

## A CONCEPT PAPER ON ETHICAL MALPRACTICES IN COUNSELING ACROSS LEARNING INSTITUTIONS

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### Abstract

Counseling is a profession in which a trained professional counselor utilizes the available resources to help the counselee to attain healing. It is characterized by principles, standards, morals, reasoning and universal regulations that govern the practice of counseling ethics. These ethics are meant to protect both the counselor and the counselee. In counseling there are universal ethical standards which include the following: the safety of the person; which is the safety of both the counselor and the counselee in the counseling process, safety of the place of counseling; which refers to the context and environment of the counseling office, counselor competence; which is the professional competence of the counselor and the fitness of the practice; either at community-based, hospital-based or private practice. A professionally trained counselor will be obliged to respect counselee's differences in lifestyles based on social economic class, consideration of fees structures, sexual orientation and gender such as respect for the homosexuals and the divorced. The counselor will further need to respect counselee's self-determination which involve counselee choices and decisions, and prohibit counselee abuse and exploitation. There is need to keep contract with counsees, as individuals, families, couples and organizations, which can be written and verbal contracts. The professional counselor has a duty to protect minors, keep confidentiality of both persons and information and has a duty to maintain professional reputation. Contrary to these, the counselor will be said to be practicing unprofessionally, and the prominent which is the counselee's healing will not be realized.

**Keywords:** Counseling, professionalism, professional counselor, ethical malpractices

### Introduction

Counseling; defined as an interactive between a professional and a client that leads to changes for a less adaptive state to improved adjustment in client's thoughts, feelings and behaviors. The essence of counseling is to offer therapy depending on the ability of the client to bring about desired changes to harness their own potential and address their own issues with certainty (Ikenye, 2014).

Counseling and psychotherapy (therapy) is a process aimed at helping the client heal, feel and be empowered to deal with their anxieties, fears and frustrations and ultimately achieve inner contentment. This does not mean life challenges will disappear or problems come to a halt but will enable the client regain their own energies and the positive energy in them will fill the mind, heart and body. They will be able locate inner peace and thus generate hope for self and/ or others (Wango, 2015). In the end, the client understands his or her situation, appreciate their lives, as well as their predicaments, what they can do, what they cannot change, and therefore seek inner peace and reach out

for reconciliation with self and or others.

There a wide range of patterns in terms of how people access counseling and psychological services and varying levels of confidentiality with client protection and human right concerns identified as major challenges (Njoka, 2007). Though the service is widely perceived as having definite personal emotional spiriting behavioral, educational, psychological, and social benefits (Tumuti, 1995), it has faced criticism owing to the professional complexity of managing it. Within communities and organizations counselors should use interactive communication, since the world of counseling is dynamic with new insight and understanding unfolding throughout (Wango, 2015).

Established professional counseling and international prospective undergo challenges due to proposed information-sharing requirements and by greater emphasis on the achievements of measurable behavioral outcomes-counselors, psychologists, psychiatrist and psychotherapy who are currently enjoying a relatively high degree of professional autonomy in their practice and decision making, could find themselves drawn much more closely into multi-professional ways



of working. A formal establishment of Guidance and Counseling could have begun in Kenya in the 1970's, such as introduction of Guidance and Counseling in schools in 1971 (Republic of Kenya, 2009).

Secondary schools in particular have had an urgent concern for psychological counseling services. This is because secondary school education has been perceived as the immediate source for middle management human power and the feeder to institutions of higher learning (Wango, 2015). However it was conceptualized in form of career and career choices culminated in a career booklet (Republic of Kenya, 2009) to guide in this significance task.

Since 1970's Education counseling has been developed in teaching from education psychology. Career guidance and child counseling has gained eminence and will continue to expand in various institutions. Several counseling institutions have been established that offer guidance and psychological services (Ikenye, 2014).

The benefits of psychological support in institutions and work place are well documented as most large organizations have staff counseling schemes. For instance, corporal punishment in schools was banned in 2001 and replaced with guidance and counseling of students. The ministry of state for public service introduced counseling services as an integral component of human resource management, with a policy of counseling at the work place (Republic of Kenya, 2008).

Most people would obviously be motivated to use counseling services by their prior positive experiences of similar or other type of social welfare services. Other maturing factors that could draw people to seek therapeutic help may include recommendation of services by others, a supportive environment and trust in the confidential ethos of the service. Conversely, negative pre-conceptions of counseling, psychological and psychiatric help-seeking and a perception of the institutional environment as unsafe can be devastating and discouraging to seek counseling services (Bond, 1999).

### Psychological Therapies in Institutions

Psychological therapies are concerned with mental health, as well as spiritual, philosophical, social and other aspects of living, and operate largely without medication. Psychological therapies have demonstrable benefits such as; reducing distress, symptoms of emotional and psychological disturbance, risk of harm to self and/or others; health related quality of life and return to normal life. Counseling psychological services

are recommended and relevant to several presenting issues and problems: such as psychological and psychosomatic problems, developmental needs and aspirations (Woolfe, Strawbridge, Douglas, & Dryden, 2010).

Problems are presented as issues because they involve disturbance of moods, behavior, thought processes and perception which may result in personal distress and emotional functioning. Such situations and dilemmas range from relationships and careers, abrupt changes, suffering and prolonged suffering due to loss and various crises in day-to-day living (Wango, 2015). Other factors, according to Bor and Palmer (2009), which may necessitate counseling include:

- o Personal development and management; including feelings, emotions, aspirations as well as academic related problems
- o Personality disorders; such as repetitive self-harm and self-injurious behavior
- o Loss and other traumatic changes; such as Post Traumatic Stress Disorder (PTSD)
- o Gaining support and support mechanism during crisis
- o Depression, including suicidal behavior
- o Smoking, alcohol and other drug abuse addictions
- o Anxiety, panic disorder, burnout, social anxiety and phobias
- o Psychosomatic complains, such as headaches, nausea, loss of appetite, excessive sleeping or insomnia
- o Disorders in childhood, adolescence and adulthood
- o Under achievement, especially in academics
- o Perception such as experiencing illusions, hallucinations and dissociations
- o Presence of HIV/AIDS and other terminal illness
- o Changes in societal attitude and response-just to name but a few

### Professionalism in Counseling

According to Bor and Palmer (2009), a profession is an occupation based upon a distinct body of knowledge with clearly defined standards of entry and regulated by a body. This implies competence training and a code of conduct for members of the profession. Counseling should adhere to the following characteristics as adopted from Baron (1996):

- o A specialist skill enabling a specialist service,.
  - o An intellectual and practical training in a well-defined area of study.
  - o Detachment and integrity in exercising personal judgment on behalf of the client.
  - o A direct personal relationship with a client based on confidence, faith and trust.
  - o A collective sense of responsibility for maintaining the competence and integrity of the profession
  - o Certain methods of attaining business, and
  - o An affiliation with a body which may have government recognition, which may provide the mechanism for testing competence, and regulate standards of competence and conduct.
- Counseling professional ethics entails standards and guidelines that regulate counseling practice. Professional Associations are important milestone in the evolution of, and approach of a profession.

According to Baron (1996, p. 97) a professional has the following attributes:

- o Has more allegiance to the profession than the setting or employer
- o Has broad theoretical base to the work
- o Sees work as more than a means of earning a living
- o Has a high level of educational qualification and ability to mass relevant knowledge and skills
- o Has the capacity to grasp events and response effectively and creativity; and,
- o Has the discretion to take on multiple responsibilities and take autonomous decisions.

Therefore it appears that working as a professional has certain basic attributes that include:

- o Trust relationship between the person (counselor) and client
- o Accountability;
- o Professionalism-this include standards of ethics and competence
- o Recognition held in high esteem or eminence in society

Counselors, for instance, are expected to have a contract with the client, KCA-Kenya Counseling Association or any professional body which has a Code of Ethics and conduct of counselors.

### Ethical Standards and Malpractices in Counseling

Ethical standards are also known as moral

philosophy. It concerns the study and development of guidelines by which human character, relations and actions may be judged as good or bad, right or wrong. But the nature of the ethics is neither simple nor static and what is considered “ethical” varies between professions and evolves over time reflecting development in thought and practice (Clarke, 2010).

In counseling, these are found in code of ethics and conduct as well as in ethical principles and law. Counseling should be conducted with an ethic of respect for the following:

- The person or the client or counselee;
- Human dignity and rights of the individual;
- Enhancement of the quality of professional knowledge and its application in counseling;
- The existing legal framework;
- Certain ethical guidelines that promotes the values and the quality of counseling psychological services; and
- The values that inform and promote the principles of counseling.

The main ethical framework relating to therapy is based on six (6) concepts, according to Jenkins (2009):

1. **Autonomy** -this relates to respect for the client as a determining agent freely capable of making choices and decisions
2. **Fidelity** –it requires the therapist to be trustworthy in their dealings with client and to maintain confidentiality
3. **Justice** –emphasizes fair treatment for all clients based on commitments to equal opportunities
4. **Beneficence** – more simply welfare, it involves the therapist in promoting the best interests of client through achieving positive outcomes whenever possible
5. **Non-maleficence**-ensures that no harm comes to the client caused by the therapist, through exploitation and through incompetence.
6. **Self-interest**- this encourages the therapist to develop self-knowledge and self-care through supervision and personal development activities, in order to be able to work safely and competently with the counselor

There are several issues that will arise when undertaking counseling. Counseling issues may be classified under three broad categories:

- Attitudes and values
- Role and identity; and

Conflicting philosophies and concepts

### **Attitudes and Values**

Attitudes and values are the major difficulty issue conflicting between the counselor and the client. This is due to the fact that the two may have different attitudes towards an issue arising from different values that they uphold. The counselor might find comfort in the consolation that they need to uphold values and norms within the tradition of the authority (rules and regulations) and control (law) (Bond, 1999). The counselor need to accept that society is in constant change. Therefore the primacy of social control function in the tradition of what is acceptable in counseling practice could inevitably lead to different responses from the client. Counselors need to be careful and should enable the clients to control their own lives within their social setting (Corey, 2005).

### **Role and Identity**

Counseling is clearly differentiated from other roles such as teaching and nursing among others. In a counseling intervention by a professional such as a lecturer or a pastor of religion, this distinction can be, and is often eroded so that the counseling often ends up as advice or information giving. Those in other professional who see their main role as counseling need to know the limits of counseling. Counseling is the 'heart of therapy' and not 'body of therapy' (Young, 2001).

### **Conflicting Philosophies and Concepts**

Counseling is a concept and an activity. The role difficulties associated with its practice in context hardly seem to diminish. Consider a school teacher counselor who has to handle discipline issues with the same student he/she has been counseling, or the counselor in the work-place who is employed by an organization with the multiple roles. Commitment to the principle of self-direction and interpersonal relationship may easily come into conflict with the organization or institution (Williamson, 2008). For example in a learning institution, should counseling cease and the student declared mentally disturbed or incapacitated in case of misbehavior? If so, should the person or institution seek further help or advice for expulsion, or a suspension as a student? Is the discipline harsh,

punitive or a matter of course? The counselor is left in dilemma and trespass of ethical standards is likely (Stewart, 2005).

### **Confidentiality in Counseling**

Trust is an essential cornerstone in the counseling relationship, since the client reveals to the counselor very critical information, including details regarding self. Central to the development of that trust is the principle of confidentiality. Any attempts to assure the client of 'total' confidentiality are impractical and unethical. This is because though the policy of confidentiality upholds the principle of respect, it does not recognize the principle of responsibility (Mutie & Ndamuki, 1999). Support services will also be necessary from lawyers, doctors, child rights, occupational services, and children services just to mention but a few (Gibson & Mitchell, 2010).

For instance, interagency or institutional sharing of information is part of the treatment process. Otherwise confidential material may be shared among professional staff when it is in the interest of the client to do so. However, the client must be aware that this is being done. Special circumstances related to confidentiality include counseling for persons with terminal illness, persons with HIV/AIDS, minors including students in the school setting, people with disabilities and client with drug or alcohol treatment facilities (Wango, 2015). In these cases confidentiality must be breached.

### **Counseling Relationship**

The counselor should not have other relationship with the client besides the counseling relationship. When the counselor has other relationships, particularly of administrative, supervisory and/or evaluative nature with an individual seeking counseling services, the member must not serve as the counselor, but should rather refer the client to another professional. Only in instances where such an alternative is unavailable and where the individual situation warrants counseling intervention, should the member enter into and/or maintain a counseling relationship (Correy, 2005).

Dual relationship with clients that might impair the member's objectivity and professional judgment, such as a close friend, relatives, sexual intimacies with any client must be avoided, and/or the counseling relationship terminated through referral to another competent professional (Bond, 1999). Practitioners should in

no way harass the clients. It is a legal matter and the counselor has to ethically manage himself or herself in this work and counseling relationship. Any sexual relationship with the client should be consciously avoided as it is immoral (Kenya Counseling Association, 2012).

### Counseling Records

It is essential for counselors to maintain records to provide evidence of conformity to professional requirements, and also to provide evidence for the effective operation of quality management systems. Clinical notes should be confined to specific issues and secured to avoid being accessible by undesignated personnel. All records must be legible, readily identifiable and retrievable (Ikenye, 2014). This includes a documentation of the system established to define the controls needed for the identification, storage, protection, retrieval, retention time and disposition of records (Wango, 2015). However, in learning institutions where this system cannot be applied because of technicalities, clients' information should be under lock and key.

### Conclusion

Ethical practices are meant to stimulate counseling practitioners to seek insight into issues of counseling in practice. Counselors should be sensitive as they make ethical decisions on particular situations and on particular clients. The counselors must therefore balance their competence with the needs and perceptions of clients and their own convictions and traditions. All these should be done within the law.

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