

Preamble

For the setting up of this ethical framework, reference has been made to international research and the codes of ethics of other countries. Long discussions have been held for the development of this idea wherein we also referred to our professional skills and experiences in this field. The aim of this document is the enhancement of the ethical framework of the Counselling Profession in Malta.

This Code of Ethics was approved by the Assembly of the MACP today, 11 March, 2011 and shall enter into force on 1 May, 2011.

For this reason, the Executive Committee shall appoint a Board of Ethics during the meeting in April which will be able to oversee the setting up of this Code.

Code of Ethics of the Malta Association for the Counselling Profession

Formulated by the Revision Board appointed by the Executive Council during a Meeting held in May 2005

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Code of Ethics

1.0.0. Introduction

1. The Malta Association for the Counselling Profession – MACP, is a professional association incorporating professionals who offer counselling services. As a result of this, the MACP wants to ensure the quality of the profession and of its professionals at all levels or areas, from theory to practice, and wherever this is put into practice. Every member of the MACP is bound by this code of ethics. This is required not only to ensure the quality of the practice of the members, but also for the protection of the clients. The members of the MACP may be counsellors, psychotherapists, trainee counsellors, guidance teachers, counselling students, all those who in some way provide training in counselling, counselling supervisors, researchers, managers of institutions, organisations, departments, agencies or foundations which provide counselling or training, as well as whoever in some way exercises the skills of this profession.

2. This Code also provides a Procedure for Complaints which can be used by clients, members or whoever in any way feels that a member of this association is going against this code.

2.0.0. Definitions

Client: An individual, couple, family, group or organisation making use of counselling services.

Counsellor: A professional person who has academic qualifications recognised by the University of Malta or the Malta Qualification Recognition Information Centre (MQRIC). Persons who studied helping skills in counselling as part of their training in other professions cannot be called counsellors or offer counselling services. Counsellors are professionals who use specific skills to build therapeutic relationships by means of which the clients understand the situations they are going through. The role of the counsellors is to understand the clients and help them find their inner skills to improve the situation they are in.

Supervisor¹: Counsellors are expected to meet regularly with their supervisors. The supervisors should have specialised training in counselling supervision recognised by the MQRIC. The supervisors have the role of helping the counsellors reflect on their work, so that they will always offer the best services to their clients.

Supervision: Supervision has three main aims:

- The normative aspect of supervision which ensures that the professionals respect the ethics and exercise their duties professionally.

¹ In this document a moratorium is being given to this definition until the country recognises the profession of the counselling supervisors.

- The formative aspect of supervision which helps professionals in their decision making regarding particular cases.
- The restorative aspect of supervision helps the professionals share their work burden for their own benefit, and for them to be able to carry on giving a good service.

3.0.0. Ethical Principles

3.1.0. Introduction

There are many principles which guide the decisions taken by the professionals. At times these may seem in conflict with each other. In such cases the professionals have to consider all the circumstances and do what they feel is best for their client. The final decision of the counsellor is not necessarily unethical, if this is different from that which might have been taken by other counsellors. The counsellors have to give a reason for the decisions they take.

These principles are the backbone on which the counsellors should base their ethical decisions.

This profession encompasses seven (7) principles:

3.1.1. Loyalty and Trust

Trust is the cornerstone of the therapeutic relationship between the client and the counsellor. It is the counsellors' duty to maintain this trust under all circumstances, as long as this doesn't fall under the confidentiality parameters explained further down.

In every decision taken, counsellors should act genuinely according to the trust built throughout the therapeutic relationship. It is therefore, important that the parameters of confidentiality are explained from the very beginning, and wherever possible, the clients should be involved in the decisions where personal information is to be passed on to a third party.

3.1.2. Autonomy

Counsellors have the responsibility of teaching their clients to be independent from them. They have to believe that the clients are capable of understanding what they want to achieve according to their values and beliefs and make their own decisions.

Generally, counsellors should not act on behalf of their clients. If, however, there would seem to be the need, a specific agreement has to be made between the client and the counsellor in this particular circumstance.

In cases where the clients, because of their disturbed psychological or emotional state, age or for other reasons, cannot achieve this level of autonomy, the counsellors have to scrutinise very carefully what is best for their client.

Counsellors have the obligation of entering into an agreement with the client regarding:

- the start and end of the sessions;
- the use of written notes, audio or video recordings, during the sessions;
- the structure of the counselling sessions;
- the fee and payment method;
- contact with other professionals involved (e.g. counsellors, reflective team, therapists, or during supervision);
- observations by third parties, such as students and therapists;
- personal research of the counsellors, clients, people, or institutions.

3.1.3. Beneficence: commitment towards the improvement of the psychological and emotional condition of the client

The principle of beneficence implies that the counsellors must conscientiously work and act in the best interest of the client and this fully based on their professional experience. For this to be achieved, the counsellors must check on and improve their work by means of professional supervision and continuous training.

3.1.4. Non-maleficence: Without damage/without harm

Non-maleficence means that the counsellors do their work conscientiously without causing damage or harm to their clients. Therefore, the commitment has to be done with the complete knowledge of the parameters, absolute competence and in a way as not to lead to any type of exploitation.

3.1.5. Justice

The principle of justice requires the counsellors to work according to legal guidelines, to be fair with their clients and respect the dignity and rights of all persons. Counsellors have to understand and appreciate the differences between the different nations and are obliged not to discriminate against anyone in terms of religion, gender, class, race, ethnicity, sexual orientation, ability and any other type of individual differences.

3.1.6. Self-respect

Counsellors are expected to take the necessary measures to present themselves in the best possible way during each session. This behaviour includes their being under supervision, being happy at work and are not tired or burnt out. They have to take measures so as not to expose themselves to situations which might threaten their personal or professional integrity. This in order to give the best service to the client.

3.1.7. Impartiality

The quality of the presence of the counsellors is the driving force during the counselling process. It is therefore very important that the counsellors are conscious of their values, ideas and prejudices and how these can influence the counselling process with the client. They are under the obligation of using every opportunity which can help their personal development (supervision, personal therapy and training).

4.0.0. Responsibility

4.1.0. Responsibility towards the clients

Counsellors should always be responsible for their own development and training. They should also always work within the limits of their competences. When they realise that they should refer their clients for reasons such as, e.g. limited competences or the need for consultation, they would be acting with the professionalism expected from them. If counsellors are not being effective because of personal difficulties which are hindering the quality of their work, in such a way that is damaging to their clients, they should stop working for the time needed. It could be that the counsellors cannot work with clients with particular difficulties for a short or possibly longer period of time. This has to be clarified immediately, and the clients should be referred.

All counsellors have a responsibility toward their profession in the way they behave. Apart from this they have a duty to protect their clients if they suspect that there is a lack of ethics by other professionals towards their clients. Therefore, wherever possible, counsellors are duty bound to draw the attention of other authorities according to the rules in the code of ethics and policies of the said organisations. If there is any doubt regarding the lack of ethics, the case should be discussed during the supervision. It may also be the case that a report is made to the Complaints Board of Procedures.

In situations such as these, only the necessary information should be given to those authorities who have a right to them.

4.2.0. Responsibility towards other colleagues

- (a) Counsellors have the obligation to treat their colleagues with respect, honesty and fairness.
- (b) Counsellors should never poach or try to poach other counsellors' clients.
- (c) Counsellors should as much as possible avoid professional relationships with the clients of other counsellors and/or similar professionals (kindred professions) without informing the latter or, if such is the case, the agency involved.
- (d) Counsellors should never disparage the professional work of other counsellors.

5.0.0. Multiple relationships in counselling and in supervision

Especially in the local context, during supervision, supervisors and counsellors should be aware of the implications of multiple relationships which might exist between them.

Supervisors should always be aware of the bond which is created during supervision in order to carry out their responsibilities effectively. In cases where this would be difficult, the relationship should be discussed so that the necessary decisions are taken.

5.1.0 Counselling and relatives

Counsellors shall not provide counselling services to immediate relatives. These shall be referred to other counsellors according to the work practices of the institution whereby the counsellor is working, or alternatively to other counsellors doing private practice.

5.2.0. The choice of a case for supervision

In the choice of a case for supervision Counsellors should be inspired by principles of responsibility towards the clients and the counselling profession, as well as by the principle of self-respect, They should always bear in mind the wellbeing of their clients. It is important that they also refer cases which reflect their personal limitations.

5.3.0. Responsibility towards colleagues during supervision

Counsellors have the obligation to be careful about how they talk of other colleagues.

5.4.0. The Concept of Supervision Cells called Source

The concept of Supervision Cells as explained in appendix 1 should be carried out after a two year pilot project from the date this Code of Ethics comes into effect. For this reason, when this code is reviewed after the pilot period, the assembly will discuss and decide how to proceed vis-a-vis this concept of Supervision cells.

5.5.0. The responsibility of counsellors towards former clients

Counsellors have to be careful before entering a relationship of a different nature (e.g. intimate friendship) with former clients. In the case of an intimate relationship at least five (5) year should have lapsed since the end of the sessions. Confidentiality about a past case remains.

In the case where clients enter into a relationship of a different nature with their ex-counsellors after the termination of the counselling sessions, the latter have to be aware of their professional role and obligations. The end responsibility rests with the counsellors.

5.6.0. A conscious and continual choice in favour of the client

The ultimate goal of counselling should always be in favour of the wellbeing of the clients, in such a way as to help bring about change in the quality of life of the clients. Therefore counsellors have to ensure that the process will only be for the benefit of the clients and not for other motives, including personal or institutional ones

This choice in favour of the client means that every person who comes in contact with the counsellors has a right to this service. Counsellors always have to bear in mind the principle of justice when accepting or refusing new clients. Naturally, they have to remain within the limit of the amount of sessions the counsellors can carry out to offer a good service, that is, not more than thirty hours/sessions of client contact per week, together with supervision according to that established by professional standards.

6.0.0. The Counselling Process

6.1.0. The first contact

- **Contract:** During the first appointment, counsellors should take enough time to explain the conditions under which the service will be given. These include frequency of appointments, confidentiality and its limits, payment where applicable, the venue where the counselling is going to be held, agreement about communication between the client and the counsellor outside the sessions, and what should be done when sessions are cancelled or changed. All information given verbally or in writing should be a genuine and real picture of the service.
- **Payment:** Payment should reflect the counsellors' qualifications, However, counsellors should always consider the socio-economic state of the client. As far as possible, in their private practice counsellors should avoid taking on clients whom they can meet in the institutions where they work.
- **Relationship:** The professional relationship between counsellors and their clients, and its limitations, should be explained to the clients. It is the counsellors' responsibility to clarify these limits especially in the local context where people meet often in different roles such as at work, during training, or as friends. Counsellors should avoid seeing relatives, up to the 3rd generation consanguinity and affinity and/or close social contacts and their children, as their clients.
- Counsellors should not have any sexual relationships with their clients and should be capable of realising when the relationship is moving out of the professional parameters.
- Clients have a right to know the qualifications and experience of the counsellors as well as the school of therapy they embrace. In every case the skills and techniques used should be those, which according to the judgement of the counsellor, are best adapted to the particular needs of the clients.

6.2.0. Professional relationship

It is the counsellors' responsibility to create a positive atmosphere from the very beginning in which a good professional relationship can be created. Counsellors should bear in mind that they as well as their clients have a positive role in the whole therapeutic process. The same applies to relationships between supervisors and counsellors and during supervision between colleagues and other professional relationships.

7.0.0. Confidentiality

Confidentiality is necessary and fundamental in the development of a therapeutic relationship between counsellors and clients. This aspect as well as the limitations of the counsellors in this sector should be discussed with the clients at the beginning of the counselling process as well as during the ongoing process according to the needs and circumstances. The main loyalty of the counsellors is towards their clients. For this reason, counsellors cannot break this confidentiality apart from the circumstances mentioned hereunder:

- In the case of homicide, suicide, or when a person's life is in danger;
- When counsellors are asked to testify in a court of justice and are exonerated of confidentiality;
- In the case of abuse of a minor.

Counsellors like all citizens are bound by the laws of the country. In case of doubt, counsellors should discuss the case during supervision and/or with the ethics board. The final responsibility of how to maintain confidentiality rests with the counsellors.

8.0.0. Counsellors working with other professionals

Sometimes confidential information has to be shared between different professionals so that they can work better with their clients. In this case only the relevant and necessary information should be given so that the person who is receiving the information can better assist to the needs of the clients. Every effort should be made to maintain the anonymity of the clients and everything should be carried out with great respect, in private and with a professional aim only.

It is the counsellors' responsibility to consider to which professionals such information should be given. Wherever possible, this should be done by consulting the clients so that they will have as much control over the process as possible.

When it is required that the case is discussed with professionals who do not work with clients such as during supervision, counsellors should protect the identity and anonymity of the clients.

9.0.0. Maintaining Records

Counsellors have their own method of maintaining records both in writing and electronically.

Counsellors should keep themselves informed regarding the legal obligations which are imposed on them mainly by the Code of Organisation and Civil Procedure Article 588 (2):

“unless by order of the court, no accountant, medical practitioner or social worker, psychologist or marriage counsellor may be questioned on such circumstances as may have been stated by the client to the said person in professional confidence or as may have come to his knowledge in his professional capacity”; Chapter 377 of the Professional Secrecy Act; and where applicable Chapter 440 of the Privacy and Data Protection Act.

Counsellors who work with minors have the obligation of following the Subsidiary Legislation No. 440.04 of the Privacy and Data Protection Act protecting Minors, Legal Notice 125/2004.

Counsellors should inform their clients that they are going to keep records of the counselling sessions and explain why they are going to do this and what will happen to the records once the counselling sessions end. This should be explained to the clients at the beginning of the therapy process.

Counsellors should realize that the records are for the benefit of the client, thus the clients have the right to see the records of the sessions. In the case of minors, if the carers and custodians ask to see the records, the counsellors will share the information only if it is beneficial to the clients and if it does not put the clients in danger.

It is the counsellors' responsibility to protect the anonymity of the clients and to ensure that all information is kept confidential at all the counselling stages, whether ongoing or ended. Counsellors are under the obligation to follow Subsidiary Legislation 440.04. Processing of Personal Data (Protection of Minors) Legal Notice 125 of 2004.

Counsellors have the obligation to make the necessary arrangements regarding which professional is going to collate and manage the records in case of death or other very serious circumstances.

10.0.0. Awareness of Context

Counsellors have the obligation of being well informed about:

- Laws, policies, regulations and norms in force in the context of different tasks;
- Different customs and cultures which they may come across in their real contexts;

11.0.0. Amendments and Parameters of the Ethical Framework

This ethical framework should be reviewed annually by the Association during the Annual General Meeting and falls under the parameters according to the laws of Malta.

APPEXDIX 1: The Concept of Supervision Cells called Source

To start with, let us state from the beginning that this concept makes most sense when it is applied in small communities or larger communities which are however restricted to smaller spaces such as Malta. This concept was the result of the anthropological research undertaken by Boissevain in the sixties. His theory regarding the analysis of communication – Friends of Friends – proposes Sensil in one form or another among the population, where there are complicated dual relationships, which will need to be managed within this context. Supervision cells sprang up from this reality and from the acceptance that this is our actual situation. Mifsud (2009) shows that in Malta individual counsellors are creating their multiple relationships, and therefore loyalty, and forming part of a small group is very important. Therefore, in this context a cell made of six to eight professionals is created. Once a counsellor joins a group one has to remain in it, even when outside the profession, and therefore there has to be a sense of belonging, loyalty and responsibility. There also has to be a coordinator for logistics.

If it has been proved that a member of a cell has indulged in a form of malpractice a discussion on the way forward will need to be undertaken within the cell.

Complaints Procedure: The MACP appoints a number of arbitrators. Complaints or a list of complaints made by people (complainants) who were treated badly will be addressed to the mediators approved by the MACP. The complainants will meet the chosen mediators and the arbitrators are duty bound to investigate. The arbitrators then meet with the facilitators of the cells and together see how to proceed. The arbitrators handle the case and will be representing the complainants. The cells do not exclude individual supervision but the counsellors must be part of the cells. Each cell will carry on functioning for 3 years and then there will be a choice about whether it will be dismantled or be maintained.