

Ethical mindfulness within supervision and training

Good Practice in Action 084
Legal Resource

Update November 2019

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Good Practice in Action 084 Clinical Reflections for Practice: *Ethical mindfulness in supervision and training* is published by the British Association for Counselling and Psychotherapy, BACP House, 15 St John's Business Park, Lutterworth, Leicestershire, LE17 4HB.

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Design by Steers McGillan Eves.

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Context

This resource is one of a suite prepared by BACP to enable members to engage with BACP's *Ethical Framework for the Counselling Professions* in respect of ethical mindfulness within supervision and training.

Purpose

The purpose of this resource is to stimulate ethical thinking about ethical dilemmas in relation to supervision and training that may be encountered by practitioners within therapeutic practice.

Using Clinical Reflections for Practice resources

BACP members have a contractual commitment to work in accordance with the current BACP *Ethical Framework for the Counselling Professions*. The Clinical Reflections for Practice resources are not contractually binding on members but are intended to support practitioners by providing information and identifying questions and observations practitioners may need to ask themselves, as they make ethical decisions within their practice 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 that you discuss practice dilemmas with a supervisor and/or consult a suitably qualified and experienced legal or another relevant practitioner.

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. The terms 'therapist' or 'counsellor' are used to refer to those trained specifically as psychotherapists and counsellors.

Introduction

This resource consists of some reflections on the nature of ethics and ethical dilemmas within the counselling professions. It presents three ethical dilemmas, all within training and/or supervision settings, followed by a discussion of the main points. Readers are referred to various points in BACP's *Ethical Framework for the Counselling Professions* and encouraged to think through them. The resource begins with some definitions of ethics and ethical dilemmas, and why they matter.

1 What are ethics and why do they matter?

Ethics consist of a combination of moral values and principles. They offer a formal way of thinking about moral codes, or what is considered to be right or wrong. The *Ethical Framework* is a document that offers a basis for good, safe practice within the counselling professions. It is informed by the values, principles and personal moral qualities that lie at its heart. Without a strong and conscious commitment to these, practitioners may not be helpful and may even unwittingly do harm to clients. The values and principles are the bedrock of the *Ethical Framework* and are important in both its interpretation and application (see Ethics, point 1 in the *Ethical Framework*). They are summarised in the commitments that we make to clients. As with all theories, this sounds simple in the telling but is harder in practice.

2 What is ethical mindfulness?

Practitioners are often faced with extremely vulnerable people who bring their tragedies and their traumas to them, having turned to therapy for help. This brings with it ethical dilemmas that practitioners have to face regularly, in terms of considering their role.

Ethical mindfulness means developing the tools that help to make ethical decisions. Developing the tools means learning to think ethically and always having that thought in the back of your mind, even when the issues are small, so that it becomes second nature by the time the larger dilemmas come along. For practitioners, ethical practice means discussing even small decisions in supervision and considering one's actions there. This could be something simple like a particular session running five minutes over time, or an email or text being answered late at night or early in the morning. To repeat: these may be small issues, but they all involve practice in making ethical decisions.

3 What is an ethical dilemma?

BACP's *Ethical Framework for the Counselling Professions* suggests that an ethical dilemma is when two or more ethical principles conflict with each other (see Ethics, points 6–7). A different way of expressing this is to define an ethical dilemma as an occasion where there are two or more choices facing the practitioner (or indeed, anybody), both of which lead to a moral dilemma of some kind. Examples of common dilemmas in practice appear in the scenarios below.

Ethical dilemmas are unavoidable, however experienced the practitioner may be. Therefore, we all need to take responsibility for thinking through how to act (see Good Practice, points 92–94 in the *Ethical Framework*), how to justify our actions and how to apply the *Ethical Framework*. This is what is known as 'ethical mindfulness'. In order to be ethically mindful, it is important to have a clear understanding of each principle. The principles are not in themselves rules but they do embody the values that are at the heart of good practice.

4 Models of solving ethical dilemmas

Several authors (Corey et al., 2007; Dale, 2016) have suggested ways of solving ethical dilemmas and, broadly speaking, most writers suggest similar ways. Further information on ethical decision-making is available in Good Practice in Action 044 Fact Sheet: Making ethical decisions in the counselling profession and in the Ethical Framework video resources at: https://www.bacp.co.uk/ethical_framework/ethical_dilemmas.php.

However, there are two issues that are frequently omitted by practitioners. These are our commitment to:

...use our supervision and any other available professional resources to support and challenge how we respond to such situations (Ethical Framework, Good Practice, point 93),

and the fact that we are accountable for our actions and need to be ready to explain these to others as appropriate. (See Good Practice, point 94 in the *Ethical Framework*).

There are various points to consider when dealing with ethical dilemmas, but perhaps the most important is to discuss the issue with our supervisor or supervision group in order to fully understand all the ethical dimensions. Part of the discussion should include exploration of all the options for action, and the potential impact of each of them on both client and practitioner. Try considering these points as you read through the dilemmas in the next section.

5 The dilemmas

In this section are a series of dilemmas, all of which are set within supervision and training.

Dilemmas involving trainees, as either supervisees or clients, have an added dimension in that the relationship involves multiple layers. The practitioner will almost inevitably have to submit a report to the training provider, if only to say that the trainee has attended a certain number of hours of personal therapy. The supervisor may have to manage both the relationship with the training organisation and the primary relationship with the client, even when these are in conflict.

5.1 Vignette 1: Signing off a trainee

The central issue in this dilemma is whether a supervisor should sign off a trainee if they are not 100% satisfied with their work.

Judith has just started supervising Benny, a student in his second year of training. Benny has already had two other supervisors but explains that neither of them really 'got' him. He has chosen Judith because he wants to work with a woman this time (both his previous supervisors were men) and because he understands that she is very experienced.

Benny is committed to his clients and works hard, appearing to form good relationships with them. Judith understands that he wants what is best for them, but she is increasingly uneasy about what this might mean for him. For example, when Judith advised him to talk to his placement manager about a client who was expressing suicidal ideation, Benny decided instead to text the client, outside normal working hours, to check on their wellbeing.

He does not understand why the client reacted angrily to what Benny saw as a level of care and says he would do the same thing again in similar circumstances because it is 'the human thing to do'.

Judith has attempted to explain why this may not be helpful for the client but she is not convinced that Benny understands that in her view he has effectively invited the client into a dual relationship, or the implications of this.

Look at Good Practice, point 33b in the Ethical Framework. What do you think of this, in terms of Benny's actions? Do you agree with Judith that Benny has invited the client into a dual relationship?

The time has now come for Judith to write Benny's final year supervision report. The report includes a recommendation as to whether Benny is competent to practice as a qualified practitioner so it is important for Benny's future.

Look at Good practice, points 65 and 66 in the Ethical Framework. In Judith's position, how would you go about preparing the report?

Judith is very anxious about this: although in many ways Benny has made good progress, he is talking about setting up in private practice once he qualifies in a few weeks' time. Judith has anxieties about his ability to maintain safe boundaries, outside of working within an organisation, where he would, hopefully, be better supported. She has no real reason not to sign the report but at the same time she intuitively feels that if she does she may be responsible for allowing an unsafe person to obtain a professional qualification. She knows that she has previously signed off students who were not particularly competent and is anxious that she is not in breach of 'justice' (see Ethics, point 5 in the *Ethical Framework*), the ethical principle that tells us to treat all clients equally. However, in this case she also has to consider 'beneficence' (Ethics, point 5) in terms of potential danger to clients.

Discussion

The first thing that Judith needs to flag up for herself is the matter of the issues with Benny's previous supervisors. Trainees do sometimes need to change supervisor midway through training but the reasons for this need to be talked through carefully with the new supervisor (and preferably the training provider). In this case, it might be that Benny's other supervisors considered that he was not working ethically and that he had not taken their criticism or feedback well, as is the case with Judith.

Next, Judith needs to consider her own options. She needs to decide whether she can, with a good conscience, sign a report that says Benny is ready to be a qualified practitioner (see Ethics, point 5 in the *Ethical Framework*, regarding self-respect).

In discussion with her own supervisor Judith examines all possible options. Her supervisor points her to Good Practice, point 66 in the *Ethical Framework* in particular, which states that 'Trainee supervision will require the supervisor to collaborate with training and placement providers in order to ensure that the trainee's work with clients satisfies professional standards...' This is an added worry for Judith, as she sees that signing off a trainee when she is not completely satisfied may have repercussions for her.

Her supervisor asks Judith how she will feel if she decides to sign Benny off and how she will feel if she does not. She also points out that, while

Judith could discuss the matter with Benny's placement or training provider, it may be rather late for this now as Benny has already passed all the course assignments. Judith also needs to review what was agreed initially with Benny, the training centre and placement provider in respect of this sort of concern arising. It would normally be good practice for this to be clarified at the start of the supervisory relationship.

Questions to consider

- What ethical principles are in conflict?
- How would you feel in this situation, if you were Judith and if you were Benny?
- How much responsibility do you think that the supervisor should have for a trainee's practice?
- What should Judith do if Benny does not agree on a form of words?

5.2 Vignette 2: Good practice

The central issue in this dilemma is what constitutes good practice in deciding to change normal practices in order to accommodate a client's needs.

Rabia is in her first year of training and has just started her placement. She has mobility issues and therefore has requested a supervisor who can offer disabled access and who lives reasonably near to her home. The training provider has a list of preferred supervisors but none of them match Rabia's needs. Finally, she talks to Alisha, who says that she can make reasonable adjustments and offer a room with access. Rabia is delighted and comes to their first meeting full of excitement. Alisha works from home, and she explains to Rabia on their first meeting that she usually works from an upstairs room but has made an exception for Rabia and will see her in a downstairs room that she normally uses for her own hobbies. However, this means that there will occasionally be noise from other members of Alisha's family.

Rabia is pleased and grateful for this but she is also uncomfortable about being made a special case and would rather have found a practitioner who already had accessible rooms. However, she likes Alisha and they begin to work together. The room is warm and comfortable and mostly quiet. In the room are pictures of Alisha and her family, including some of family holidays. Rabia notices a photograph of the family on holiday in Kalkan in Turkey, which happens to be where Rabia's family live. She mentions this to Alisha and they have a 10-minute chat about Turkey. While Rabia enjoys the chat, she is aware that it has come out of the time that she is paying for, as they still finish on time. From Alisha's point of view, although she is not entirely comfortable about this conversation, she decides that Rabia must take responsibility for how her time is used.

A few weeks later, Rabia mentions that she is going on holiday to visit her family. Once again there is a short chat about this, including Alisha enquiring about which beaches are good for family holidays. As time goes on, Rabia becomes increasingly uncomfortable. Once or twice, Rabia can hear sounds, as if someone is in the bathroom, which is right next door to the room in which she and Alisha work.

Rabia rather bravely brings up the matter of noise.

Alisha explains that although there are other people in the house, they do not come into this part very often and that the room is as safe as she can make it, although she accepts that it is not ideal. She reminds Rabia that she has made a special concession to see her. Rabia is still not comfortable but she is too anxious to push the matter further, particularly as she is very conscious that Alisha will be writing a report about her (see Good Practice, point 61 in the *Ethical Framework*, which affirms that supervision requires 'adequate levels of privacy, safety and containment for the supervisee to undertake this work', and point 66, which points out that 'supervisors will need to collaborate with training and placement providers to ensure that the trainee's work satisfies professional standards'.

Discussion

Alisha was acting in what she considered Rabia's best interests when she offered to accommodate her in a family room. She saw that Rabia was struggling to find a supervisor and was willing to make adjustments to her usual working practices to see her. However, she may have needed to take more care in making sure that the room was suitable. For example, she might have offered an introductory session so that the issues of noise and pictures could have been addressed earlier.

Alisha needs to consider whether she was wrong to offer Rabia supervision if she could not also offer proper facilities. While she thought she was acting for the good of Rabia, who was struggling to find a supervisor, in fact this kind of help may be perceived as rather patronising. In addition, by having family photos in the room and allowing conversation about the holidays displayed in them, Alisha may not have been making the client 'the primary focus of our attention and our work' (see Good Practice, point 7 in the *Ethical Framework*). By discussing her own holiday plans with Rabia, is she moving into a dual relationship – however unintentionally – as she is disclosing more than is in Rabia's interests?

From Rabia's point of view, she is both grateful to Alisha for making her a special case and uncomfortable with it.

Her gratitude gives more power to Alisha than she should have had, and the question has to be asked as to whether Alisha was showing 'beneficence' (see Ethics, point 5 in the *Ethical Framework*) in that she made special arrangements for Rabia, or whether she was actually causing harm by using a room that was not really suitable. In addition, Alisha has to consider whether she has allowed Rabia full autonomy (Ethics, point 5) by being so anxious to accommodate her.

Questions to consider

- What ethical principles are in conflict here?
- In telling Rabia that she is making special adjustments for her, is Alisha acting in Rabia's best interests or is she taking away her autonomy?
- Whose responsibility is it to make sure that a supervisor can accommodate a trainee's needs?
- Given that Rabia brought up the issue of Turkey, was Alisha wrong to follow the conversation?

5.3 Vignette 3: Contracting

The central questions in this dilemma are what is meant by good contracting and what is meant by keeping records.

Arabella is a person-centred practitioner, who works as closely as possible in a purely person-centred approach. She works in an organisation that both offers long-term counselling for clients with complex issues and expects its practitioners to work within a person-centred model, so this is a good match for her. Arabella takes the briefest of notes of sessions and sees her job as following wherever the client goes, however unfocused that may be.

Her supervisor, Pavel, is also person-centred by training, though over the years he has developed a more eclectic approach. The two of them have worked together since Arabella was in training some five years ago and have built up a strong and trusting relationship. They have often discussed whether practitioners should set goals for clients and Arabella has always been adamant that to do so does not fit with her style of working.

However, as they begin to review their work together, including looking at BACP's *Ethical Framework* (see Good Practice, point 69), they wonder whether there may be a duty on the practitioner to have a written contract that sets out therapeutic goals as well as a contract that is about the setting of boundaries.

Read through BACP's Ethical Framework, Good Practice, points 31a–e. What do you think about how Arabella and Pavel can address these points?

They begin to discuss this together. Arabella points to some ambiguity in the wording of the points and says that as far as she can see she does not have to set clinical goals, although she does have to explain the boundaries of sessions, something she does already. She states that she would not be comfortable about insisting that her clients make therapeutic goals in the first couple of sessions, as she works with a particularly vulnerable group who often do not know what they want and need time to work out what they want from therapy.

In addition, she believes that given the way she works, it would be a mistake to ask clients to devise goals rather than to allow the issues to emerge gradually. She considers that the way she works is in her clients' best interests and is reluctant to change.

Pavel himself does set clinical goals with clients and has often talked to Arabella about this. However, he is reluctant to lose Arabella as a supervisee: she is a careful and conscientious counsellor and he enjoys working with her.

Discussion

The issue for Pavel is whether he continues to work with Arabella on the understanding that she makes her own decision regarding clinical contracting with regard to goal-setting or whether he insists that, if she wishes to continue working with him, she begins to incorporate goal-setting into her clinical contracting, believing that would be in the best interests of her clients.

With the exception of this one issue, Pavel believes that Arabella does good work and he is conscious that, as a qualified practitioner, she has responsibility for her own clients; however, he considers that, as her supervisor, he does himself have a duty of care toward her clients.

Pavel also needs to discuss with Arabella whether her 'brief notes' constitute 'accurate records that are appropriate to the service being provided' (Good Practice, point 15 in the *Ethical Framework*). This may involve knowledge of the demands of the organisation and of Arabella's notes. While brief notes can be accurate, Pavel might choose to reassure himself on this point.

He might also consider whether he agrees with Arabella in her assertion that her client group, while competent to give consent for therapy, may need time before they are ready to talk about psychological goals.

Read through BACP's Ethical Framework, Good Practice, points 29 and 30. What do you think?

Pavel is already aware that the organisation Arabella works for does offer a good deal of safety to its clients, but he has to decide whether that satisfies him as the supervisor of one of their practitioners.

Ultimately, Pavel and Arabella need to decide how comfortable they are working together, given their areas of disagreement. They can either decide to go their separate ways or agree to keep the discussion live between them.

Questions to consider

- What ethical principles are in conflict?
- If Pavel accepts Arabella's reasoning and carries on working with her, what principles might he be compromising?
- If Arabella accepts Pavel's reasoning and carries on working with him, what principles might she be compromising?
- What would you do in Pavel's or Arabella's position?
- How can Pavel be sure that, as a private practitioner, he does not want to lose Arabella for economic reasons rather than therapeutic ones?

Summary

Hopefully these vignettes demonstrate the complexity of ethical dilemmas and therefore the need for ethical mindfulness when working with clients. While BACP's *Ethical Framework for the Counselling Professions* offers guidelines for good practice, there is some room for interpretation, as in the example of Pavel and Arabella. Sometimes dilemmas that seem to involve only one issue, when examined, are shown to have multiple layers, as in the example of Alisha and Rabia.

All of the above scenarios have multiple possible responses but what is important is that practitioners recognise potential dilemmas (Alisha, in the second dilemma, failed to spot potential issues) and consider all options carefully. The importance of supervision cannot be emphasised enough in dealing with real or potential dilemmas. Supervision should offer practitioners opportunities to 'reflect in depth about all aspects of their practice' (Good Practice, point 60 in the *Ethical Framework*). Taking issues to supervision as quickly as possible should help ensure that decisions are transparent and authentic, and that the thinking process has been robust. For example, Judith, in the first dilemma, has to decide what is in the best interests of Benny, remembering that she has the same duties towards a supervisee as she would to a client, as well as what she perceives as being in his clients' best interests.

About the author

Content for this resource has been authored by **Heather Dale**, who is a senior accredited and registered practitioner. She has worked in private practice and in the educational sector in Yorkshire for 30 years. She currently works part-time in private practice and was a senior lecturer in counselling at the University of Huddersfield. She chairs Professional Conduct (Complaints) Panels, is a past chair (and current member) of AGM business sub-committee and is a Fellow of BACP. She is co-author of *Personal Development Groups for Trainee Counsellors: An Essential Companion*.

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