Ethical Issues and Professional Functionalism of Counseling in the 21st Century

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ABSTRACT
Ethics of every profession is the rule of which the profession plays. Till today ethics of counselling is the building blocks of counselling and the guiding tracks in the un/biding complicated and interconnected global space where technology has made change a constant in life style. Counselling practice is guided by code of ethics and standards which provide a common base for the application and interpretation of assessment and evaluation tools in counselling work. A common thread running through all the codes of ethical standards is ethical requirements which call on practitioners to observe some common theme of values and principles in the delivery of counselling services. But beyond the documented standards and guides are the mores and conventions which though have no legal and enforceable powers, farm the basis of resolution of ethical issues in counselling. These foundational issues are values, principles and ethical traits for effective functionalism of counselling in this era of technological, cultural and behavioural dynamism. Thus, the paper tends to develop a framework on ethical issues and professional counseling, while some contemporary and evolving ethical issues like culture, law, morality, counselor-client confidentiality, rights of minors, education and training which impacts on counseling work will be discussed. With the aim of creating solution to the dilemma that negates the professionalism of counseling in the 21st century.

Keywords: Ethics, Counselling, Values, Principles, Culture and Functional Professionalism

Introduction
Every profession has in some form or the other a code of ethics. Professional ethics is a systematized body of moral principles that guide or determine the counsellors behaviour in his/her relationship with the client, society and referring agent. This is to say functional professionalism of counselling is tenaciously dependent on ethics of counselling. It may remain nascent, exploratory and developmental in the foreseeable future because of the judgmental attribute and the lack of proven and uniform analytical and theoretical framework (Hodgson, 2001; Gibson, 2004). Ethics can be reflective of a culture, religion and other sets of belief system (LGB, 2011). Therefore, ethics can be viewed differently at different time, occasion and situation and from different prisms of the counsellor. Even the explicit nature of seeming universal applicability of ethical standards (Managing, Hery & Associates, 2014) established by
counselling associations may never resolve the issues but create a minimum anchor on which the debate will continue to flourish and provide ample guide in the interpretative use of the ethical standards in counselling. The paper will focus on counselling ethics and standards in effective counselling with the view of providing a doctrinal indicator for measuring the relationships amongst the issues that underlie these concepts and impacts on professional counselling practices. It is pertinent to commence the analyses with a clear perspective of some of the underlying issues of ethics and counselling. The underlying issues shall form the building blocks for the analytical approach of the discussion. These include values, principles, traits and habits, practitioner-client relationship and ethics and how these influence the very nature of counselling in the 21st century. The paper will make commentary on the ethical counselling standards, the convergence of standards across different counselling standard organizations, and finally on the resolution of the theoretical dilemma between standards and ethics in counselling profession.

Values

Values are mental processes that are both cognitive and emotional. They combine cognitive representations such as concepts, goals, culture and beliefs with emotional attitudes that have positive or negative influences (Managing, Henry & Associates, 2014). For example, the values associated with life and death requires the cognitive concepts of life and death and the emotional attitudes that view life as positive and death as negative (Thagard, 2013). Values are cognitive processes because the individual is enabled to make choices amongst an array of alternative actions when confronted with a dilemmatic situation and at the same time emotional because those cognitive decisions are influenced by the intrinsic attractiveness or aversion which the brain associates with the current pattern of action. Emotions are guided by beliefs and beliefs are tuned by stored information and reactivation of forgotten memory. Hence two adults with similar cognitive capabilities but with extreme different religious faith are likely to disagree on a wide variety of moral issues like gay marriages, abortion, family planning and so on, because the cognitive decision making process are dependent on their recall and reliance on the relationship between the events and the pattern of stored information in the brain which bear resemblance/relevance to the event. Given this, their interpretation of the current event would differ. This suggests that the values, interpretation and responses of an individual to a particular situation is subjective to the emotional predisposition and experience of an individual.

Values are a combination of beliefs, attitudes and norms on which behaviour and actions are embedded. The work place values determine how a person goes about conducting his work and the level of achievement on the work. It represents those criteria which are important to the person and which becomes the lever of performance and or behaviour. Values are the key assumption that underlie the questions a counsellor asks the client, what answers he expects or gets and what defines the very assumptions upon which the communication is seated between the two (Joann Harris-Bowlsbey, 2008). The ethical problem that counsellor may convert their personal values for client adoption during therapy exists. Counsellor must look out to avoid reduction of client freedom, avoid any violation of the contract governing ethical counsellor-client relationship and provide client with all manner of information to enhance his freedom and exercise of values personal to him (Tjeltveit, 1986). The counsellor must dissuade himself in all circumstances that his personal values do not get on the way of information sharing with client in assisting the client to deal with the counselling situation. The core values of counselling help to strengthen the relationship and setting for the counselling work. A counsellor may have strong moral objections to a clients life style but may not pressure the client to see things differently. To guide against interference counsellor value system, the Counsellor is expected to show commitment to the tenet of (BACP, 2014) as follow:

i. Respecting human rights and dignity Protecting the safety of clients
ii. Ensuring the integrity of practitioner-client relationships
iii. Enhancing the quality of professional knowledge and its application
iv. Alleviating personal distress and suffering
v. Fostering a sense of self that is meaningful to the person(s) concerned
vi. Increasing personal effectiveness
vii. Enhancing the quality of relationships between people
viii. Appreciating the variety of human experience and culture
ix. Striving for the fair and adequate provision of counselling services

These values or belief system are usually embedded in the subconscious and internalised but its exhibition becomes apparent in action when the principles of a counsellor is put to the test. This does not suggest that all counselling practitioners have these values embedded in them but it is intended to be inspirational and for counsellors to be mindful at all times that these traits are critical for the right display of professional competence and in the interpretation of the standards that guide the practice of counselling. Generally when practitioners apply these core values to guide their work, their intervention will foster a more qualitative counsellor-client relationship thereby ensuring functional counselling.

**Principles**

The values counsellors hold informs the principles that underlie their practice. Managing, Fiery & Associates (2014) opines that a counsellor who has internalised the value of appreciating the variety of human experience and culture is likely to operate with a firm principle of respect for diverse traits that are typically not traditional with his/her clients. For instance gay clients in some countries today will remain a strange occurrence but a counsellor must be able to operate from the principle of equality and respect for human dignity which is informed by the value system that appreciates diversity in culture and human experience. Humans operate from the inner core guided by some deep belief like religious values. Most religion would accommodate respect for human dignity as a primary right of existence. Consequently, a counsellor would have no moral right to judge the client and treat him/her in a biased manner (Gibson, 2004).

According to Kitchener as cited in Forester-Miller, & Davies, (1996), five moral principles constitute the cornerstone of the ethical guidelines. Ethical guidelines cannot address all situations that a counsellor might confront but the moral principles should provide a compass to guide the counsellor. Counsellors must have awareness of the ethical position of these principles which represents an important way of expressing a general ethical commitment. While value remain a set of belief system that help to form the core of who we are, principles represents an expression of a well-defined code of guide that manifest in our actions. The BACP document captures an additional principle to the 5 proposed by Kitchener;

i. Being trustworthy: honouring the trust placed in the practitioner.
ii. Autonomy: respect for the client’s right to be self-governing.
iii. Beneficence: a commitment to promoting the client’s well-being.
iv. Non-malfeasance: a commitment to avoiding harm to the client.
v. Justice: the fair and treatment of all clients and the provision of adequate services.
vi. Self-respect: fostering the practitioners self-knowledge and care for self”.

Kitchener (1984) as cited in Forester-Miller, & Davies, (1996), ethical principles provide a more solid framework for decision making than ethical code of standards. With a vivid recall and serving as a reference point, these principles can guide the counsellor in making decisions when confronted with ethical dilemma or moral confusion.

**Personal Traits/Moral Qualities of Counsellors**

The adoption of the principles of counselling helps to direct attention to ethical and professional conduct. Practitioners who have a system of beliefs that have manifested in a well-defined set of guiding principles are likely to exhibit the right mix of ethical behaviour. The following are ethical traits as captured in the BACP standard Empathy, Humility, Sincerity, Integrity, Respect, Sincerity, Competence, Resilience, Fairness, Wisdom, and Courage. It is unlikely that any counsellor will exhibit all these ethical traits. They are meant to be inspirational and a reference point to what standard is expected in the counselling profession. Codes of Ethical standards are explicit but unlikely to capture all possible circumstances or contemplations and so the counsellors are expected to rely on the moral trait that have manifested in their personae in
interpreting and applying the standards. In the event of incompatibility of the personal traits and principles in the use and application of the code of ethical standards, the counsellors are expected to resolve the difference in favour of the most apparent or persuasive moral position and! or seek expert peer opinion in making such decisions. It is not uncommon to also seek legal opinion where the counsellor is of the opinion that there is a potential for conflict between the contemplation of the standards and the law. Eventually, practitioner have never been forced nor capable of being forced in the observance of the code of ethical standards, but are usually guided by the moral codes of the profession which are embedded as principles of the profession and manifesting their outward expression of how to conduct their business. the schematics in Figure 1 illustrates the dynamical functioning of the three concepts as a foundation for ethical behaviour.

Figure 1: A guide to ethical framework for professionalism in Counselling of 21st century. The values held by counselors routinely informs and shapes the principles of counselling practice, which compels or direct attention to development of aspirational moral attributes for practitioners which should be governed by ethics in counseling for functional professionalism of counseling.

Ethics

Ethics can be said to be norm, do’s and don’ts governing a given group of people. It is the general nature of morals and of the specific moral choices to be made by a person which varies from individual, groups, profession and so on. It implies the vicarious and societal acceptance of the moral choice as the standard on which belief must stand. Ethics is the attribute of general acceptability by society and yardstick that governs expected behaviours, effective judgement and decision making and reduces the subjective judgment of an individual as affective interference. It is the border line of acceptability. Navran in 2010 described choices that can be acceptable as ethical while those which are unacceptable to society at large are unethical. This opens up another dialectical dimension to the discussion surrounding cultural perspective of ethics. What is acceptable in one society as ethical may be totally reprehensible in another from a cultural or religious perspective. Anecdotally, dog eating is normal in Southern Nigeria and parts of Asia and viewed as animal cruelty in western civilization and sacrilege in Hinduism (Wikipedia, 2014). The Counsellor must situate the cultural background and leanings of client to have a good understanding of the self-concept and motivations before a proper diagnostic work can be meaningfully done.

In furtherance, American Heritage Dictionary (2014), regards ethics as the rules or standards governing the conduct of a person or the members of a profession. Thus, the Ethical Research Centre (ERC, 2012) research indicates that ethics is the extent to which a strong commitment to standards is set at the top spelling out in clear language rule of operation on relationship among parties. For instance teachers students’ relationship is governed by teaching ethics, medical ethics stipulates how rule of operation between the medical personnel and the patient. The presence of ethics is to ensure professionalism of which when not in place there will not be similarity in the operation and thus, cannot be effective. In line with this, counselling remains a forum of confusion, a harmful venture which will be very injurious to the client given lack of pre-established track that helps the counsellor to be objective in the face of his dilemma.

The Roles of Counselling in the 21st Century
While the role of counselling is becoming increasingly important in a rapidly complex and interconnected global space, the level of awareness has not matched its importance in its died on the lives of people. In a 2011 NCDA poll, only 24% of the respondents confirmed the use of a career counsellor ever. 86% reported satisfaction with the service of counselling services they received (Pennington: NCDA, 2011). The major role of the counsellor is to enable the client to explore many aspects of their life and feelings: by talking openly and freely and without bias and emotional involvement of the counsellor. The counsellor is neither judgmental nor advisory in his outlook and approach to helping the client in resolution of issues. Most importantly, he presents the client with an enabling environment where the client is free, willing and able to share his innermost thoughts and experience with the counsellor so collective and collaborative action centred initiatives could be embarked upon by the client under the guidance of the counsellor. Effective counselling helps to reduce confusion and enthroned clarity in the mind of the client. Through the therapy session, the client is taken on exploratory journey that empowers the client to see clearly and takes responsibility for the next course of action to embark upon. The counsellor does not take decision for the client, but only helps the client in reaching his personal decision through a clear cognitive process that empowers client understanding of the circumstances of the situation leading to his decision.

Ethical issues in the profession of Counselling

One can say that ethics is necessary in counselling profession because of some conflicting ethical issues in counselling such as law, moral, culture and ethical dilemma. Resolving such issues lies with the ethical standard. As demonstrated in the diagram above. Values informs and develop the principles upon which the practitioners function; and the principles directs behaviour and develop traits which becomes embedded in counsellors; and provide a more powerful influence over their ethical conduct than the ethical code of standard (Kitchener, 1984). There are various ethical codes of standards developed by different counselling associations in the US, Britain and other parts of the world. We have researched the code of ethical standards in a couple of the associations, including the American counselling Association (ACA, 2014), The American Psychological Association (APA, 2014), National Career Development Association (NCDA). British Association of Career Practitioners (BACP. 2014), and the accreditation body, The Council for Accreditation of Counselling and Related Education programs (CACREP), and identify commonalities in the code of ethical standards of these bodies, guiding the practice of counselling.

Thus, Counsellors will be conflicted at some point. In the understanding of the aforesaid, Forester-Miller and Davies (1996) suggest the following guide/ model for ethical decision making to the counsellors. This model include: Identify the problem, apply the ACA Code of Ethics. Determine the nature and dimensions of the dilemma, Generate potential courses of action; consider the potential consequences of all options, choose a course of action, evaluate the selected course of action and Implement the course of action.

Some of the issues, by no means exhaustive, include culture, confidentiality, law, rights of minor, former client relationship, Counsellor Impairment, Conflict of interest, Moral courage, and other related issues.

Culture and Ethics

Culture, indeed is a pretty sensitive phenomenon that sets apart communities, countries, and even neighbours and critical consideration must be accorded it by the counsellor. It is the way of life of a people as defined by their belief systems, taboos, cbs and don’ts etc. What is ethical in one society might be unethical in another. A simple social gesture as a young man referring and calling a much older person on first name basis which is a normal thing in the US for example, may be openly reprimanded in Nigeria and many parts of Africa and Asia as utterly rude unacceptable and reprehensible. Ethics reduced to its purest form is doing what is right and what is right is defined from the prism of different societies. Therefore, the counsellor has a major role to play in dealing with ethical matters in counselling by updating himself with the
cultural nuances of his clients before he commences work. An aggrieved or aggravated client who feels he has been insulted because of lack of observance of minor cultural gesture by the counsellor stands the risk of losing out on the client cooperation even before the first session starts. This role is therefore of utmost significance for any counsellor to succeed.

Confidentiality

Kottler and Shepherd (2011) define confidentiality as the verbal contract between two people in which the counsellor promises to keep private the communication heard in counselling and the client agrees to the promise. It is also stated that unless this contract takes place the counselling relationship is unlikely to proceed any further. Confidentiality in connection with standard expected of a practitioner during counselling. The code among other things require member to know that:

1) Their primary obligation in counselling is to respect the integrity and promote the welfare of the client with whom they are working.
2) That the counselling relationship and information resulting there from must be kept confidential, consistent with the obligation of the members as a professional person
3) That the records of the counselling relationship, including notes, test data, correspondence and other documents are to considered professional information for use in counselling research and teaching of counsellors but always with full protection of the identity of the client and with precaution so that no harm will come to the client.
4) That the member reserves the right to consult with any other professional competent person about their client.

Under normal circumstances, counsellors are expected to keep everything a client tells them confidential. There are exceptions in situations where the counsellor can identify a clear threat to a specific person or persons, but not when the threat is vague or not directed at a specific person. This can create a difficult situation when the counsellor believes the client is potentially dangerous, but he has not said anything clear enough to justify a breach of confidentiality. This is waived in case of clear and imminent danger.

Law and Ethics

Conflicts of interest can assume different dimension. It could be between law and ethics, ethics and culture, personal and general good. (Gilman, Joseph & Raven, 2002). Resolution the conflict between the law and ethics is of immense concern to every counsellor because information would be obtained from client which may suggest such conflict. The position of the ethical code of standard is very clear. Section 1.1.1.b requires that the conflict should be resolved to its extent of inconsistency in favour of the law. Where the counsellor might not be fully aware of the legal position, he is required to seek expert advice.

Moral and Ethical Dilemma

A moral dilemma is one where a decision conforms to the subsisting code of ethical standards but questions a moral standing or ethos of the counsellor or person. For instance, it is legal to inform married man or woman to undertake suitable artificial family planning of choice in Nigeria, but the Roman Catholic Church and Islamic religion are unequivocal in their stand on such acts. To Roman Catholic Church it is regarded as a mortal sin (Vatican, 2014). While the Islamic religion see it as sin to Allah. Counsellors faced with such situations are encouraged to take a moral stand, but within the context of the multicultural diversity of the environment.

An ethical dilemma is a position where a counsellor is confronted with circumstances that may be highly injurious if the ethical standard is tenaciously observed. Taking a position of lesser injury between conflicting ethical standards should be accepted. For example reporting a client who might have information to Further the general good of society whereas you are sworn to confidentiality to the
client. This is an ethical dilemma. In line with Henry (2014), a counsellor is advised to dialogue with professional peers for counsel and advice outside relying on his core and the principles of counselling that guides the profession.

Rights of Minors and Ethics

Section A.2.d deals with the inability to give consent. The relevant section deals with the lack of capacity of minors to give consent for counselling and how the counselling results should be communicated to the counselled. Anecdotal evidence shows that in many high schools across the world, parents routinely sign counselling forms to allow counsellors to advise their wards on career counselling. Children are impressionable and today’s youth are likely to take advice from teachers and counsellors than from parents. This places a lot of responsibility on counsellors in the exercise of influence over the children in taking their decision. Therefore counsellors are expected to be as flexible as possible in making stereotypical recommendations to children. A couple of children have missed the mark because of such unguarded recommendations made without consultation with the parents. The point really is that counsellors underestimate the strength of the influence over the children in the exercise of their counsellor-ship services and how the services provided can have a long term effect on the children. In my opinion, the results of such counselling services should be shared with parents for onward release to the children so parents can actively partake in the process of assisting to manage the career direction of the children who are not empowered by law, experiential or cognitive capacity to efficiently decide.

Former Client, Impairment and Ethics

The section dealing with former client or anyone with any emotional and romantic relationship requires that counselling relationship is statute barred for at least 5 years following the discontinuation of any such relationship. Fresh counselling relationship can commence after 5 years with such persons. The section on impairment requires counsellors to declare to peers and colleagues any suspicion of impairment that might compromise the quality of services they are to provide to clients. There appear to be a moral and ethical compromise on these two sections of the code of ethical standards. First, a professional counsellor should be statute barred for life from consulting with any person with whom they have had romantic or such relationship that might blur their dispassionate decision making capacity. Counsellors are human beings with a subconscious mind riddled with forgotten memory which (Jenson, 2009; Canine and Klimek, 2008) when activated by the relevant stimuli comes alive fully and a five year bar cannot undo the emotional tangling that might have occurred between counsellor and client.

Hence counsellors are unlikely to report their personal impairment to anyone and a profession cannot place the long term integrity of the profession on the possibility of self-reporting of impairment. This identify ethical problem. a clear algorithm of peer group review of continuing capacity may be the way out of this ethical problem.

Conclusion

The paper illustrates ethics in counselling as it relates to functional counselling in the 21st century. It suggests a diagrammatical framework to show the factors that underlie ethics. We opined that values inform the principles that underlie the counselling profession, and those principles determine the aspirational personality and moral traits expect from professional counsellor. This paper maintain that those traits help in the interpretative use and applications of code of standards and in making moral choices and decisions even in situations where counsellors are not guided by documented standards. Ethics therefore rest squarely on the shoulders of values, principles and moral traits developed out of those principles. This paper took brief note of some of the salient ethical standards, makes comparisons where applicable and discusses contradictions and disagreement between two or more ethical standards that may occur; arid the counsellor is challenged as to what course of action to take in such situation. This situation of conflict in ethics is described as ethical dilemma, and its resolution, is one of the challenges of the functionalism of counselling profession. Thus, this paper concludes that
professional functionalism of counselling in the 21st century is dependent on strict adherence to the ethics in counselling profession; drawing and popularising description on how ethical dilemma will be handled by counsellors in this era of 21st century characterized by globalization, inter-cultural interference and behavioural dynamism which poses more challenges in counselling. Therefore, this paper has suggested some guidelines on will be stand of the counsellor in the face of related challenges for functional counselling.

REFERENCES


