

★ Ethics when Working with Third Parties

Sue Mortlock explores some of the qualitative data she gathered through the Ethics Workshops held last year and considers this alongside the CDANZ Code of Ethics.



Last year, many of you attended Ethics Workshops provided by CDANZ National Executive. Some common practice themes emerged, which provide members with ethical challenges. There were remarkable similarities in the scope of these issues across branches. They included:

- The challenges of 3rd party work
- Increased use of technology, especially online assessment tools and navigating social media boundaries
- The pressure to 'do more for less' and an unease about the impact for clients.
- A 'fear' of the possibility of litigation/complaints as the context of practice becomes more complex.

In considering how to respond to these challenges in my practice, I frequently refer to a recent publication (2011), 'Ethics in Practice: A guide for counsellors' (Editors Kathie Crocket, Sue Cornforth and Margaret Agee). Although career practitioners are not counsellors, the ethical issues above are ones that we share with counsellors, along with a desire to practice ethically and professionally.

I do not intend this article to be a book review of 'Ethics in Practice'. However, there are some chapters in the book which are helpful as we consider ethics, particularly of third party work. At the conclusion of this article I will provide resources to provide a framework for thinking about working in the digital space.

Kathie Crocket, in her chapter 'Multiple Relationships' (Crocket, Cornforth & Agee, 2011) makes the point that New Zealand is a small country and many practitioners live in small communities. Therefore, at some stage we will all most likely need to manage multiple relationships. It is therefore preferable that we do not assume avoidance, by declining to do work that may involve people who may be known to us in some way, but instead, work out how we can safely navigate ethical boundaries with those people, and others to whom we have differing relationships and responsibilities. Crockett describes this as 'complexity (of relationships) rather than prohibition, connectedness rather than distance'. She describes navigating through this territory in way that strengthens relationships. She acknowledges that doing this ethically requires a 'high degree of astuteness and skill'! (p. 130)

Crocket states that in third party work, where there will be multiple players, the principal ethical responsibility of the (careers) practitioner is to 'safeguard and protect the relationship with clients for the work of careers/counselling'. Tied up in this statement are the primary ethical principles in the CDANZ Code of Ethics that those attending workshops also held to strongly in their practice, such as the autonomy of the client, respect and integrity (paying special attention to the possibility of self-interest obscuring the *responsibility* that the practitioner has to the relationship).

Therefore, the first step in third party work is to be clear who the primary client is with whom the relationship must be safeguarded. The CDANZ Code of Ethics indicates that this is the recipient of the careers work. Someone else may be paying for it, and they also will be a client, or an

interested party. But the client to whom we have primary responsibility is the person(s) who is doing the work with us.

The key issues which seem to arise for practitioners in third party work are:

- *Different role expectations.* Is the role in which the client sees us the same as the role that we may pick up when the employer or payer of the service asks us for a report or for feedback on the client? In a small town, for example, can we be the career practitioner as well as a city councillor, who may make decisions about funding for different projects or redundancies?
- *The possibility of 'divided loyalties'.* Can we give equal attention to the needs of, say, management, and the needs of the client who may be under performance management? Can we work with and reconcile them both?
- *Conflicts of interest.* Are we being asked to pick up differing roles, and is there potential for one role to undermine, or confuse the other? What effect would any role confusion have on the safety of the primary relationship? Are we looking to further our own interests if we accept conflicting roles?

Bob Manthei, in his chapter 'Communicating with other professionals' (Crocket, Cornforth & Agee, 2011) suggests that in order to ethically navigate third party territory, it is helpful to pay attention to the following questions:

- Am I practising within my scope of competence?
- Have I identified all the interested parties? Who is my primary client? Who else is involved and in what specific ways? What are my responsibilities to them?
- What has been agreed about access to notes, reports? Has the client been informed?
- If I have doubts that I can work ethically with this client, who could I talk to about it? Who could I refer the client to if doubts remain? How would I talk to the client about it?

Finally, I find it helpful to remind myself that it is my responsibility to attend to the 'unease' or questioning I might have about navigating multiple relationships ethically and safely. Jim Depree begins the chapter entitled 'Even-handedness in relationship counselling: A companion piece' (Crocket, Cornforth & Agee, 2011, p. 121), by writing:

"My approach [to counselling] is to treat it as a particular kind of collaborative and on-going process of ethical problem-solving'. Counsellors are responsible for clarifying the ethical obligations, legal rights and agency policy which are necessary to produce an 'informed consent conversation' that promotes safety, fairness and respect".

As noted at the beginning of this article navigating complex relationships, such as those found in third party work, takes 'a high degree of astuteness and skill', which we will develop through on-going reflection, discussion with others and professional supervision.

Resources for work in the digital space:

- BACP (2010). Guidelines for online counselling and psychotherapy (3rd Edition). UK: British Association for Counselling & Psychotherapy. Purchase at <http://wam.bacp.co.uk/wam/Search.exe?DETAIL=4039>
- Wright, Jeannie (2011). Online practices, in Crocket, K., Cornforth, S. & Agee, M. (2011) *Ethics in Practice: A guide for counsellors*. NZ: Dunmore Publishing Ltd (pp. 175-180).

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- Crocket, Kathie, Cornforth, Sue & Agee, Margaret (2011) *Ethics in Practice: A guide for counsellors*. NZ: Dunmore Publishing Ltd