen or prevent:
 - c) a serious and imminent threat to an individual's life, health or safety; or
 - d) a serious threat to public health or public safety; and

e) where required or authorised by law.

Use means the handling of personal information within the School organisation (for example, the inclusion of information in a publication).

Disclosure means when the School releases information to others outside the School organisation. Disclosure does not mean an internal disclosure – that is, a disclosure within the School.

Protection and security of information collected

The School is required to take reasonable steps to:

- a) protect personal and health information it holds from misuse and loss and from unauthorised access, modification and disclosure; and
- b) destroy or permanently de-identify personal and health information if it is no longer needed for any purpose for which the information may be used or disclosed.

2.2 Duty of care

The School has a duty of care to ensure that reasonable steps are taken to prevent harm to students. This is a positive duty, in the sense that it requires the School to take positive steps to prevent harm.

The duty of care held by the School is a non-delegable duty, meaning that the School cannot simply discharge the duty by putting a responsible third party, such as a member of staff, in charge. The School always has a responsibility to ensure that reasonable steps are taken for the safety of its students.

However, the School needs assistance from its staff, including its wellbeing staff, to ensure these reasonable steps are taken.

2.3 Other obligations under State legislation

In addition to the above, the School and its staff (including its wellbeing staff) have a range of different legislative obligations in relation to child protection under State legislation.

These include obligations under the:

- Child Protection (Working with Children) Act 2012 (NSW);
- Children and Young Person (Care and Protection) Act 1998 (NSW); and
- Ombudsman Act 1974 (NSW).

Those obligations are set out in detail in the school's Child Protection Policy and Procedures and school Staff Code of Conduct which can be located on the schools website or in hard copy from the Front Office.

3. The role of wellbeing staff at the School

Wellbeing staff are employed by the School to help the School achieve its ultimate objective of meeting the educational needs of its students and guiding them towards their full academic potential. Wellbeing staff, alongside all other staff of the School, have a role in assisting the School to discharge its duty of care to prevent harm to students.

4. Collection of student information

In the delivery of wellbeing services, the School expects that wellbeing staff will collect personal and/or health information from students and will create records of this information and any advice or guidance provided.

These records may be created in written and electronic form.

It is important to be aware that, because wellbeing staff create these records in the course of their employment with the School, these records are created on behalf of, and for, the School. These records are not the records of any individual wellbeing staff member but records of the School. They are the property of the School.

5. Purpose of collection

The purpose for which wellbeing staff collect and record information from students in the course of delivering their services is directly related to the School's objectives and not for any other purpose.

Therefore, any information collected and recorded during a wellbeing service on the School's behalf is for the purpose of:

- assisting the School in meeting the educational needs of students and guiding them towards their full academic potential;
- assisting the School to discharge its duty of care to take reasonable steps to prevent harm to students; and
- associated goals.

6. Accuracy of information collected

Wellbeing staff should ensure that any information collected from students and which is held on record by the School is accurate, complete and up-to-date.

7. Security of information collected

Any records of information generated in the delivery of wellbeing services to students will be stored:

- if made in writing, in securely locked files in the office of the relevant wellbeing staff member; and
- if made in electronic form, in secure electronic form.

Wellbeing staff are expected to work with the School to ensure that these records remain as confidential as practicable.

It is important to be aware that the nature of the School environment, and the purpose for which the information is collected and recorded, means that there are limits to confidentiality of that information.

8. Access to records

8.1 Request for access to records

Generally, wellbeing staff must keep records confidential and secure.

However, because the records created in the provision of wellbeing services are the property of the School and are created and held to assist in achieving the School's objectives, wellbeing staff must provide access to such records to the Education Manager or delegate when requested to do so.

If a staff member is requested to provide access to such records, this will amount to a direction given by the School. If the staff member fails to comply with such a request, this may have consequences for his or her employment.

9. Reporting

9.1 General

Information gathered in the course of providing wellbeing services is generally confidential, although that will not always be the case. However, even if the information is generally confidential, there will also be certain circumstances in which wellbeing staff are required to report information, as set out below.

9.2 Where there are mandatory reporting obligations

A wellbeing staff member must report information in accordance with his or her mandatory reporting obligations under applicable Child Protection legislation.

Mandatory reporting obligations are set out in the school's Child Protection Policy, which is available on the school's website or in hard copy from the front office.

9.3 Where there is a concern about a student's wellbeing

A wellbeing staff member must report any concern he or she has about a student's wellbeing to the Education Manager.

The obligation to report such a concern is consistent with the School's duty of care to ensure that reasonable steps are taken to prevent harm to students.

9.4 Awareness of information that could assist the School in meeting the educational needs of a student

All staff members need to be alert to the needs of students in order to assist the School in its provision of education to students.

The obligation to report this information is consistent with the role of wellbeing staff to assist the School in meeting the educational needs of students and guiding them towards their full academic potential.

9.5 Sharing of information

Management of student education or welfare may sometimes mean that other staff need to be made aware of information a wellbeing staff member provides to the EM.

A wellbeing staff member should not generally share information provided by a student in the context of being provided with wellbeing services with other members of School staff except where consent has been attained to do so. It is generally expected that the Education Manager and Class teacher will be aware of information pertinent to the child's wellbeing.

Because wellbeing staff are approached by students in a variety of contexts, they may be privy to information from students that is of a general and not confidential nature and may wish to share this information with other staff. Where appropriate, the Education Manager may share information provided to them by a wellbeing staff member to other staff members or a student's parents.

10. Advice to students prior to commencement of services

Students should be encouraged to access wellbeing services at any time during their education at the School.

The School wants wellbeing staff and students to establish a mutual relationship of trust and understanding.

It is important to be aware that students who access wellbeing services may think that what they say during the course of that service will be kept confidential.

However, students need to understand that there are limits to the confidentiality that wellbeing staff can provide.

In some circumstances, students may approach wellbeing staff in an informal manner. Similarly, the nature of issues raised by a student may not be confidential in nature or be of limited confidentiality. Ideally, even in this situation, prior to the commencement of any wellbeing service, wellbeing staff should explain to the student the limits of confidentiality including that in some cases the law requires or authorises disclosure of certain information.

Wellbeing staff should keep a record that they have explained this to the student. If the circumstances are such that this explanation is not practical or appropriate, at the very least, wellbeing staff must make sure that under no circumstances do they ever provide an undertaking to any student that the information that they share with that wellbeing staff member will not be disclosed.

In circumstances where the wellbeing service is being formally administered (for example, where a student attends an appointment to see the relevant wellbeing staff member), it is vital that the student understands that the wellbeing staff member is:

- required to provide access to information held on record in relation to them at the request of the Education Manager;
- required to report certain information to the Education Manager (and to external authorities where required or authorised by law); and
- information may be disclosed to their parents.

Wellbeing staff must keep a record that they have explained this to the student.

Again, in this situation, wellbeing staff must make sure that under no circumstances do they ever provide an undertaking to any student that the information that they share with that wellbeing staff member will not be disclosed.

11. Parameters for accessing School Psychological services

Parent/Caregiver consent will be attained for children accessing individual counselling within the school. It is ethically permissible to provide assistance without parent consent in emergency situations or if there is reason to believe a student may pose a danger to themselves or others. When a child self-refers it is ethically permissible to provide psychological assistance without parent consent for one or several meetings to establish the nature and degree of the need for services and to assure the child is not in danger. In such cases, parent/caregiver consent will be attained to provide continuing assistance.

If through the course of school-based counselling a child is assessed as meeting the criteria for a diagnosis and/or the need for ongoing psychotherapy is deemed in the child's best interests, it will be recommended that the parent/caregiver attain external support. This may involve seeing an externally based psychologist. Parents will be informed regarding referral pathways for their child in the local area. One of these options includes the capacity to see the School Psychologist within private practice. This will be presented as an option, given the limited options for attaining in-person psychological services in the area and not as a recommendation. If a parent chooses to see the School Psychologist in a private setting, it is necessary that parameters for this are specified at the onset of private sessions. This may include limiting the time the child is engaged with the psychologist while working within the school environment.

If a child is previously engaged with a psychologist, it will be encouraged that the child remains in this therapeutic relationship. The School Psychologist will seek permission to liaise with the external psychologist and/or parents to ascertain the ways in which external therapy can be supported while the child is at school.

The School Psychologist is employed to provide psychological services for the children enrolled at Mumbulla School. While the School Psychologist will not engage in counselling for parents and teachers there is capacity for the School Psychologist to provide information to parents and teachers regarding referral options and pathways to external support agencies able to offer professional support.

Related Documents:

Counsellor Referral Procedure
Counsellor Referral Permission Note (Individual Counselling)
Counsellor Referral Permission Note (Group Counselling)
Counsellor Short Form Disclosure Statement
Information Statement for School Counsellor

Child Protection Policy and Procedures
Staff Code of Conduct

Social Welfare and Behaviour Management Policy and Procedures
Anti-Bullying Policy and Procedures