



ETHICAL ISSUES IN COUNSELLING CHILDREN AND ADOLESCENTS

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Learning Objectives

- Awareness of applicable laws governing children/adolescents
- Familiarisation with the Jamaican Ethics Code
- Understanding legal/ethical issues pertaining to counselling minors
- Recognising Ethical Dilemmas
- Risk Management

Applicable Laws

- International and Jamaican laws have been established to protect children and adolescents, who are considered to be vulnerable.
- Counsellors and psychologists must to be aware of laws, reporting requirements and consequences for failing to report.
- In the event of a conflict, the law supersedes the Ethics Code.

Applicable Laws

- Child Care and Protection Act (2004)
- UN Convention on the Rights of the Child
- Mandatory Reporting of infringements to the Child Protection & Family Services Agency
- Child Labour
- Child Abuse (Physical, Sexual, Verbal, Emotional)
- Suicidal ideation and attempt(s)
- Neglect and abandonment
- Sexual activity below the age of legal consent (16 years)

Jamaican Ethics Code

- Code was last revised August 2015
- Features General Principles and Ethical Standards that Psychologists and Counsellors should adhere to.
- Five (5) General Principles common to all Ethics Codes - Beneficence and Nonmaleficence, Fidelity & Responsibility, Justice, Integrity, Respect for peoples rights and dignity
- Ethical Standards – specifies ten (10) areas of practice

Common Ethical Issues Resulting in Dilemma

- Informed Consent - Standard 3: Human Relations
- Confidentiality - Standard 4: Privacy and Confidentiality
- Competence - Standard 2.01: Boundaries of competence
- Reporting Child Abuse - Standard 4: Privacy and Confidentiality
- Dual relationships - Standard 3: Human Relations

Informed Consent

- Children and adolescents under 18 years are legally incapable of providing consent.
- For this grouping the therapist is required to provide an appropriate explanation for therapy, seek the child's/adolescent's *assent*, consider their preferences and best interests, and obtain appropriate permission from a legally authorized person.
- Therapist must consider the degree of emotional development and cognitive maturation of the child/adolescent who dissents.
- Safety supersedes all other considerations thus supporting professional decisions that may abrogate an individual's rights.

Confidentiality

- Maintaining Confidentiality
- Discussing the Limits of Confidentiality
- Prior permission for recording – voice and images
- Required consent for disclosure of information

Confidentiality - Important Points to Consider

- Deciding *when* to inform parents of adolescent high risk behaviours – e.g. drug use, criminal behavior, casual sex:-
- Could depend on the intensity, frequency and seriousness of the behaviour
- Therapist's assessment of whether likely parental response could damage the therapeutic process
- Willingness of the adolescent to disclose and personally work on risky behaviours.

Competence

- Therapist who work with children/adolescents should be trained and experienced in providing services to minors.
- Effectiveness in adult counselling does not always transfer to working with children.
- Requirement to consult with other professionals when experience is lacking.
- Therapists must refrain from imposing their beliefs and values on minors.

Reporting Child Abuse

- Failure to report child abuse and neglect has been cited as a common problem.
- Therapist should be aware of the reporting process to ensure compliance with legal requirements for mandatory reporting.
- Child abuse and neglect must always be reported to the proper authorities.
- Reporting child abuse and neglect will have significant consequences for the child/adolescent, the family and the therapist.

Dual Relationships

Psychologists and counsellors should refrain from entering into multiple relationships with clients if the relationship:-

- could reasonably be expected to impair objectivity, competence, or effectiveness in performing therapeutic care
- could exploit or harm the person with whom the professional relationship exists.

Risk Management

- High risk clients include children/adolescents who were abused, those who present a serious risk to harm themselves and others, and those who use seduction to gain affection and closeness.
- Agreements of confidentiality via informed consent can be used to manage risks created by ethical dilemmas.

Resources

- Jamaican ethical principles of psychologists and counsellors' code of conduct (2015).
- Knapp, S, Younggren, J.N., VandeCreek, L, Harris, E & Martin, J.N. (2013). Assessing and managing risk in psychological practice: An individualized approach. (2nd). Rockville, MD The Trust.