FRONTLINE PERSPECTIVES

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Defining the School Counseling Relationship: Confidentiality Revisited

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Abstract

A host of variables influence ethical guidelines in school counseling, and confidentiality is perhaps the most highly contested. Fundamental to the issue of confidentiality, yet overlooked in the discussion, is the conceptualization of a counseling relationship. Due to the variance in school counselor role and expansive definition of counseling in schools, the tenuous existence of a counseling relationship is the most ambiguous part of confidentiality. We propose that confidentiality should be conferred at the time of caseload or school counselor assignment.

Keywords: counseling relationship, informed consent, confidentiality, school counseling

The most essential element in the counseling profession is the relationship between the counselor and the client (Feltham, 1999). Since counseling cannot occur and confidentiality is not offered before the counseling relationship is officially established, it appropriately serves as the foundation for the profession. Due to its importance in the field, many of the major professional organizations (e.g. American Counseling Association [ACA], 2014; American Psychological Association [APA], 2010; American School Counselor Association [ASCA], 2010) codify the counselor-client relationship in their code of ethics.

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Although aspects of the counseling relationship can vary based on the theoretical framework of the counselor, commonalities exist (Horvath & Bedi, 2002). In general, the counseling relationship "has been conceptualized as a working alliance. . ." between the counselor and the client that is ". . .founded on trust, openness, genuineness and congruence" (Honea-Boles & Griffin, 2001, p. 150). In order to form this relationship, research indicates that counselors should be supportive, non-judgmental, accepting, warm, sincere, optimistic, interested, and engaged (Feltham, 1999; Smadi & Haddad, 1999). They also need to set clear guidelines and expectations for treatment during the informed consent process and make the client feel valued (Rayle, 2006; Halstead, Wagner, Vivero, Ferkol, 2002). At the same time, clients must be open and willing to form a relationship with the counselor, and they must perceive that the counselor is ready to help them accomplish their goals. The establishment of a counseling relationship creates the expectation of confidentiality. If the counselor-client relationship is strong, supportive, and empathic, clients will be more likely to disclose important information and experience positive outcomes (Yoo, Hong, Sohn, O'Brien, 2014; Horvath, Del Re, Fluckiger, & Symonds, 2011; Halstead, Wagner, Vivero, & Ferkol, 2002; Lambert & Cattani-Thompson, 1996; Strein & Hershenson, 1991).

School counseling presents unique challenges when it comes to the conceptualization of the counseling relationship. A host of variables (e.g., role definition, caseloads, counselor assignment, minor clientele) impact how the counseling relationship is defined and therefore, impact the ethical responsibility of informed consent/assent and confidentiality. For example, school counselors work in a culture of collaboration and teamwork with teachers and parents, who are not held to the same ethical standards regarding confidentiality but who may benefit from information about students to help them be successful (Trice-Black, Riechel, & Shillingford, 2013). School counselors are often challenged to work outside the typical counselor-client, dyadic relationship in order to best serve their students (Strein & Hershenson, 1991). In order to better understand how the counseling relationship applies to school counseling, the definition of a counseling relationship and the resulting consequences for informed consent and confidentiality in the counseling profession must be considered. Then, the varied and complex definition of the counseling relationship in school counseling frames a reasoned approach for ethical school counselor practice.

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The Counseling Relationship or Working Alliance

Historical Overview

Over the course of the past century, applications of counseling have expanded from career development to mental health, family, addictions counseling, and more. As the counseling profession evolved, nuanced differences in the definition of a counseling relationship emerged.

For example, Sigmund Freud placed an emphasis on the quality of the counselor-client relationship and used the counselor-client relationship itself as the mechanism for change (Feltham, 1999). Freud (1958) believed that the reality-based component of the relationship provided the foundation for the therapeutic partnership against a client's neurosis. In the 1950's, Carl Rogers considered the counselor-client relationship to be the most important factor in counseling. Rogers believed that people have a natural tendency to move towards self-actualization, and the relationship formed between the counselor and client serves as the vehicle for clients to be able to achieve their full potential (Thorne & Sanders, 2013). However, Rogers specified that a counseling relationship had to include certain necessary and sufficient conditions (i.e. empathy, congruence, and unconditional positive regard) in order for the relationship to foster a client's growth (Horvath & Symonds, 1991; Rogers, 2007; Thorne & Sanders, 2013).

Both Freud and Roger's perceptions of the counseling relationship focus on what the counselor should do in the counseling relationship. However, scholars began to rethink the interactive role of the client, arguing that the success of the counseling relationship relied on both the counselor and client's contributions (Horvath & Symonds, 1991). In 1965, Ralph Greenson used the term "working alliance" to operationalize this type of counseling relationship, a term still used today. A slight, but significant evolution of the counseling relationship is the bidirectional influence and interdependence between the counselor and client, instead of a focus on one or the other's characteristics, actions, or thoughts (Horvath & Greensberg, 1989; Horvath & Symonds, 1991). The definition of the counseling relationship defines how and when ethical considerations become paramount. According to the ACA's (2014) *Code of Ethics*, a client has the freedom to choose whether to enter into and remain in a counseling relationship and only officially initiates the relationship once they give their informed consent.

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Informed Consent

The process of obtaining informed consent started in the medical field and generally refers to the "formal permission given by a client that signals the beginning of the legal, contractual agreement that allows treatment to be initiated" (Lawrence & Kurpius, 2000, p.133). Counselors have a legal and ethical obligation to give clients certain information before counseling begins, so the process of informed consent plays a crucial role in establishing the counselor-client relationship (ACA, 2014; APA, 2003). ACA (2014) and APA (2003) both clearly outline the information that counselors must communicate to clients before they give their consent, including explicitly stating counselor fees and billing, course of therapy (i.e. purpose, goal, techniques, procedure, limitations, benefits, and risks), the counselor's credentials and experience, implications of treatment and diagnosis, and policies and limitations of confidentiality (Braaten & Handelsman, 1997; Garrison & Eckstein, 2014). Some research indicates that clients find information about informed consent even more important than the counselor's credentials or personal characteristics (Braaten & Handelsman, 1997). In the event that a person, such as a minor or disabled adult cannot give their informed consent, the counselor can receive assent and consent from family members or authorized personnel while keeping the client's best interests in mind (ACA, 2014; APA, 2003; Lawrence & Kurpius, 2000).

In general, informed consent helps counselors demonstrate openness, honesty, and respect for their client, while forming the foundation for trust and a strong counseling relationship. The informed consent process also enables the counselor and client to determine if they are a good match and whether or not their therapeutic goals align (Garrison & Eckstein, 2013). Finally, informed consent formalizes the expectation and ethical responsibility of confidentiality in the counseling relationship.

Confidentiality

In the counseling profession, confidentiality refers to, "a professional's promise or contract to respect client's privacy by not disclosing anything revealed during counseling except under agreed upon conditions" (Glosoff & Pate, 2003, p. 168). It is generally recognized that promises of confidentiality in counseling are not absolute guarantees, but ethically, counselors should only

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breach confidentiality in situations where a client threatens harm to self or others, reports physical, emotional, and sexual abuse, and/or when other legal requirements necessitate a breach. In addition, counselors should review confidentially and its' limitations with a client verbally before the session begins to ensure that they have a mutual understanding. Reiterating these policies not only affirms the client's belief that what they decide to share with the counselor will remain private, but it also helps to prepare the client and protect the quality of the counselor-client relationship in the event that the counselor must breach confidentiality.

Confidentiality is afforded considerable significance throughout the professional

counseling literature and presented as an ethical ideal for counselors. Havard (1985) indicates that not only is the expectation of confidentiality one of the most influential factors affecting whether or not a client will seek treatment, but it is also viewed as an essential and foundational element in the development of a trusting relationship. The promise of confidentiality enables clients to embrace vulnerability and openness as part of the helping process.

The School Counseling Relationship

Historical Overview

While school counseling is fundamental to the evolution of the counseling profession, the way a counseling relationship is conceptualized and formed with students in the school is quite differentiated. Guidance in schools began in the early 1900s with teachers providing classroom services to students in the form of directive vocational guidance (Gysbers & Henderson, 2001). Guidance lessons were incorporated into the school curriculum through English classes, and teachers were encouraged to help students develop on a moral level and orient their thinking towards planning for the future. These initial seeds of the guidance counselor role do not seem connected to the traditional notions of a counseling relationship. Over time, the evolution of the guidance counselor role added small group and individual planning or counseling, as well as coordination and consultation. These extended guidance functions corresponded to the National Defense Education Act of 1950, in which guidance expanded with the goal of identifying

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students who were gifted and talented in math and science and directing them into specific careers.

This expansive view of “counseling” in schools stabilized in the 1970s when guidance became part of the core educational program through the development of the comprehensive developmental guidance program (Gysbers and Henderson, 2001). This comprehensive approach added responsibilities of curricular integration of developmental guidance, program management, and accountability, along with systemic roles in leadership and advocacy. The comprehensive nature of the guidance program not only referred to the multiplicity of responsibilities and functions of a counselor, but it also served as a description for student outcome expectations. School counselors were expected to promote developmental outcomes around career, social/emotional, and academic development expected of clients.

Therefore, the classic concept of the counselor-client relationship in school counseling may be a narrow part of the role, and is ambiguous at best. For example, it seems dubious that a counseling relationship, and therefore confidentiality is possible in psychoeducational classroom lessons or advocacy or collaboration. Further, even small group of individual planning (e.g., college advising, career development) may not mirror traditional notions of a counseling relationship as they may benefit from parent and teacher collaboration to enable student goals. As contemporary views of school counseling (e.g. ASCA National Model) continue to outline individual counseling as one of a large set of school counselor roles and functions, the counseling relationship, informed consent and confidentiality necessitate unique conceptualization.

According to the ASCA National Model (2012), school counselors are expected to conduct individual counseling, group counseling, classroom guidance lessons; examine their program effectiveness through data; and be leaders, collaborators, and advocates, while addressing career, academic, and social/emotional topics and issues with students in the school. Plus, in many cases, school counselors must complete administrative duties, such as scheduling, and helping with testing, which often minimizes actual time spent in classic definitions of individual counseling. Although the national model suggests school counselors spend 80% of their time in direct service (ASCA, 2012), direct service encompasses a range of activities that do not always equate to time spent with students (e.g., collaboration) nor meet traditional definitions of a counseling relationship.

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Today, school counselors balance educational, administrative and counseling roles and have caseloads that exceed 470 clients on average (ACA, 2014b). Typically, school counselors are assigned a caseload at the beginning of every school year. These "clients" then get assistance on class schedules and academic planning and more. Although some students may seek counseling, they often do not get to "choose" the individual school counselor. Further, some clients may never meet with the counselor individually nor experience what most professionals would consider as "counseling". For example, clients referred by teachers and parents may not choose counseling and at times contacts are more administrative in nature (e.g., to obtain a fee waiver for a college entrance exam). Thus, school counselors may have limited amount of opportunities to foster and strengthen a trusting counselor-client relationship in the traditional sense with their students.

Even if a true counseling relationship does emerge, it is unclear as to where and when it commences. By traditional definitions, the counseling relationship will start only after a student has engaged in consensual (client assent), parent-approved (informed consent), individual counseling sessions with their school counselor. But this narrow, traditional definition of counseling relationship neglects the administrative reality of students being *assigned* to a school counselor's caseload. Therefore, this obfuscates the ASCA code of ethics (2012) policies on informed consent and confidentiality and creates ambiguity.

Informed Consent & Confidentiality

As in all types of counseling, informed consent should codify and begin the school counseling relationship. Since school counselors' clientele are almost exclusively minors, legal guidelines require a parent's informed consent before they can technically enter into a counseling relationship with a student (Bodenhorn, 2006; Davis & Ritchie, 1993). Outside of the school setting, minors can only enter into a counseling relationship and receive counseling services if their parents give consent or a judge issues a court order (Lawrence & Kurpius, 2000). It is unclear and at best variable if school counselors indeed obtain verbal or written parental consent before they begin offering services to a student. According to ASCA (2010), the informed consent process requires school counselors to tell the students the "purposes, goals, techniques and rules of procedure under which they may receive counseling" and ensure that they are able to comprehend the limits of confidentiality (Davis & Ritchie, 1993; Ledyard,

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1998). Without clear informed consent, it is debatable if school counselors enter a traditional counseling relationship with students.

Indeed, the school setting complicates the informed consent process. In a school, the services that teachers and administrators provide are usually viewed as part of the educational program, meaning that one could presume that parents give consent for their child receiving these services. Yet, it is unclear as to whether school counselor services are also part of the *educational* program or instead *counseling* services. In response to this uncertainty, some school counselors explain the services they provide and the policies and limitations of confidentiality in their school's handbook, implying that counseling is part of the education program. With this passive form of informed consent, parental consent and student assent is assumed unless the parent or student specifically opts out of school counseling services. This method of passive informed consent then suggests that a school counselor can initiate a counseling relationship with a student as soon as they participate in school. While perhaps legal, ethical, and even necessary, it seems to have little to do with establishing the trusting working alliance outlined by most in a traditional counseling relationship.

Therefore, unlike many forms of counseling, the ambiguity of a counseling relationship within the school counseling profession creates additional uncertainty about informed consent and confidentiality. Much of the available literature focuses on defining confidentiality, reviewing its limitations, and trying to resolve ethical dilemmas centered on confidentiality with minors in the school setting (Moyer & Sullivan, 2008; Fox & Butler, 2007; Lehr, Lehr, & Sumarah, 2007; Bodenhorn, 2006; Ledyard, 1998; Davis & Ritchie, 1993). But, the foundational issue is actually whether or not school counselors (and clients) believe they have a true counseling relationship (as defined in ACA and ASCA ethical codes).

The professional literature tends to stipulate that school counselors can and should offer their student clients the promise of confidentiality because, like in other counseling environments, it provides a myriad of benefits (e.g. development of trust between the counselor and client) (Fox & Butler, 2007). Furthermore, students will most likely feel more comfortable sharing sensitive information, setting goals, and working through issues with the counselor during counseling sessions since they know their feelings and thoughts will remain private (Ledyard, 1998). Lastly, school counselors are some of the few staff members in a school who

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may professionally offer confidentiality, making them a unique and necessary resource within the school.

A Proposal for School Counseling

Most ethical codes and scholarship around confidentiality tend to "assume a didactic counselor-client situation" (Strein & Hershenson, 1991, p. 312). It seems clear that the unique role of the school counselor does not correspond accordingly. The ambiguity of the definition of the school counseling relationship leaves too much room for varying individual interpretations of a paramount ethical principle. We believe that a clear and unique definition of the school counseling relationship would resolve much of the uncertainty regarding informed consent and confidentiality practices. Therefore, we propose an omnibus definition of the school counseling relationship distinct from traditional notions. The school counseling relationship commences when the student is assigned to the caseload of a counselor. This definition of a school counseling relationship is broad and necessarily expansive. The clarity, specificity, and standardization of this obligation is needed to ensure professional identity in all school counselor roles and responsibilities.

We believe the traditional ethical notion of a counseling relationship is too narrow for school counselors. Strein and Hershenson (1991) suggest that a number of counseling roles challenge traditional notions of a counseling relationship, and hence confidentiality. These include multidisciplinary teams, coordination and placement, mandated (or other referred) services, administrative supervision, and advocacy on behalf of the client. School counselors learn private information for a vulnerable population in a variety of complex, programmatic, and at times administrative roles. If students, parents and staff understand the immediacy of the counseling relationship, they too then understand the professional responsibility and unique support school counselors offer in a school.

Our proposal has several important benefits. First, every stakeholder would know when the school counseling relationship is established through uniformed informed consent guidelines. Second, this proposal would ensure that all students receive the promise of a professional counseling relationship with the potential for trust in a variety of roles and services. Even in more administrative interactions (e.g., helping with a schedule), students feel freedom to disclose without trepidation of others reactions or approval. Lastly, this definition helps to

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eliminate much of the ambiguity in school counselor ethical standards, which could help decrease the likelihood of confidentiality uncertainty and legal issues due to a misinterpretation of the guidelines.

This proposal for the school counseling relationship would have several implications on both informed consent and confidentiality. First, in order for the proposal to be implemented with fidelity within schools, the informed consent process would have to be done as part of a student's assignment to a school counselor's caseload, guaranteeing an ethical, predictable, and appropriate process for both parents and students. In conjunction, the school counselor would be required to outline their policies, procedures, and confidentiality statement in a public place, such as in the school's handbook or on the school counselor's website so that both students and parents have the opportunity to gain a better understanding of the role of the school counselor and all of the various services they provide for students. This type of informed consent process would also allow parents to choose to opt their student out of school counseling services, helping to respect parental rights. In accordance with best practices, school counselors should also review their role, the goals of counseling, counseling implications, and policy regarding confidentiality any time they interact with a new student (advising or counseling), run a small group, or teach classroom guidance lessons as an extra measure to ensure informed consent. While initially labor intensive, this process proactively introduces the school counselor unique role to all constituents and gives students open access to a confidant.

Limitations and Conclusions

Certainly, legal and ethical limitations to confidentiality (e.g., harm to self) still remain. Also, collaboration, consultation or administrative roles may seem inhibited by the blanket promise of confidentiality. Certainly, minors are dependent on parents/guardians and scholars (e.g., Boyle & MacKay, 2007) have demonstrated efficacy of systemic intervention models. But it is less clear that revealing private information given by a client in a trusting relationship indeed is required for effective collaboration. In fact, it is more empowering to invite clients/students into collaborative efforts who then can control the information they choose to share.

Confidentiality has been debated widely in the school counseling profession. We believe this is more a function of the traditional notion of a counseling relationship widely applied in counseling ethical codes. Strein and Hershenson (1991) suggest as much in that "…the

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normative principles of confidentiality … may stem from different premises and different conditions…" then school counselors face (p. 315). In fact, other scholars have challenged traditional values or definitions in the profession (e.g., recent scholarship replacing the notion of autonomy with accordance (Cottone, 2014)). School counseling in particular, must provide a more contemporary definition of the counseling relationship and informed consent applicable to the variant role and context. Associating the school counseling relationship with assigned caseload is purposefully expansive and provides more clarity to professional role and guidance to the ethical application of consent and confidentiality in the school counseling profession.

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