



# **Informed Consent and Records Management for Alberta School Counsellors**

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# Informed Consent and Records Management for Alberta School Counsellors

## Instructions

The following guidelines are recommended for Alberta school counsellors. These suggestions do not supersede the guidelines that may have been established by your employer.

In the event that your employer does not have guidelines, or the guidelines present do not support the highest level of ethical care for school counselling consent and record keeping, a school counsellor may wish to present these as a standard for the employer to adopt. The information and guidelines communicated in this document are suggestions only.

If you have suggestions for future editions, please contact a member of the Guidance Council executive at [www.guidancecouncil.ca](http://www.guidancecouncil.ca). If you have professional questions or concerns regarding topics such as informed consent, record keeping or others, please contact Member Services of the Alberta Teachers' Association at 780-447-9400.

## Contributions

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# Code of Conduct / Ethics

School Counsellors are teachers bound by the Code of Professional Conduct of the Alberta Teachers' Association (Alberta Teachers' Association 2004). A copy of the Code of Professional Conduct is available at [www.teachers.ab.ca](http://www.teachers.ab.ca).

Other legislation that affects the work of school counsellors as teachers includes the *Child, Youth and Family Enhancement Act*<sup>1</sup>, the *Children First Act*<sup>2</sup>, the *Freedom of Information and Protection of Privacy Act*<sup>3</sup>, the *Teaching Profession Act*<sup>4</sup> and the *School Act*<sup>5</sup> (and, in due course, the anticipated *Education Act*<sup>6</sup>). In addition, the Teaching Quality Standard Applicable to the Provision of Basic Education in Alberta<sup>8</sup> (Alberta Education 2012) provides regulation on the delivery of education services in Alberta. Service Alberta also created the *Guide to Providing Counselling Services in School Jurisdictions*<sup>9</sup> (Service Alberta 2007), which provides important information on FOIP specifically for providing counselling services. The Code of Professional Conduct, privacy legislation and regulations of the teaching profession are important areas of knowledge for every school counsellor in Alberta.

School counsellors may also look to an aspirational code to help support best practice and make ethical decisions when faced with ethical dilemmas and difficult decisions. The two ethical codes recommended by the Guidance Council include the *Canadian Code of Ethics for Canadian Psychologists* (Canadian Psychological Association 2000) and the *Canadian Counselling and Psychotherapy Association Code of Ethics* (Canadian Counselling and Psychological Association 2007). The CPA code is already adopted for school counsellors who are registered psychologists in Alberta.

It is important that school counsellors contact Member Services of the Alberta Teachers' Association at 780-447-9400 if they have any questions and/or concerns.







# Form Descriptions

The following sample forms are included in this document.

- 1) Student Informed Consent Sample 1: Informing a student of the limits to confidentiality and securing the student's agreement to enter into counselling.
- 2) Student Informed Consent Sample 2 (Top 10 Things to Know About Talking to a School Counsellor): Another student consent form using the relational informed consent process.
- 3) Counselling Case Notes: Ongoing notes made by the counsellor to record counselling supports. Counselling notes can help with planning supports and serve as a memory aid between appointments, and remain evidence of counselling activities, including basic session details, contact with individuals and agencies in support of the student, and a summary showing progression of counselling appointments. Notes should be kept in chronological order and completed within 24 hours of the counselling session. Counselling notes should include the following information:
  - a. Student name
  - b. Date of service
  - c. Confirmation of informed consent from student for services, including an overview of limits of confidentiality (this should be done as soon as possible in the counselling relationship and documented. If informed consent and limits to confidentiality are reviewed, then document.)
  - d. Presenting issue (recommended to record as a theme)
  - e. Brief session summary
  - f. Counselling interventions (includes goal setting and strategies to promote change)
  - g. Follow-up/between-session work (for both student and counsellor)
  - h. Professional contact: Contact notes of other individuals/agencies contacted regarding support for the student. Information is kept confidential in consideration of the limits to confidentiality shared with students in the informed consent process. When a counsellor breaches confidentiality in the best interests of a student, the counsellor should place in his or her notes the reason that the information was disclosed.

**No diagnosis, interpretation, or conjecture should be part of counselling notes.**
- 4) Permission to Release Information: Some information, such as reports to child protection and/or the police, must, under certain circumstances, be shared with support agencies. Where the student is not of the age of majority, and where consent is required by statute, permission for referral to support agencies and the necessary disclosure of information must be obtained in advance from the students' parents/legal guardians with assent from the student. Failure to secure assent does not necessarily prevent sharing of information, but the therapeutic relationship must be considered in this decision. If the student is of the age of majority, then the student can personally sign the permission form to release information. Parent and student consent is not required when reporting abuse and/or neglect under the *Child, Youth, and Family Enhancement Act*.
- 5) School Counselling Job Description: Included is a sample job description for school counselling, provided as a reference.

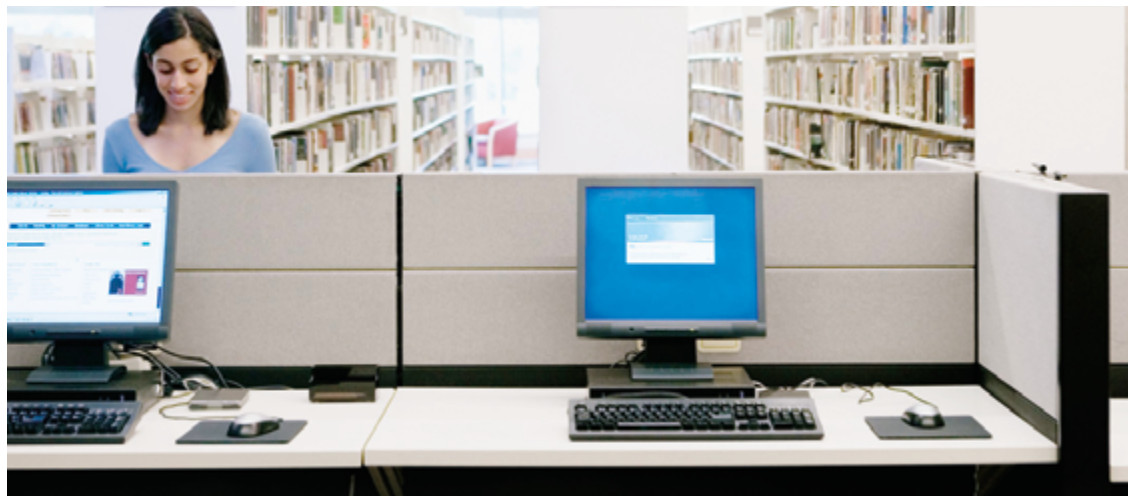
# Records Management

- 1) Parental Consent for Counselling Services: Student-initiated requests for personal counselling do not require parental permission. Best practice often involves partnering with parents, so involving them in services provided by the school counsellor is preferred when the child consents to this and it is in the child's best interest. Attendance at and content of counselling services should be held in confidence, limited only by the exceptions outlined in the student informed consent process.
- 2) Record Retention
  - a. Standard Counselling Notes: Counsellors should keep counselling records for a minimum period of *at least one full school year* following the last supports provided to a student, with record destruction in June. For example, this means that a counselling record for a student last seen in December would be kept until June of the next full school year (18 months). If a school jurisdiction chooses to keep student counselling files longer, there should be a standardized school policy in print form to ensure that no student file is treated differently from other student files. It is reasonable that counselling records be kept a minimum of one year, to a maximum of two years after graduation or age of majority, whichever is longer.





- b. Critical Incident Counselling Notes: If provided by in school district policy, counselling notes documenting a critical incident that occurred on school grounds (see below for the definition of and criteria for critical incident) should be kept 10 years past graduation or the age of majority, whichever is longer.<sup>7</sup>
- i. A critical incident refers to a behaviour or event that occurred on school grounds during a school day that involved a threat or action that involved serious risk to self or others. This includes physical and sexual abuse and/or assault. Counselling notes are not to be a historical document communicating the facts of the event, but rather the impact and interventions that occurred associated with the critical incident. If the first responder to a critical incident is a staff member other than a school counsellor, then that staff member would likely be the person involved in eliciting and/or creating a detailed report of the critical event. This record would not be part of the school counselling notes.
  - ii. If a student discloses witnessing or experiencing a past or current critical incident, such as trauma that took place off school grounds, the counsellor should not elicit details of this trauma (due to contamination such as false memory; facts about the trauma should be gathered by trained forensic counsellors or the police). Instead, the counsellor notes that an unsolicited disclosure of trauma was received and that the counsellor did not elicit details of the event other than to ascertain the basic facts, which were then reported to child protection and/or the police. For example, "The student was assessed to determine immediate risk to themselves or others ... interventions by the school counsellor focused on helping the student manage this crisis at school with community counselling referrals completed."
  - iii. Responsibility for maintaining secure retention of counselling notes documenting a critical incident rests with the author of the notes until s/he leaves the place of employment where the incident occurred. At this point, the responsibility of this file rests with a psychologist or the coordinator of student counselling services who (most often) operates professionally under a counselling-related code of ethics. This file should be secured and not accessed unless requested by a court order. The student and his/her parents should be notified that the critical incident file will be kept by the school jurisdiction under the conditions noted above.





- c. **Psychologists Working as School Counsellors:** The expectations for a registered psychologist working as a school counsellor may be higher because of the need to follow professional codes of ethics and standards of practice. This higher standard should be followed in respect to records management. The one exception would be that parental permission is not required to meet with a student seeking personal counselling from a school counsellor in an educational setting.
- 3) **Record Storage:** Important student information, including psychoeducational reports, consultant reports and other information, is stored in the student cumulative file. Counsellors must not keep duplicate information in personal files. Counsellors should store counselling notes in a secure location, which includes a locked container in a locked room (file cabinet, locked shelf, desk drawer etc.) and/or encrypted electronic files. Online counselling records should be protected and will be available only to counselling staff.
- 4) **Record Ownership:** Counselling notes are created by and are in the custody and control of the counsellor, but are ultimately property of the employing school division or board. Counsellors give board access to counselling notes only in response to a lawful order of the division or board or a court order. Requests from the division or board for counsellor notes should be discussed in advance with Member Services staff officers at Barnett House or SARO before the request is met. Parents/guardians *do not* have the right to see counselling notes if the disclosure would be an unreasonable invasion of personal privacy. It is reasonable that parents/guardians would have access to general knowledge about the counselling philosophy and types of interventions used to support their child. In addition, the provision to breach confidentiality to protect a child or others from harm is an ethical decision that must be made by the counsellor. Students may see counselling notes with advance notice, but only if their access to the counselling notes will do them no harm.
- 5) **Record Destruction:** Counselling notes should be scheduled for destruction according to the records management procedures and policies of the employing division or board. Counsellors should make themselves aware of their employing division or board's records management procedures and schedules. Disposal of all files should be completed by the counsellors that created them. In the event that critical incident counselling records stored by the division or board must be destroyed, destruction should be done by an employee of the jurisdiction who has sworn an oath of confidentiality, and all shredding should be done with a witness (assistant) present to ensure the safe disposal of all confidential files.
- a. **Emergency Instructions:** Counsellors should have emergency instructions available in case of illness, sudden departure or death to ensure that students receive continued support. These emergency instructions should include information on who has custody of the emergency instructions, where the files are located and to whom the custody of the files is entrusted.
- b. **Transition Notes:** Transition counselling should take place with students whenever possible and when time permits. Transition counselling should include a discussion with the students regarding transfer of summary notes and information to the new school counsellor. This does not mean that counselling notes as originally written should be transferred to the next counsellor, rather a summary of relevant information.





# Student Informed Consent Form (Sample 1)

*Instructions: The contents of this form should be discussed as early as practical given the circumstances of counselling.*

## A. Confidentiality

In all discussions with the counsellor, I have a right to expect that anything I discuss in counselling will remain confidential, with some specific exceptions listed below. Care will be taken to respect and guard my right to confidentiality, but I understand that there are a few cases where confidentiality may not apply.

I understand that the following are examples of situations in which my information may be shared with someone else:

1. If I have been or am being neglected, abused, or harmed.
2. If I am thinking of harming myself or someone else.
3. If a court requests access to my records under certain circumstances.
4. When counsellors need to collaborate with other professionals about how to help me, in which case only necessary information would be shared. For example, this may include other school counsellors or school division psychologists.
5. If the school principal and/or teachers need to know I am meeting with the counsellor, so I will be able to leave class.
6. If the counsellor becomes ill or must leave the school suddenly, counselling notes may be transferred to another school counsellor.
7. If the counsellor believes that the sharing of information with others is in my best interests.

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\* Prepared for ATA Guidance Council by Professor Dawn McBride, University of Lethbridge. Permission to modify and reproduce is granted. Date of last revision: February 2013.

## B. Right to Access

I understand that I have a right to access my file and visit with the counsellor about its contents. Records include, but are not limited to signed forms, identifying information, dates of sessions, session summary and progress notes. Records are stored securely and access is limited to the counsellor except in circumstances outlined under section A above. A request to see my file contents must be made in advance. My right to access to some or all of my file may be denied if it is determined that my doing so is likely to cause harm. My parents do not have a right to see my file if it is deemed an unnecessary breach of my privacy. They do have the right to ask questions about the type of counselling interventions a counsellor may provide and a general update on how counselling is progressing.

## C. Benefits/Risks

There may be both risks and benefits associated with participation in counselling. Some of the benefits may include improved understanding of myself and my relationships, personal insights about values and goals, and an enhanced ability to deal with everyday stress. I understand that counselling may lead to unexpected feelings and change, which may have unanticipated impacts on my personal life.

<hr/>	<hr/>
Date	Date
<hr/>	<hr/>
Student Signature	Counsellor Signature







# Student Informed Consent Form (Sample 2)

## Top 10 Things to Know About Talking to a School Counsellor\*

**Counselling is sort of like talking to a good friend.** *Sort of.* With a friend, you get to know a lot about your friend. But in counselling, you will be invited to do most of the talking and you will not get to know very much about your counsellor. Counselling is about you.

1. **A counsellor's job is help you feel safe and cared for** so you can talk about your stress, your feelings, and what you are doing or wish you were doing. Counselling sometimes is easy and sometimes hard, because you may start feeling or thinking differently, or do things in a new way.
2. **You are the boss. You have rights! Lots!**
  - a. You get to decide what to talk about. You can share a little or a lot.
  - b. You have the right not to answer your counsellor's questions.
  - c. You have the right to say NO to anything your counsellor suggests.
  - d. You have the right to stop seeing your counsellor at any time. You also have the right to see another school counsellor, if one is available.
  - e. You have the right to privacy! This means your counsellor cannot tell teachers, your friends or other people in the school about what you talk about in counselling unless you give permission. There are a few exceptions to this, covered in the next section.
3. **Sometimes counsellors have to get extra help if a student tells them certain things.** This means your counsellor may need to talk about you to other counsellors, the school principal, your parents, and/or organizations that help people stay safe. *When does your counsellor have to talk to other adults?* There are four times:
  - a. If you plan to hurt yourself really badly
  - b. If you know someone is (or might be) getting hurt really badly
  - c. If someone is hurting you really badly
  - d. If your counsellor wants to know some more ways to help you
  - e. Also, if a judge asks a question about you, your counsellor will have to answer the judge's questions.
4. **Counsellors have to follow rules.** One rule is they have to keep private many things you talk about. *Want to know some other rules counsellors have to follow?*
  - a. Counsellors are not allowed to give or take gifts or money from students they help.
  - b. Counsellors have to keep brief notes about what was talked about in session. These notes are kept in a locked location. If you want to know for how long the notes are kept, ask your counsellor.

5. **You can bring a friend to counselling, or even your parents.** If a guest comes to your session, this person will have to read and sign this handout too.
6. **Is counselling only about talking?** *No way!* Your counsellor may ask you to bring in music, art or other things to help you express yourself and to help you make changes.
7. **If you counsellor does something or says something that hurts you or scares you,** please tell your counsellor how you feel. Or, if this is too hard, then please tell another adult such as another counsellor or the school principal.
8. **How many times are students allowed to visit with a school counsellor?** Great question! Make sure you ask your counsellor this question, as sometimes it can be for just one session and other times it can be for many sessions.
9. **You can ask your counsellor any question you want! ASK!** Your counsellor, just like you, has the right to not to answer or to say "I don't know" or "I will find out the answer."

Today's date: \_\_\_\_\_ Did the student take a copy of this handout? YES ☐ NO ☐

- **Student:** When I sign below, it means I have read the 10 things to know about counselling. It also means I know I have rights and my counsellor has to follow rules, including when not to keep some things private.

\_\_\_\_\_  
Student Signature

- **Counsellor:** My signature below indicates I have discussed the Top 10 things with this student and my observations of this student indicate that s/he understands her/his rights in counselling and is aware of when privacy can and cannot be kept.

\_\_\_\_\_  
Counsellor Signature





# Counselling Case Notes Form

**Student Name:** \_\_\_\_\_

☐ Informed Consent was first agreed upon on \_\_\_\_\_ (date).

	<b>Date:</b>	Presenting Issue(s):
Session Summary:		
Counselling Interventions Provided:		
Follow-Up/Between-Session Work:		Professional Contact/Referrals:

	<b>Date:</b>	Presenting Issue(s):
Session Summary:		
Counselling Interventions Provided:		
Follow-Up/Between-Session Work:		Professional Contact/Referrals:

	<b>Date:</b>	Presenting Issue(s):
Session Summary:		
Counselling Interventions Provided:		
Follow-Up/Between-Session Work:		Professional Contact/Referrals:



# Permission to Release Information Form

I, \_\_\_\_\_ parent/guardian of \_\_\_\_\_,  
give the school counsellor consent to

**Release information to**

---

---

**Obtain information from**

---

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**For the purposes of**

- ☐ Progress/changes/concerns/challenges/issues related to the student's situation, assessment and support
- ☐ Treatment service plan and outcome/results
- ☐ Treatment summary reports
- ☐ Medical reports (eg, assessment, treatment, progress)
- ☐ Assessments: results and reports (eg, intake, case history, academic, career, intelligence testing)
- ☐ Other:

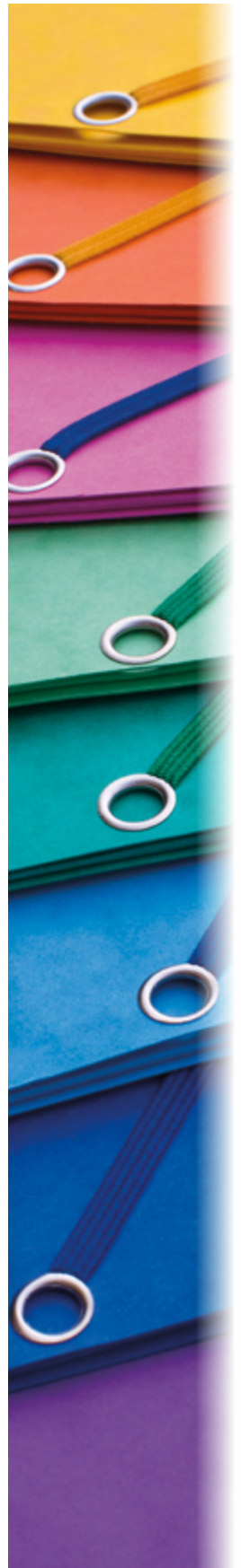
The main benefit to making this contact with the above people is to promote coordinated care. The school counsellor will disclose only necessary information and will talk about the student in a respectful manner. I further understand that if I have any questions or concerns regarding this consent request or other school counselling services my child is receiving, I can contact the school counsellor directly using the contact information provided below.

This consent expires at the conclusion of the current school year or until revoked in writing.

\_\_\_\_\_  
**Parent/Guardian Signature**

\_\_\_\_\_  
**Date**

Counsellor Contact Information:





# School Counsellor Job Description

## Purpose of a School Counsellor

To provide comprehensive counselling support for students from early childhood to high school

## Duties and Responsibilities

- **Program Planning**
  - Survey educational stakeholders to determine school counselling priorities.
  - Create a school comprehensive counselling plan through consultation with educational stakeholders (students, staff, parents, community) supporting the personal/social, educational and career needs of students.
  - Through a school comprehensive counselling plan, prepare interventions that both prevent and respond to complex needs of students.
- **Program Implementation and Evaluation**
  - Implement counselling interventions focused on primary interventions for all students, secondary interventions for small groups of students at risk, and tertiary interventions, including intensive support, for students at immediate risk.
  - Evaluate counselling interventions in meeting student needs.
- **Counselling**
  - Provide short-term counselling support for crisis or emotional/social issues until an appropriate counselling referral can be made.
  - Refer students and families to community-based support services.
  - Support career investigation and engage in career counselling.
- **Consultation**
  - Consult with educational stakeholders, including students, parents, teachers, other school staff, and community personnel and organizations to assist in meeting student needs.
- **Coordination**
  - Liaison between the many support services that work in a school to ensure targeted and comprehensive support services.
  - Liaison between students and their families regarding the community support services that are available.
- **Professional Practice and Development**
  - Adhere to the Code of Conduct for Alberta Teachers.
  - Adopt an ethical code that maintains aspirational conduct and a model for ethical decision making.
  - Participate in professional associations and upgrade knowledge through professional development opportunities.

	Essential	Desirable
<b>Education and Experience</b>	<ul style="list-style-type: none"> <li>• Basic counselling skills</li> <li>• Membership in the Alberta Teachers' Association</li> <li>• At least three years' teaching experience</li> <li>• Suicide prevention/intervention course</li> <li>• Experience/further qualification in working with children, young people and families in a school context</li> </ul>	<ul style="list-style-type: none"> <li>• Professional accreditation through CCPA</li> <li>• Graduate training in counselling/ psychology/ educational psychology</li> <li>• Counselling experience</li> <li>• Membership in the Guidance Council of the Alberta Teachers' Association</li> <li>• Nonviolent crisis prevention and intervention</li> <li>• Level B Assessment</li> <li>• First aid</li> </ul>
<b>Knowledge</b>	<ul style="list-style-type: none"> <li>• Knowledge of current child protection legislation and practice</li> <li>• Comprehensive counselling program planning</li> <li>• FOIP / PIPA</li> <li>• Informed consent/confidentiality</li> <li>• Professional Code of Conduct for Teachers</li> <li>• Basic counselling strategies such as mindfulness, solution-focused brief therapy and crisis counselling</li> <li>• Divisional policy regarding counselling services</li> </ul>	<ul style="list-style-type: none"> <li>• Knowledge and adoption of the Code of Ethics for Canadian Psychologists or Canadian Counselling and Psychotherapy Association Code of Ethics</li> <li>• Collaborative problem solving and positive behaviour supports</li> </ul>
<b>Skills and Abilities</b>	<ul style="list-style-type: none"> <li>• Ability to liaise/consult as appropriate with a range of professionals and agencies as well as students and parents</li> <li>• Ability to maintain clear, up-to-date case notes and records</li> <li>• Ability to advocate on behalf of students</li> <li>• Basic counselling skills and experience</li> </ul>	<ul style="list-style-type: none"> <li>• Advanced counselling skill and experience</li> <li>• Social capital and relationships established with community-based support services</li> </ul>
<b>Personal Character</b>	<ul style="list-style-type: none"> <li>• An ability to work confidently under pressure</li> <li>• An ability to establish and maintain healthy helping relationships with students and their families</li> <li>• Commitment to work cooperatively with school staff and other professionals</li> <li>• An ability to work confidently on own initiatives individually and to lead a group</li> <li>• Self-initiative</li> <li>• Commitment to pursue continuing professional development</li> <li>• Commitment to consultation in novel and/ or difficult situations</li> </ul>	







## Notes

<sup>1</sup> Alberta. 2013. Child, Youth, and Family Enhancement Act. Edmonton, Alta: Alberta Queen's Printer. Available at [www.qp.alberta.ca/570.cfm?frm\\_isbn=9780779781607&search\\_by=link](http://www.qp.alberta.ca/570.cfm?frm_isbn=9780779781607&search_by=link) or <http://tinyurl.com/me7jyn4> (accessed October 9, 2014).

<sup>2</sup> Alberta. 2013. Children First Act. Edmonton, Alta: Alberta Queen's Printer. Available at [www.qp.alberta.ca/1266.cfm?page=c12p5.cfm&leg\\_type=Acts&isbncln=9780779781614](http://www.qp.alberta.ca/1266.cfm?page=c12p5.cfm&leg_type=Acts&isbncln=9780779781614) or <http://tinyurl.com/mydg9p4> (accessed October 9, 2014).

<sup>3</sup> Alberta. 2013. Freedom of Information and Protection of Privacy Act. Edmonton, Alta: Alberta Queen's Printer. Available at [www.qp.alberta.ca/1266.cfm?page=f25.cfm&leg\\_type=Acts&isbncln=9780779777273&display=html](http://www.qp.alberta.ca/1266.cfm?page=f25.cfm&leg_type=Acts&isbncln=9780779777273&display=html) or <http://tinyurl.com/mydg9p4> (accessed October 9, 2014).

<sup>4</sup> Alberta. 2010. Teaching Profession Act. Edmonton, Alta: Alberta Queen's Printer. Available at <http://education.alberta.ca/departments/policy/legislation/teachingact.aspx> (accessed October 9, 2014).

<sup>5</sup> Alberta. 2013. School Act. Edmonton, Alta: Alberta Queen's Printer. Available at [www.qp.alberta.ca/documents/acts/s03.pdf](http://www.qp.alberta.ca/documents/acts/s03.pdf) (accessed October 9, 2014).

<sup>6</sup> Alberta. 2013. Education Act. Edmonton, Alta: Alberta Queen's Printer. Available at [www.qp.alberta.ca/documents/Acts/e00p3.pdf](http://www.qp.alberta.ca/documents/Acts/e00p3.pdf) (accessed October 9, 2014).

<sup>7</sup> Alberta. 2011. Limitations Act. Edmonton, Alta: Alberta Queen's Printer. Available at [www.qp.alberta.ca/documents/acts/l12.pdf](http://www.qp.alberta.ca/documents/acts/l12.pdf) (accessed October 9, 2014).

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