

Ethical decision- making in the context of the counselling professions

Good Practice in Action 044 Fact Sheet

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Context

This resource is one of a suite prepared by BACP to enable members to engage with the current BACP *Ethical Framework for the Counselling Professions* (BACP 2018) regarding ethical decision-making (EDM) within the counselling professions.

Any references to specific content in the *Ethical Framework for the Counselling Professions* are identified by the section title (Commitment, Ethics or Good Practice) and point number, for example 'putting clients first' Commitment, point 1.

Purpose

The purpose of this resource is to provide information for practitioners and counselling service providers in respect of ethical decision-making in the context of the counselling professions.

Using the Fact Sheet resources

BACP Good Practice in Action resources are a series of resources that are free for BACP members to download. They are intended to inform good practice in the counselling professions. The resources are reviewed by member-led focus groups and experts in the field and are based on current research and evidence.

BACP members have a contractual commitment to work in accordance with the Association's *Ethical Framework*. The Good Practice in Action resources are not contractually binding on members but are intended to support practitioners by providing general information on principles and policy applicable at the time of publication, in the context of the core ethical principles, values and personal moral qualities subscribed to by BACP and its members.

Specific issues in practice will vary depending on clients, particular models of working, the context of the work and the kind of therapeutic intervention provided. As specific issues arising from work with clients are often complex, BACP always recommends discussion of practice dilemmas with a supervisor and consulting a suitably qualified and experienced legal or other relevant practitioner, as appropriate to the ethical challenge being faced.

In this resource, the terms 'practitioner' and 'counselling related services' are used generically in a wider sense, to include the practice of counselling, psychotherapy, coaching and pastoral care.

Introduction

This resource aims to support counselling professionals with decision-making within the context and challenges of everyday practice. The content is underpinned by BACP's *Ethical Framework for the Counselling Professions* (2018) and references selected publications on practice ethics.

In setting the scene for ethical practice, BACP's *Ethical Framework* recognises the inevitability of practice dilemmas and states that:

"... professional and ethical issues, problems and dilemmas will arise from time to time and are an unavoidable part of our practice".
(Good Practice, point 92).

The *Ethical Framework* also acknowledges that we will recognise the central role that consultation with practice experts plays:

We will use our supervision and any other available professional resources to support and challenge how we respond to such situations. We will give careful consideration to the best approaches to ethical problem-solving.
(Good Practice, point 93).

Additionally, the *Ethical Framework* invites us to be responsible and accountable in our decision-making for ethical practice:

We will take responsibility for considering how best to act in such situations and will be ready to explain why we decided to respond in the way we did.
(Good Practice, point 94).

This resource embeds the key practice points highlighted above within a pragmatic model that helps practitioners clarify features and processes involved in ethical decision-making. The resource is relevant for trainees and practitioners working in the fields of counselling, psychotherapy, coaching, supervision, practitioner training and allied helping professions.

Readers may find other Good Practice in Action (GPiA) resources, for example, GPiA 033 (Research Overview: *Ethical decision-making within the counselling professions*) and GPiA 038 (Commonly asked questions about the *Ethical Framework for the Counselling Professions*) useful adjuncts to this resource.

1 Ethical decision-making practices in the counselling professions

A key feature of the *Ethical Framework for the Counselling Professions* (2018) is the notion that practitioners work in partnership with their clients:

We will discuss with clients how best to work towards their desired outcomes and any known risks involved in the work. (Good Practice, point 51)

and

We will monitor how clients experience our work together and the effects of the work with them in ways appropriate to the type of service being offered. (Good Practice, point 54).

Both extracts convey the importance and value of working collaboratively with clients and of involving them in discussions and decisions about the nature and course of the counselling work. This can begin at the very start of the relationship, in the initial contracting phase of counselling. This sets a template for an ongoing collaborative working context through which shared decision-making and reflection upon practice can occur.

A 2016 BACP survey of how members of the *Good Practice Guidance* focus group (a consultation group of several hundred members) addressed ethical decision-making within their therapeutic work provided useful feedback on ethical practices and preferences (BACP 2018). The responses showed that reading BACP's *Ethical Framework for the Counselling Professions*, accessing resources on the BACP website, speaking with supervisors, accessing organisational policies and procedures, identifying statutory guidance, and working with the client to manage risk, were core ways of informing ethical decision-making.

For supervisors, referring to BACP's *Ethical Framework for the Counselling Professions*, advising supervisees to contact the Ethics Helpdesk service, advising them to discuss the issue with their line manager and directing them to suitable ethical decision-making models or checklists, were key.

In respect of suggestions for what resources respondents would find helpful, the following were the most frequently identified: downloadable legal resources, online CPD, case studies demonstrating ethical decision-making, fact sheets on ethical decision-making, downloadable commonly asked questions about decision-making, decision-making in different contexts, and online clips related to ethical decision-making.

Since 2016, these resources have been made available within an expanding BACP resource base including online CPD, downloadable materials and tools for telephone work or working online via video platforms.

Additionally, download statistics for BACP resources indicate a significant increase in members accessing practice guidance resources. The next section sets out one of these resources – an ethical decision-making model.

2 A process model for ethical decision-making

A model can help practitioners deal with tricky situations and events, drawing on core principles and values held central to most helping professions. Importantly, it can help contain stress and anxiety by providing clear processes through which to think about ethical issues. An ethical decision-making model is an invaluable component for our practice toolkit and conveys a logical, coherent and informed approach to practice issues and professional ethics. Complemented by our practitioner knowledge (including, for example, theory and practice; knowledge of risk assessments and safeguarding; understanding of case and practice management), it supports reflexive practice which is ethically responsive.

It is helpful to have thought in advance about the kinds of ethical dilemmas that can arise in practice. This is especially important during practitioner training to help minimise trainee anxiety and reduce potential for 'ill-thought-through' decisions. The Socratic process of asking '*what if?*' questions can effectively support meaning-making in practice and provide ways to foster ethical decision-making. Consider the following example prompts:

- **What if ...** my counselling manager disclosed to me that they have withheld from their supervisor important information about a multiple role relationship they have with a current client?
- **What if ...** my practitioner trainee discloses discriminatory behaviour towards a client?

Prior to reading through the EDM model set out below, give yourself time to reflect on the example situations above and to consider how you might respond. Revisit them once you have read and engaged with the EDM.

The pragmatic and pluralistic model suggested here is derived from ethics theory and research-based evidence (see, for example, Bond, 2015; Gabriel, 2005; Gabriel and Casemore, 2009; Gabriel, 2016) and embeds the notion of 'questing' as we explore ways of making ethical and appropriate decisions in both our day-to-day practice and in the context of urgent and complex ethical issues.

The concept of 'questing' (Gabriel, 2016) provides a metaphor or mental map to inform ethical practice. In questing, we are meaning-making through collaborative engagement with clients in pursuit of insights and understandings. Questing requires courage and congruence in what can be messy and conflicted therapy work. The use of questing, alongside other 'ethical practice tools' like Socratic questioning, can support identification of pathways through the tricky terrain of ethical challenges. Whether an ethical issue arises in the context of a guided training scenario or through the actual lived experience of a practice setting, decisions must be made, and the model shown in Table 1 can help with that decision-making process.

Table 1: Decision-making for ethical practice

- 1.** Stop, think, identify the situation or problem
- 2.** Construct a description of the situation, including any complicating contextual features
- 3.** Consider whose ethical issue or challenge it is?
- 4.** Review the situation in terms of BACP's *Ethical Framework*
- 5.** Identify principles and values of relevance to the issue
- 6.** Reflect on relational processes that have played out in the situation
- 7.** Identify what support is available
- 8.** Identify an ethical goal and way forward
- 9.** Consider possible courses of action to achieve the ethical goal
- 10.** Implement your chosen course of action
- 11.** Evaluate the outcome
- 12.** Check for personal impact and self-care

Figures 1 and 2 below capture key features of the ethical decision-making model, providing helpful outlines that can be printed or displayed in practice settings to offer helpful aide memoirs.

Figure 1: Outlining the 12-step ethical decision-making model



Figure 2: Ethical decision-making: Questions for consider



2.1 Stop, think, identify the situation or problem

Help to minimise any anxiety you feel by critically reflecting on the situation. Laying a reasoned and logical 'lens' over the issue can help allay fears or anxiousness and minimise the likelihood of a reactive rather than a *reasoned response*. Aim for a position of *critical reflexivity* from which you can identify the dimensions and players involved in the situation. Regard this helpful step as a *process of iteration*, where you iterate and reiterate key features of the ethical challenge or situation and in the process, you generate greater clarity and understanding.

2.2 Construct a description of the situation, including complicating contextual features

Allow yourself time to identify the key features of the situation. This will be especially helpful for discussions in a supervisory context. In addition, when considering ethical dilemmas within a training course setting, it provides an opportunity to 'step back' from the ethical situation to define the key features. Identify any issues that may specifically link to the context in which the situation has occurred. For example, are there aspects specific to the type of workplace in which the situation occurred?

2.3 Consider *whose* ethical issue or challenge it is

Reflect on the following:

Who are the key players in the situation? What personal and/or professional issues do they bring to the situation? What values, assumptions, or tensions prevail? What roles, responsibilities, obligations or expectations exist? Are there any relevant contractual or legal aspects specific to this situation?

2.4 Review the situation in terms of BACP's *Ethical Framework*

Critically reflect upon the situation through the lens of the *Ethical Framework for the Counselling Professions*. Identify key Good Practice points to inform your ethical challenge.

2.5 Identify principles and values of relevance to the issue

Values and principles can compete in any given ethical situation, so it is important to be able to clearly account for the way in which ethical and professional principles and values have informed your decisions. Where they conflict, decisions still have to be made and it may require compromise – all the more reason to have a clear written account for your process of thinking and decision-making.

2.6 Reflect on relational processes that have played out in the situation

Consider how the situation has impacted upon the client–practitioner relationship. What impact has it had upon the relational dynamics? Has it had an impact on other professional or personal relationships? If so, in what way? Consider *fidelity*. The client–practitioner relationship is based upon trust that the counsellor can be relied upon to provide an ethical and caring service and relational conditions. The concept of fidelity brings into question the practitioner’s capacity to provide a ‘good enough’ therapeutic relationship and context. Collaborating with clients, wherever possible, to process the ethical issue, is important while being mindful not to over-burden clients with the responsibility of resolving the issue. Eliciting clients’ thoughts and feelings helps, but sharing your own powerful, unprocessed feelings with clients can impact the therapeutic relationship. Using the process of ‘metacommunication’ can facilitate this process (Rennie 1998).

2.7 Identify what support is available

What advice and guidance are available? What practice guidance is available through the BACP Good Practice resources? What other support is there? One key source of support will be the practitioner’s supervisor. Consider any other colleagues who can help with identifying other sources of support. Consulting with appropriate others (for example, other helping professionals, supervisors, trainers) plays an important role in supporting you to make ‘good fit’ decisions. Remember, consult, consult, consult... and keep a written record of your activities and decisions.

2.8 Identify an ethical goal

When identifying an ethical goal for your dilemma or situation, addressing the following prompts will help you to consider and identify a goal:

- Review the contextual and relational features of the situation
- Consider the consultation process you had with all individuals/parties involved in the situation and review related notes or documents
- Review the ethical and moral dimensions you identified in the dilemma or situation
- Consider available appropriate literature, guides and codes of practice to inform an ethical goal for this particular dilemma or situation
- Identify the likely consequences or risks of action or inaction in the short, medium and long-term

- Identify a preferred goal for this particular dilemma or situation
- Identify tasks that would aid achievement of your chosen ethical goal
- Importantly, review your identified ethical goal with your supervisor or an experienced counselling professional, to inform your decision-making and intended actions.

2.9 Consider possible courses of action to achieve the ethical goal

Having decided on your ethical goal, identify the potential courses of action to achieve it. To help you with this process consider the following prompts for each course of action you identify:

- Are there conflicting values or ethical principles associated with this particular course of action?
- What key components of the dilemma or situation need to be addressed?
- What tasks need to be included to progress the course of action?
- What support or help might you need?
- Who could provide this?
- Could this course of action be recommended to others in the same or similar situation?
- Would you take the same course of action with another client in a similar context?
- Would your decision be different if the client was famous, or a public figure, or influential in some way?
- Could you defend the course of action to a wider professional or public audience?
- Consult with your supervisor and, where appropriate, other counselling professionals, to review your decision-making and choose a course of action.
- Following consultation, revise your decisions as appropriate
- Confirm the most suitable course of action to take
- Keep brief, factual records of your decision-making, consultations, and chosen course of action.

2.10 Implement your course of action

- Set your chosen course of action in motion
- Monitor and review implementation of the course of action, tracking its progression and impact.

2.11 Evaluate the outcome

Consider the following questions:

- Was the outcome as you had anticipated, or hoped for?
- Had you considered all significant factors?
- Did any new or surprising aspects emerge?
- Would you take the same course of action with a similar case in the future?

2.12 Check for personal impact and self-care

Your own self-respect, sense of competence and confidence, and your approach to self-care, are core features of ethical decision-making and practice. To support your capacity for reflexivity, consider the following prompts:

- How has the situation impacted upon you?
- In what ways has it helped or hindered your approach to practice and ethical decision-making?
- What impact has it had upon your sense of self-respect?
- How has it impacted your sense of competence and confidence?
- Are there any issues you need to address?
- In what ways has the situation influenced your self-care as a practitioner?
- Does the impact inform how you will work with and relate to clients in the future?

Questions for reflection

Rehearsing and preparing for complex and challenging practice scenarios can help. To support you in this process, use the following prompts to critically reflect on a training, supervisory, or clinical aspect of your practice:

- How can you use the model to inform your client work?
- What aspects of your client work would benefit from critical reflection on how you engage or respond in therapeutic relationships?
- Are there aspects or features of your client work that you are resistant to reflecting upon? If so, make this a priority for critical reflection
- What scenarios would you fear or dread encountering in your client work?
- In reflecting upon these scenarios, how might you use the model to address feared situations?

Revisit the '*what if*' scenarios in section 2 and use the above Figures as tools to assist your thinking, options and decision-making process. In addition, the questions and the EDM can be applied to scenarios with the context of training and supervision. GPiA 084 on *Ethical mindfulness within supervision and training* may also be helpful.

Concluding comments

The ethical decision-making model presented here is not intended as a definitive tool, more a pragmatic prompt to encourage clear thinking when dealing with the inevitable day-to-day challenges encountered in practice, or the more complex ethical issues we might face across the span of our working life as a practitioner. Ultimately, practitioners must live with their practice decisions and actions, and deal with any personal or professional consequences. Developing personally appropriate approaches to self-care and engaging in professional and supportive networks are important ways to support our work in the counselling professions.

About the author

Lynne Gabriel authored the original content for this resource. Lynne is a BACP registered and accredited counsellor. She is a Professor of Counselling and Mental Health at York St John University, where she is also founder and Director of the University's *Counselling and Mental Health Research Clinic*. Lynne is also leading on the development of York St John's *Clarence Street Communities Centre*, which will provide a range of adult, family, and children's services, underpinned by evidence-based research, supported by practice-based evidence.

Lynne has published chapters, books, papers, and practice guidelines on aspects of work within the counselling professions. She is the author of two key ethics texts: *Speaking the Unspeakable: The Ethics of Dual Relationships in Counselling and Psychotherapy* (Routledge, 2005) and *Relational Ethics in Practice: Narratives from Counselling and Psychotherapy* (Routledge, 2009).

The BACP ethics team provided infographics for the Ethical Decision-Making (EDM) outlines presented in Figures 1 and 2.

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