

Standards and Ethics for Counselling in Action

Fourth Edition

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Chapter Overview

Good practice that benefits clients requires an understanding of **standards** and **ethics** as the basis for earning a client's **trust**. Key terms are defined with examples of common sources of misunderstanding. This chapter considers positive **ethical standards** and examples of the poor practice these are designed to counteract. It concludes with the basic question – why be ethical?

Key words: standards, ethics, **morals**, ethical standards, trust



Counselling ethics do not stand still. New **issues** emerge. New practices develop. Our clients' expectations change. The regulatory and legal context of our work evolves. In this fourth edition I have responded to these changes by adding new chapters on the ethics of counselling in a **digital** world (Chapter 11), social **diversity** (Chapter 12) and **evidence-based practice** (Chapter 16). All other chapters have been updated.

I have been delighted by the positive reception of the earlier editions of this book, which have become the most widely used texts on ethics for counsellors and therapists in Britain and are widely used internationally. I hope this new edition will prove to be as useful as earlier versions.

How to Use This Book

This book is intended to be practical, and I hope that many people will want to read it from cover to cover. I have arranged the contents so that the logical structure of counselling ethics and **standards** of practice becomes apparent progressively throughout the book. However, when I am working with clients I do not always have time for extensive reading when I most need information or inspiration, so I tend to dip into books looking for specific topics. I have tried to bear this in mind by grouping related issues together into chapters. The index at the end of the book is designed to help you locate passages on specific topics.

For both the reader who wants to work from cover to cover and those who want to dip in and out, it may be helpful if I explain how I have organized the contents.

I begin by explaining why I think standards and ethics are important, and describe the contribution and role of the British Association for Counselling and Psychotherapy (BACP) and other national organizations in developing standards and ethics for counsellors. The second chapter considers the fundamental question 'What is counselling?' because the answer is so important if we are to decide which matters fall within the scope of counselling and which more properly belong to other roles and are therefore covered by different systems of ethics and practice. The third chapter provides a review of the main sources of material for the production of standards and ethics. An ethical framework for the application of these sources to counselling is proposed in Chapter 4. All the following chapters take a theme or closely related set of issues and explore it in more detail in ways which I hope will be useful to practitioners. It is part of the nature of this subject that, in the last resort, every practitioner has to assess each situation for themselves and reach a personal decision, so the last chapter proposes a procedure for assessing and resolving **dilemmas** about standards and ethics.

Concerns about Standards and Ethics

In writing this book, I have drawn heavily on my experience as a member of various ethics and professional conduct committees, but particularly the BACP. Over the last twenty years I have been researching and teaching ethics as a major part of my academic work, originally at the University of Durham, followed by the Universities of Bristol and Malta, and have been involved in a number of ethical and legal projects with the BACP for a variety of UK government departments. These various aspects of my work have brought me into contact with an enormous variety of counsellors working in very different settings, but often encountering quite similar issues. Some of the issues that cause counsellors most concern are misunderstandings about the following.

What counselling is, or is not, and the results of this

- Inappropriate referrals: 'I want you to counsel Brian off this course', 'Would you see Beryl and counsel her to take early retirement because we need to reorganize the distribution of work in her office?'
- Inappropriate expectations of the counsellor in relation to **confidentiality**: 'I wouldn't have asked John to see you if I had realized you wouldn't tell me what he said to you'.
- Confusion among counsellors about the **limitations** of confidentiality: 'Am I obliged to report all instances of suspected child abuse?'
- Questioning the opportunities and limitations of counselling: 'Wouldn't it be better to intervene to stop people being emotionally traumatized by the bully rather than continuing to patch up the casualties?'
- Adapting ethics to different cultural contexts: 'How far should I adapt my counselling ethics to meet the needs of clients from different cultures and social contexts?'
- Adapting ethics to new methods of delivering counselling: 'How should I adapt to providing counselling using electronic technologies like webcam, email and texting?'

Counselling supervision

- Confusion between counselling **supervision** and **accountability** to line management: 'As your line manager I am accountable for your work. I don't want someone else confusing matters', or 'No other staff get independent supervision and support so I find it difficult to see why counsellors should be any different'.
- The need for ongoing long-term supervision: 'Surely you must be out of your probationary period by now. I can't see why you still need supervision'.

The need for training

- Confusion over levels of **competence** requiring corresponding levels of training: 'We all counsel, don't we? Surely three days' training is more than enough'.

- The possibility of creating instant experts in counselling: ‘Here are two books on counselling. I want you to read them this weekend and become the counsellor on Monday’.

I have had comments like these reported to me from counsellors in schools, colleges, hospitals, social services, employee assistance programmes, pastoral care, **voluntary** organizations and private practice.

These and many other issues are the subject matter of this book.

The Importance of Standards and Ethics

Counselling depends on clients being able to **trust** their counsellors. They trust their feelings of vulnerability to someone who is committed to using their knowledge and skills to act in the best interests of their clients. Professions honour and protect this trust by setting standards for their practitioners and expecting them to act ethically. Good standards and ethical practice provide the best possible conditions for clients to discuss freely whatever is causing them concern and for the counsellor to work therapeutically.

Standards define the essential safeguards and required level of expertise to provide a safe and effective service to clients. Standards typically define the level of training, continuing professional development, supervision, **insurance** and service delivery in terms of competence and good conduct. Failing to meet minimum or fundamental standards is a serious matter. It may result in disciplinary or fitness to practise hearings against individual counsellors held by employers or by professional bodies. Where whole services fail to meet the minimum or fundamental standard their continued existence is called into question. Following a major lapse in standards in health care resulting in additional suffering and the premature deaths of vulnerable elderly patients, the Francis Report (2013) distinguished three levels of standards:

- Fundamental standards of **safety** and quality – i.e. the level below which a service ought not to be offered because it exposes patients or clients to avoidable harm.
- Enhanced quality standards – i.e. the level that the funding will support above fundamental standards and can be achieved by improvements in professionalism or management.
- Developmental standards – i.e. the level to which a service might aspire in the longer term out of a commitment to progress and excellence.

From a client’s point of view, standards imply a system of quality control and assurance that extends beyond their individual counsellor and that this counsellor is both supported by and accountable to others for the work undertaken. Clients often see standards as a source of reassurance. Standards

exist in the general awareness of many clients as something they expect of a professional service. Even when these are not fully understood by clients, their existence provides some reassurance as they build a relationship with a counsellor who will often be a stranger to them. Standards may also be seen as a point of reference to assess or resolve any difficulties that may arise. When something is claimed to be a 'standard' this implies that the standard has been set on the basis of evidence about its beneficial effects, that it is supported by a professional knowledge, that it is measureable or observable so whether it is being achieved can be evaluated, and that there is a body responsible for overseeing that the standard is being satisfied. The body for overseeing standards in the first instance might be the agency delivering the service, a professional organization, and ultimately the registration or regulatory body for the profession. The person in the front line of clients' awareness of standards will be their counsellor and many clients will look no further when all is going well.

Ethics provide ideas and terminology for considering what is morally good or bad and how to distinguish good from bad. Ethics and **morals** are often regarded as meaning the same things in everyday speech. Frequently this use of both terms interchangeably does not matter because the focus is not on the precise meaning but on distinguishing good from bad. However, there is a distinction that I find useful in professional ethics. **Morals** are the norms we acquire from our **culture** and social background. They inform how people coexist. **Morals** may be treated as unquestioned assumptions or subject to careful consideration particularly during periods of social change. The **law** is a form of enforceable **morals** that have the weight of the national system of government behind them. 'Morals' and 'morality' are therefore all-encompassing terms that include any claims to what is good or bad. This all-encompassing use of **morals** can be distinguished from ethics which are the result of a careful and conscious consideration of what is good or bad and that the distinction between good and bad can be explained.

Professional ethics are an applied form of ethics that are specific to particular roles and contexts. This distinction is useful to draw attention to why some issues may be approached differently in everyday life in comparison to the applicable professional ethics. For example, it is morally desirable for friends to offer help to each other spontaneously and in an open-ended way but counsellors are expected to offer help on the basis of agreed terms and conditions, typically presented in the form of a **contract**. Strong emotional and sexual relationships are generally considered a moral good between unattached adults whereas sexual relationships between counsellors and clients are considered ethically bad and forbidden. Good-natured gossip in everyday life is arguably morally and socially beneficial in that it strengthens the bonds between people, may provide useful learning opportunities about social living, and enlivens lives. In contrast, **respect** for the **privacy** of clients and protecting their confidentiality is a major ethical concern in counselling and arguably one of its distinctive ethical preoccupations.

Establishing a distinction between morals and ethics is also helpful in responding to social diversity. For example, there are many instances of deeply held ethnic practices or religious beliefs that may impose strict limitations on contacts between genders, sexual behaviours in opposite or same sex relationships, relationships outside a faith or ethnic group, and social or dietary requirements. The moral expectations within the applicable community are clear but should counselling be restricted to people who conform to these expectations? Ought counselling to be offered more widely to people who struggle to meet these expectations or disagree with them? This is a question of how professional ethics ought to relate to a prevailing morality or respond to the sometimes conflicted relationships between different moral communities. Sometimes it is helpful to re-examine whether prevailing moral assumptions have been incorporated in professional ethics which on closer examination restrict the usefulness of counselling for people from different moral communities. Counselling has largely developed in cultures with a strong sense of individualism, but how should counsellors work respectfully with people who have a strong sense of collective **identity** around an extended family or network of extended families with a tribe or clan? The ethics of responding to social diversity are considered in more depth in Chapter 12. Making a distinction between morality and ethics makes it easier to identify potential points of difference and difficulty and recognizes that public morals and professional ethics are established in different ways and serve different purposes.

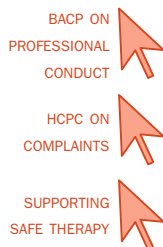
There are certain types of difficulties that have been reported by clients with sufficient frequency over the fifty or more years of counselling that their remedy is to identify a positive ethical standard that would remedy the concern and support good practice. In the following list I present a positive ethical example followed by the sorts of issues that have breached that standard. These examples of bad or poor practice could have been prevented if the counsellor had observed the ethical standard:

- Being **trustworthy** – counsellors who have broken promises in what they offered or in the management of client confidences, leaving clients feeling betrayed.
- A counsellor setting aside personal interests and putting the client's interests first – information provided in counselling used to benefit the counsellor financially or emotionally by having early knowledge of property coming onto the market or forming a relationship with the client's recently estranged partner; conflicts of interest concealed or not declared.
- A clear understanding of what to expect – muddled beginnings where the client is unclear about what they are committing to, any liabilities for payments, or how confidentiality will be managed and protected
- The client respected as a person – the counsellor prejudiced against the client either as person or as representative of a social group or way of living of which the counsellor disapproves, or the counsellor pursuing a personal religious- or value-based agenda regardless of a client's deeply held **values**.

- Maintaining **boundaries** in relationships that support the counselling – counsellors forming relationships with clients or their circles of friends to resolve their own loneliness or meet sexual desires; failing to consider how boundaries will be managed if the client and counsellor meet outside counselling sessions in other roles or settings, whether planned or accidentally.
- Being competent – the counsellor offering services for which they lack adequate knowledge, skills or organizational ability, working without appropriate supervision or adequate continuing professional development.
- Working with integrity – the counsellor is dishonest about their qualifications or experience or other matters important to the client or the profession.
- Being accountable to the client – confused or inconsistent communications about how the counselling has been delivered and why; poor record keeping when **records** were expected as good practice or promised; concealing a mistake from a client rather than alerting them, attempting to minimize any harm, and apologizing.
- Well-managed endings – the client is unprepared for the ending and left feeling abandoned and unsupported to meet the counsellor's convenience or needs.
- Protecting the reputation of counselling – behaving so badly in or outside the counselling relationship that the reputation of counselling has been undermined in the eyes of the public.

Sadly this list is not fully comprehensive of all the examples of poor or bad practice that I have been aware of involving a variety of professional bodies, and some of the most serious have often appeared to involve counsellors working without any professional membership or organization to call them to account. The list includes some serious examples where clients have been seriously hurt or damaged psychologically or they consider that their reputation has been damaged in the eyes of others. As professional conduct hearings are increasingly open and report findings against counsellors, it is informative to periodically review the background and outcomes of cases reported by professional bodies like the British Association for Counselling and Psychotherapy, fitness to practise hearings against counselling psychologists by the Health and Care Professions Council, or similar proceedings in other organizations or countries. There is interesting **research** into what makes talking therapy safe from the clients' point of view, resulting in some positive recommendations.

Whilst I do not want to understate the seriousness of some these examples for the clients affected I do want to emphasize the importance of a positive ethical commitment. For every example of poor practice I am aware of many more counsellors who have been deeply committed to being ethical. There is a strong culture of altruism and compassion that motivates most counsellors in my experience. Nonetheless good intent is necessary but not sufficient to do good. We all benefit from reminding ourselves about how things can go wrong and why it matters that we are committed to being ethical.



Why Be Ethical?

Unless counselling is provided on an ethical basis, it ceases to serve any useful purpose. Clients will usually seek counselling because they are troubled or vulnerable; they wish to be sure that the primary concern of the counselling is to help them to achieve a greater sense of control and well-being in their lives and that counselling is not being used in order to serve some other purpose. This means that counselling, by its very nature, needs to be an ethical relationship.

However, clients are not usually well informed about the **ethical standards** of counselling, so they are more likely to judge the ethical basis of their counselling by assessing the personal integrity of the counsellor. This is much more familiar ground. Every day, all of us are engaged in assessing the trustworthiness of the people we meet. One of the first concerns of a client at the start of counselling is ‘How far can I trust this person to be my counsellor?’ Typically, it is assumed that if the counsellor appears to have personal integrity, then the ethical standards that they apply to their counselling will be of a similar level. By definition, trust always involves a leap of faith, which overrides a lack of information and ignorance in order to place confidence in a person or system. This is a major step for many clients. Some will manage the risk by testing out the counsellor on less serious issues before disclosing the real concern. Others will be so driven by the urgency of the situation or their distress that the problem will come tumbling out before they have sat down. In either situation, this act of trust comes at a time of considerable vulnerability for the client and gives the counsellor considerable power over them for good or harm. This is why the counsellor’s personal commitment to being ethical is so vital. One person’s vulnerability creates a corresponding obligation for the other in their exercise of power and professional expertise.

Without the act of trust, counselling is impossible. Sufficient trust needs to be present to enable clients to participate with appropriate frankness and active commitment. Counselling is not like a medical procedure that can take place on a passive or anaesthetized patient. It requires the active participation and engagement of clients made possible by a relationship of trust. Establishing a high level of trust in the counselling is considered to be so fundamental that it is the primary principle in some constructions of counselling ethics (Bond, 2006; 2007). It is also the basis of the legal protection of confidences imparted in counselling in many jurisdictions, including English law. Even when trust is not regarded as the primary ethical requirement for counselling, it is always high on the list of ethical priorities. Different approaches to the construction of counselling ethics are considered in Chapters 3 and 4. The one thing that unites the people who developed these approaches is the conviction that a commitment to being ethical is the best way of protecting the interests of the client and enhancing the reputation of counselling in general.



Multiple Choice Questions

Revise your understanding of this chapter with a set of multiple choice questions. To take the quiz, visit the interactive eBook version of this textbook and click or tap the icon.

Reflective Questions

1. Reflecting on your own experience of counselling, what has gone wrong or well? What does this reveal about counselling ethics and standards?
 2. When you are offering counselling, what three things do you consider to be ethically most important to your client?
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