

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* regarding ethical decision making 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; Good Practice Points 7–12.

Purpose

The purpose of this resource is to provide information for practitioners and counselling service providers in respect of making 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 related 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 for the Counselling Professions*. 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 of BACP.

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.

In this resource, the word 'therapist' is used to mean specifically counsellors and psychotherapists and 'therapy' to mean specifically counselling and psychotherapy.

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 in practice. The content is underpinned by BACP's *Ethical Framework for the Counselling Professions*, along with other published BACP Good Practice in Action resources. BACP's *Ethical Framework for the Counselling Professions* recognises 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 76)

It also notes that:

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 77)

and that:

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 78)

This fact sheet resource embeds the key practice points above, to help practitioners clarify important aspects of the processes involved in ethical decision making, and offers a model that aids reasoned decisions. The resource is relevant for trainees and practitioners working in the fields of counselling, psychotherapy, coaching, practitioner training and allied helping professions.

1 Ethical decision making practices in the counselling professions

A key feature of the *Ethical Framework for the Counselling Professions* (2016) is the notion that practitioners will 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 46)

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 49)

Responses to a survey (2016) about how members of the BACP *Good Practice Guidance* focus group addressed ethical decision making within their therapeutic work provided useful feedback on ethical practices and preferences. 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 key ways of informing ethical decision making. For supervisors, referring to the BACP *Ethical Framework for the Counselling Professions*, advising supervisees to contact the Ethics in Action 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.

A combination of generic ethical decision making information (for example, a fact sheet on an ethical decision making model), complemented by legal resources (for example, working with children and young people), and supplemented by specific practice resources for particular client populations or counselling contexts (for example, downloadable resources, online CPD, video clips) will provide those working in the counselling professions with a valuable toolkit for ethical decision making. BACP continues to develop these, with increasing resources being made available and development of online CPD and videos underway. The next section sets out one of these resources, a generic 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, they 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, reasoned and informed approach to practice issues and professional ethics. Complemented by our practitioner knowledge (including, for example, theory and practice; knowledge of risk assessment 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, in order to help minimise trainee anxiety and any 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?

The pragmatic and pluralistic model suggested here is derived from theory and research-based evidence (see, for example, Bond, 2015; Gabriel, 2005; Gabriel and Casemore, 2009; Gabriel, 2016) and embeds the notion of 'questing'. 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 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 have to be made and the model shown in Table 1 may be of help in 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
3. consider whose ethical issue or challenge it is?
4. review the situation in terms of the BACP *Ethical Framework for Counselling Professions*.
5. consider principles and values of relevance to the issue
6. reflect upon the relational processes that have played out in the situation
7. identify what support is available
8. identify an ethical goal
9. consider possible courses of action to achieve the ethical goal
10. implement the chosen course of action
11. evaluate the outcome
12. check for personal impact

2.1 Stop, think, identify the situation or problem

Minimise anxiety by critically reflecting on the situation. Laying a reasoned and logical 'lens' over the issue can help allay fears or anxiousness and defuse the likelihood of a reactive rather than a reasoned response. Aim for a position of *critical reflexivity*; with this you can identify the multiple dimensions of, and the players involved in, the situation. Regard this as a *process of iteration*, whereby you iterate and reiterate key features of the ethical challenge or situation, in order to generate clarity and understanding.

2.2 Construct a description of the situation

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 in order to define the key features.

2.3 Consider whose ethical issue or challenge it is?

Review 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 situation or issue.

2.5 Consider 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 upon the 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 therapist 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.

2.7 Identify what support is available

What advice and guidance is 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 your ethical goal for this particular dilemma or situation, address the following prompts:

- the contextual and relational features of the situation
- the consultation process with, and information elicited from, all individuals/parties involved in the situation
- the identified ethical and moral dimensions
- available appropriate literature, guides and codes of practice to inform an ethical goal for this particular dilemma or issue
- the likely consequences or risks of action/inaction in the short-, medium- and long-term
- tasks that would aid achievement of the ethical goal.

Review the identified ethical goal with your supervisor or experienced counselling professional, to inform your thinking and goal choice.

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 accordingly
- identify 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 the course of action

- set the course of action in motion
- monitor implementation of the course of action and track 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

Your own self-respect and self-care are core features of ethical decision making and review of decisions and actions taken. To support your continuing reflexive practice, consider the following questions:

- 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?
- 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?

This model is not intended as a definitive tool, but a robust prompt to encourage clear thinking when dealing with day-to-day or more complex ethical challenges. Ultimately, practitioners have to live with their decisions and actions and must deal with any personal or professional consequences. Engaging in professional and supportive networks is an important aspect of work in the counselling professions.

Questions for reflection

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 dread encountering in your client work?
- in reflecting upon these scenarios, how might you use the model to address feared situations?

About the author

Lynne Gabriel authored the 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 Director of the University's *Counselling and Mental Health Research Clinic*. She has published chapters, 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).

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