IN THE LAST ISSUE WE ASKED:

In the last issue, we included an email from an online supervisee, Chris, to a supervisor in summarised form. I asked four online supervisors to respond to ‘Chris’ and their full replies are reproduced on the following pages as well as the original email from the Supervisee.

READ ON SUPERVISOR RESPONSES
You will remember my client Jo, whom I brought to supervision a few weeks ago. I said at the time that I felt there was something that I wasn’t quite ‘getting’. Well, I have a horrible feeling that I am now discovering what it is and it’s leaving me not knowing quite how to handle it.

I think that the information that Jo gave on the intake form may be partly untrue – but I don’t know how much of it is or isn’t. For a start, I am pretty sure that the question about use of alcohol or non prescribed drugs was either a lie or way below the actual use – the answer said occasional alcohol intake with friends, and no drug use. In the last email, Jo was telling me about a night out and said:

‘As usual, the next morning I couldn’t really recall what had happened…..’

Then there’s a question of age. As you know, I am quite clear that I don’t work with anyone under the age of 18, and clients have to give their age and date of birth on the intake form (my double check!). It was given as 19. However, again in the last email, there was a sentence that made me wonder:

‘When I started secondary school four years ago….’

That would make Jo around 15, I think.

I am unsure where to go with this – should I challenge Jo at this point or should I wait and see whether anything more is said. If so, how? I think I am OK legally as I had asked for information and if clients lie, then I can’t be held responsible, can I? However….. Morally, ethically do parents have a right to know? And if Jo is 15, do I refer on immediately? As far as I know, Jo lives in England, but that could be wrong too!

Sorry to send an email between our normal exchanges, but I felt I’d like some help here before replying to Jo.

Thanks as always,

Chris

Here I would simply like to draw out some of the important points for consideration when finding our way through an ethical dilemma.

Bond (2000) suggests steps in ethical problem solving that apply as much to online supervision as to face-to-face work. These are:

1. Produce a brief description of the problem or dilemma
2. Ask yourself whose dilemma it is
3. Consider all available ethical principles and guidelines as well as what is required or prohibited by law
4. Identify all possible courses of action without evaluating them at this point
5. Select the best course of action and consider it for fit with the ethical principles
6. Implement the course of action
7. Evaluate the outcome

In considering Chris’s email, we need to ask ourselves if there is a full enough description of the issue. One of the respondents clearly would like to know more before being sure about the way forward – particularly about the contract. Another seeks clarification concerning the various issues, both for herself and for Chris.

It is an interesting question about whose dilemma it may be. All of our online supervisors make reference to this in some way. In this case, it would seem to be the supervisee’s – though of course there is also the matter of the accountability of the supervisor if s/he feels that
sessions and being able to bring the issue to supervision feels very affirming and further support is mentioned. There is encouragement to stand back and reflect on what may be going on in the relationship and for Jo. It is very easy for both supervisor and supervisee to rush into action before having considered the therapeutic issues as well as the legal and ethical ones. A useful question to ask sometimes is ‘What would be wrong with doing nothing?’ This does not imply a thoughtless refusal to acknowledge or tease out the issue, but rather a full consideration of the effect of taking no action at this moment.

From here, we would hope that Chris would decide the most suitable course of action – the counsellor is the person in this exchange who knows the client best. However, before implementing it, it might be wise to ‘talk it out’ with the supervisor through another email exchange or a live session. Once the action has been undertaken, that shouldn’t be the end of it. The supervisor will encourage Chris to evaluate what has transpired and discuss both any further action needed with this client, so embedding what has been learned from considering the dilemma.

The responses of the online supervisors now follow. I would like to thank them most warmly for their willingness to share their thoughts with us. You will see clearly that there is no one ‘right way forward’ but rather a series of possibilities and considerations.

Perhaps here, the last two are need to be thought through clearly – has Jo broken the terms of the contract, causing the counsellor to question the trust between them? If so, then self-interest may raise its head! And what about the autonomy of the client – might that be put in jeopardy through hasty responses or action by the counsellor?

While the online contract may state clearly that any legal procedures would be under the jurisdiction of the counsellor’s country of residence, this may have no standing if Jo is under 18.

In thinking about point 4 above, our online supervisors offer a number of courses of action, though rarely suggesting or advising a way forward. The affirmation that they offer Chris in contacting them between

Chris may act in a way that would harm Jo, the client, (ethical principle of nonmaleficence) or be prohibited or required by law. All of the respondents are based in the UK (specifically England, as differing (although similar) statutes apply in Scotland and elsewhere), so do draw attention to ‘Gillick competence’, which means assessing whether a child can understand the contract and process and therefore is able enter counselling without parental consent or knowledge. However, as one supervisor points out, a client under the age of 18 cannot make a legally binding contract, and this may have ramifications.

Useful ethical principles to apply to an ethical dilemma are:

- avoiding doing harm to the client (nonmaleficence),
- a commitment to benefitting the client (benefice),
- honouring the contract on which the trust and relationship is built (fidelity),
- consideration of whether all clients would receive the same consideration and service from the counsellor (justice)
- the counsellor’s entitlement to adherence to these principles by the client as well (self-interest)
- and the right to autonomy.

REFERENCES AND FURTHER INFORMATION

Bond T (2000) Standards and Ethics for Counselling in Action London Sage


NB Chris is a composite client, based on actual clients but mostly fictional.
Supervisor responses and thoughts to Chris’s Dilemma

I would want to know more information e.g. the terms of the contract this counsellor used and under what terms was she providing counselling – was it through an organisation and free, or was it private and was payment required?

A child can take up counselling without the consent of his/her parents as long as she is Gillick competent. This means that she can understand the terms of the agreement etc. Most children of age 15 would be considered as Gillick competent. So her age alone would not be likely to preclude her from receiving counselling without the consent of her parents.

However she cannot make a legally binding contract with the counsellor if she is under 18. This means that if the counsellor is working privately and expecting payment for services then she could not enforce any claim for payment. The contract would need to be signed by the child’s parent to be enforceable. The risk is therefore that any work carried out would not be paid. However if the counsellor is working without payment then this would be less problematic.

This client appears not to have been quite frank about her alcohol intake. However another way of understanding what she said was that although she only takes alcohol occasionally, when she does, she drinks to excess and doesn’t remember what happened. I wonder what response the client might be expecting in relation to this and whether there could be a part of her that expects to be told off. If this were to be the case, there might also be a pull to some counter transference feelings about being parental. Of course this could happen regardless of the client’s actual age. So it might be helpful for Chris to look at what would help him to remain in adult state rather than moving to parent. This would allow him to keep more objective and might also encourage the client to move from her potential child place to her own adult state.

Reply by
KIRSTIE ADAMSON, kirstieadamson@hotmail.com

Kirstie works in both a University Counselling Service and in Independent Practice
Dear Chris,

Don’t apologise for sending me an email between sessions; this clearly is troubling you and I’m glad you took the opportunity to put your thoughts into writing. There do seem to be several issues here. I’ll try and put them across as I see them and hope they will help you find how you go on with Jo from here. I’m only thinking about how you manage your concerns until our next supervision session when we will both have more time to think this through.

From what you wrote, it feels difficult to continue working with Jo without getting clarification on the two issues that have just surfaced. Clarification might uncover if Jo deliberately lied or concealed information. If so, does this mean the trust between you is broken down irretrievably or could you work on why she chose to do this, perhaps extending the depth of the relationship in the process?

So what are your options?

1. Challenge Jo in your next online session
2. Say nothing yet
3. Discuss your concerns with me in a live supervision session where we can ‘play’ with possibilities in real time

I can offer you some thoughts about the legality of working with a minor who has chosen to lie about their age online. If you apply the principle of ‘Gillick competency’ (see Wikipedia for clarification) and believe she does understand the nature of the counselling relationship, there’s no legal reason for her parents to know and you can continue working with Jo provided you feel comfortable and competent to do so (you have a working alliance with Jo already). The question of alcohol/drug misuse might be more difficult as you may not feel competent working in this area online. Some people think e-counselling is not the ideal medium for addictions work as the counsellor can’t tell when the client is writing under the influence of the addictive substance. And the fact that she may be drinking/drug taking illegally is another factor to take into account as well.

I hope my reflections help you in your decision and I look forward to hearing more about your work with Jo at our next supervision.

Warm wishes,
Gill

Reply by
GILL JONES, gilljones@olt4c.co.uk

Gill is the Director of Online Training Ltd, and also in Independent Practice.
Hello Chris,

I do remember you expressing some disquiet about this client; I guess had you met Jo f2f you would have handled it with her. Unfortunately, when we work online, although we make every effort to work ethically, by expressing our terms and conditions and insisting prospective clients complete an intake form the clients are not always honest with us (or themselves). They will have their reasons for this and it looks as if the occasion had been to celebrate a friend’s birthday for example.

I am wondering what it is about Jo’s response that raises the alarm bells. Is it the ‘as usual’? I agree that it suggests that the nights out are regular occurrences but they may not necessarily be.

If she is 15 as you suggest then she is likely to feel the effects of alcohol much more keenly than a more ‘seasoned’ drinker would so not recalling what had happened the next morning is a possibility especially if the occasion had been to celebrate a friend’s birthday for example.

I don’t know whether you have noticed or not but there seems to have developed a culture of ‘pre-drinking’ amongst young women these days, where they sink a bottle of vodka between them before hitting the town, once a week - I guess it could be classed as ‘occasionally’ but ‘binge’ what do you think?

Or perhaps your concern is that her lack of recall is directly linked to her taking drugs, and this would be ‘illegal’ whereas they can be very dangerous as I know you are aware.

Since you have a hunch that Jo is excessively drinking or using drugs Chris I wonder if you have considered tentatively asking her a few questions stating for example that it is so you have a deeper understanding of what you are working with and ask for honesty, basically, whilst also explaining parameters of confidentiality under BACP guidelines.

I guess Chris since you were already feeling unsure about Jo this piece of information will have made you more wary, but as you say she gave her age as 19 and there was no reason for you to doubt her entry. Since you state clearly on your website that you do not work with under 18’s Jo will have known she was taking a risk although she may not have realised the seriousness of making such a claim or how much concern she is causing you.

However, you do need to exercise caution because in some counties such as Leicestershire children don’t start secondary school until they are 14 in which case Jo could be telling you the truth about her age.

Since Jo has not actually admitted to being or doing anything different from what she wrote on the intake form I guess there are various options available to you.

I ask myself why Jo is choosing to write to you as if she were 19 if she isn’t. I also ask why she feels she needs to say that she does not have a drink/drugs habit if she does. What could her reasons be?

I guess a big part of online counselling is taking what our clients say on trust and on them trusting our professionalism to help them resolve their difficulties. Jo is confiding in you but if you feel she is not being totally honest then perhaps you could gently suggest to her that this may be the case.

If you are assume Jo is 15 I guess you have to consider how well she complies with the Fraser or Gillick set of competences. If you sense that Jo is mature enough to handle the counselling you are sharing with her then there is no rule that says her parents need to be informed. However, she may be telling the truth.

I am wondering Chris if you are aware of the work of COAP (www.coap.co.uk). There is some very interesting information stored on that site and it may help you to decide what the best way forward is for you and your client.

Remember that Jo has chosen to write to you because she feels you can help her.

Hopefully my response is helpful to you. Do get back in touch if you need further clarification.

Warm wishes,

Gill

Reply by

GILL WEBB, gillwebb1@hotmail.com

Gill is a tutor with Online Training for Counsellors, a Life Coach, and an Independent Relationship Counsellor.
Hello Chris,

I do remember you expressing some disquiet about this client; I guess had you met Jo face to face you would have realised that there had been some mistake regarding her age if she is 15 and would have addressed it by expressly stating our terms and conditions and by insisting prospective clients complete an intake form as if Jo is using the anonymity of the internet to seek support for a problem she may not have been able to access or felt confident to talk about face to face. I do appreciate your feelings of apprehension and I am pleased that you are using supervision to explore how you can best respond to Jo.

It suggests that the nights out are regular occurrences but they may not necessarily be. A seasoned’s drinker would so not recalling what had happened the next morning is a possibility especially if the occasion had been to celebrate a friend’s birthday for example.

I don’t know whether you have noticed or not but there seems to have developed a culture of ‘pre-drinking’ amongst young women these days, where they sink a bottle of vodka between them before hitting the town, once a week – I guess it could be classed as ‘occasionally’ but ‘binge’ what do you think?

Or perhaps your concern is that her lack of recall is directly linked to her taking drugs, and this would be a concern if she’s using ‘legal highs’ (young people often think ‘legal’ means ‘safe’ as opposed to ‘not illegal’ whereas they can be very dangerous as I know you are aware)

Since you have a hunch that Jo is excessively drinking or using drugs Chris I wonder if you have considered tentatively asking her a few questions stating for example that it is so you have a deeper understanding of what you are working with and ask for honesty, basically, whilst also explaining parameters of confidentiality under BACP guidelines.

I guess Chris since you were already feeling unsure about Jo this piece of information will have made you more wary, but as you say she gave her age as 19 and there was no reason for you to doubt her entry. She may be taking a risk although she may not have realised the seriousness of making such a claim or how much more cautious you need to be. You do need to exercise caution because in some counties such as Leicestershire children don’t start secondary school until they are 14 in which case Jo could be telling you the truth about her age.

Since Jo has not actually admitted to being or doing anything different from what she wrote on the intake form I guess there are various options available to you. I ask myself why Jo is choosing to write to you as if she were 19 if she isn’t. I also ask why she feels she needs to say that she does not have a drink/drugs habit if she does. What could her reasons be?

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I am wondering Chris if you are aware of the work of COAP (www.coap.co.uk). There is some very interesting information stored on that site and it may help you to decide what the best way forward is for you and your client.

Remember that Jo has chosen to write to you because she feels you can help her.

Hopefully my response is helpful to you. Do get back in touch if you need further clarification.

Warm wishes,
Gill
Dear Chris

Thank you for sending me this, as you say it is between sessions but we do have in our contract the ability to look at anything that is of an urgent nature. The things you mention certainly come in to that category. Well done for coming forward with this early and not letting it run on.

Yes. So you have some unconfirmed suspicions at this time, great to have them in the open here. OK, good to know it might be surfacing.

Uhm I definitely something not adding up here, in regards to her age. I would guide you to challenge now as it is now you have the uncertainties. This will do two things. One show Jo that you are hearing everything that is said, and two it will keep you safe legally in that you have acted as soon as you became aware that you think not everything is adding up.

This can be tricky; you will want to come across in your norm empathetic way as well as needing to be very clear in what you are saying.

A straight observation comment might be a good starting point. Something along the lines of Jo in the form you filled in before we began work you told me you were 19, and in your last email to me you said ‘When I started secondary school four years ago….’ I am having trouble matching these two in my head, please can you help by again telling me exactly how old you are. As you know I do not work with people under 18 and if you are about 15 as your statement about school suggests we would not be able to continue to work much longer. I will be able to help you to access counselling where your age would be no problem i.e. through jo@samaritans.com. I do not wish us to end abruptly but to look at this and to help you find the right way forward for yourself.

You said, "I think I am OK legally as I had asked for information and if clients lie, then I can't be held responsible, can I?" You are right here as backed by the BACP guide for online counselling 2009 2.2 Then you asked, "...Morally, ethically do parents have a right to know?" Here we come into the area of testing Gillick competence, if you need more information on this please let me know. What we do know is that you are clear in your mind that you do not work with under 18’s. If you want to re-think this decision we would need to do some preparation here in supervision to help you make the changes.

As far as doubting whether Jo lives in England…. Of course you will now be looking at and doubting much of what you have heard. It could be that she is not in England, but you have not picked up a sense of that and she does talk of secondary school which is a very British term. We may need to look at the uncertainties that this has raised for you some more later.

Thank you for trusting me with this and asking for the help you need.
I look forward to hearing how this goes in our next session.

Warm wishes
Jacqui

Reply by

JACQUI ATKINSON, Jacqui.atkinson@ntlworld.com

Jacqui is the Campus counsellor for training groups with Online Training Ltd. She has worked in Further Education as a counsellor, and now has an Independent Practice
DILEMMA

Your face-2-face client has been talking about the virtual game, World of Warcraft for several weeks. While you try to listen intently, you really don’t understand what WoW is or how it might be relevant to your client’s therapeutic goals. What should you do?

WHAT WOULD YOU DO?!

Weigh in at the OTI Social Network’s Discussion Forum!  http://onlinetherapyinstitute.ning.com/forum/topics/ethical-dilemma-what-would-you-do-selected-reader-comments-to-be-