

The background is a solid orange color with a subtle gradient. It is decorated with various leaf silhouettes in a darker shade of orange, scattered across the top and sides.

Module 4

Ethics in Supervision

NBCC Code of Ethics: Supervision

1. Ensure that supervisees inform clients of their professional status (i.e. intern) and of all conditions of supervision
2. Ensure that clients have been informed of their rights to confidentiality and privileged communication when applicable. Clients also should be informed of the limits of confidentiality and privileged communications
3. Inform supervisees about the process of supervision, including supervision goals, case management procedures, and the supervisor's preferred supervision model(s)
4. Keep and secure supervision records and consider all information gained in supervision as confidential.
5. Avoid all dual relationships with supervisees that may interfere with the supervisor's professional judgment or exploit the supervisee.
6. Establish procedures with their supervisees for handling crisis situations.
7. Provide supervisees with adequate and timely feedback as part of an established evaluation plan.
8. Render assistance to any supervisee who is unable to provide competent counseling services to clients.
9. Intervene in any situation where the supervisee is impaired and the client is at risk.
10. Refrain from endorsing an impaired supervisee when such impairment deems it unlikely that the supervisee can provide adequate counseling services.
11. Refrain from offering supervision outside of their area(s) of competence.
12. Ensure that supervisees are aware of current ethical standards related to their professional practice, as well as legal standards that regulate the practice of counseling.
13. Engage supervisees in an examination of cultural issues that might affect supervision and/or counseling.
14. Ensure that both supervisees and clients are aware of their rights and due process procedures.

ACES Ethical Guidelines

- Inherent and integral to the role of supervisor are responsibilities for:
 - a. Monitoring client welfare;
 - b. encouraging compliance with relevant legal, ethical, and professional standards for clinical practice;
 - c. monitoring clinical performance and professional development of supervisees; and
 - d. evaluating and certifying current performance and potential of supervisees for academic, screening, selection, placement, employment, and credentialing purposes.
- 2.01 Supervisors should have had training in supervision prior to initiating their role as supervisors.
- 2.02 Supervisors should pursue professional and personal continuing education activities such as advanced courses, seminars, and professional conferences on a regular and ongoing basis. These activities should include both counseling and supervision topics and skills.
- 2.03 Supervisors should make their supervisees aware of professional and ethical standards and legal responsibilities of the counseling profession.
- 2.04 Supervisors of post-degree counselors who are seeking state licensure should encourage these counselors to adhere to the standards for practice established by the state licensure board of the state in which they practice.
- 2.05 Procedures for contacting the supervisor, or an alternative supervisor, to assist in handling crisis situations should be established and communicated to supervisees.
- 2.06 Actual work samples via audio and/or video tape or live observation in addition to case notes should be reviewed by the supervisor as a regular part of the ongoing supervisory process.
- 2.07 Supervisors of counselors should meet regularly in face-to-face sessions with their supervisees.
- 2.08 Supervisors should provide supervisees with ongoing feedback on their performance. This feedback should take a variety of forms, both formal and informal, and should include verbal and written evaluations. It should be formative during the supervisory experience and summative at the conclusion of the experience.

ACES Ethical Guidelines Cont.

- 2.09 Supervisors who have multiple roles (e.g., teacher, clinical supervisor, administrative supervisor, etc.) with supervisees should minimize potential conflicts. Where possible, the roles should be divided among several supervisors. Where this is not possible, careful explanation should be conveyed to the supervisee as to the expectations and responsibilities associated with each supervisory role.
- 2.10 Supervisors should not participate in any form of sexual contact with supervisees. Supervisors should not engage in any form of social contact or interaction which would compromise the supervisor-supervisee relationship. Dual relationships with supervisees that might impair the supervisor's objectivity and professional judgment should be avoided and/or the supervisory relationship terminated.
- 2.11 Supervisors should not establish a psychotherapeutic relationship as a substitute for supervision. Personal issues should be addressed in supervision only in terms of the impact of these issues on clients and on professional functioning.
- 2.12 Supervisors, through ongoing supervisee assessment and evaluation, should be aware of any personal or professional limitations of supervisees which are likely to impede future professional performance. Supervisors have the responsibility of recommending remedial assistance to the supervisee and of screening from the training program, applied counseling setting, or state licensure those supervisees who are unable to provide competent professional services. These recommendations should be clearly and professionally explained in writing to the supervisees who are so evaluated.
- 2.13 Supervisors should not endorse a supervisee for certification, licensure, completion of an academic training program, or continued employment if the supervisor believes the supervisee is impaired in any way that would interfere with the performance of counseling duties. The presence of any such impairment should begin a process of feedback and remediation wherever possible so that the supervisee understands the nature of the impairment and has the opportunity to remedy the problem and continue with his/her professional development.
- 2.14 Supervisors should incorporate the principles of informed consent and participation; clarity of requirements, expectations, roles and rules; and due process and appeal into the establishment of policies and procedures of their institutions, program, courses, and individual supervisory relationships. Mechanisms for due process appeal of individual supervisory actions should be established and made available to all supervisees.

Informed Consent

- Provide the supervisee with the opportunity for informed consent (supervision informed consent)
- Determine that the supervisee informs clients about the parameters of therapy (client informed consent)
- Determine that the supervisee informs clients about parameter of supervision that will affect them

Supervision Informed Consent

- Best practice is that supervisees be informed about the process and expectations of supervision.
- A supervision contract example will be found in the toolbox module.

Negligence/Malpractice

- Doing what is right is not guarantee against misfortune. Knowledge of how the courts define accountability in clinical supervision can help with risk management.
- Malpractice is professional negligence (Pozgar, 1996). To establish that a supervisor has acted negligently there are four legal criteria that must be shown:

Negligence/Malpractice

- Duty: Duty can be established by a relationship or by statutory law. It refers to the fiduciary responsibility to care for the welfare of another person(s) over which a supervisor has direct control and knows, or should know, of their actions.
- Breach: Breach is based on a violation of the preceding duty, where specific actions or inactions occurred that were both foreseeable and unreasonable given that fiduciary responsibility.
- Causation: The breach of duty was a direct and/or proximate cause of injuries incurred by a client or patient.
- Damage: Demonstrable physical, financial, or emotional injury (including pain and suffering) must have occurred as a result of the foregoing three criteria

(Falvey, 2002, p. 16)

Fiduciary Duty

- Fiduciary Duty as defined by Falvey (2002) as “a relationship requiring the highest duty of care and arising between parties usually in one of four situation:
- (1) when one person places trust in the faithful integrity of another, who as a result gains superiority or influence over the first;
- (2) when one person assumes control and responsibility over another;
- (3) when one person has a duty to act for or give advice to another on matters falling within the scope of the relationship; or
- (4) when there is a specific relationship that has traditionally been recognized as involving fiduciary duties”

Clinical Supervision Oversight

- Monitoring supervisor and supervisee competence
- Assuring informed consent in treatment and in supervision
- Maintaining confidentiality and adhering to its limits
- Protecting client welfare
- Promoting the supervisee's professional development
- Avoiding dual relationship in treatment and in supervision
- Implementing legal mandates to warn, protect, and/or report

Clinical Supervision Administrative Oversight

- Supervisee selection and case assignment
- Training program liaison
- Providing supervisee orientation to policies and emergency procedures at the site
- Monitoring supervisee compliance with ethical codes as well as state and federal statutes governing clinical practice
- Conducting formative and summative evaluations of the supervisee
- Ensuring adequate documentation of clinical and supervisory sessions as well as important decision processes in treatment.

Supervisee Bill of Rights

(Bernard & Goodyear, 2014)

- Introduction

- The purpose of the Bill of Rights is to inform supervisees of their rights and responsibilities in the supervisory process.

- Nature of the Supervisory Relationship

- “The supervisory relationship is an experiential learning process that assists the supervisee in developing therapeutic and professional competence. A professional counselor supervisor who has received specific training in supervision facilitates professional growth of the supervisee through”:

- Monitoring client welfare
- Encouraging compliance with legal, ethical, and professional standards
- Teaching therapeutic skills
- Providing regular feedback and evaluation
- Providing professional experiences and opportunities

(Bernard & Goodyear, 2014, p. 311)

Supervisee Bill of Rights cont.

- Expectations of the Initial Supervisory Session
 - The supervisee has the right to be informed of the supervisor's expectations of the supervisory relationship. The supervisor shall clearly state expectations of the supervisory relation that may include:
 - Supervisee identification of supervision goals for oneself
 - Supervisee preparedness for supervisory meetings
 - Supervisee determination of areas for professional growth and development
 - Supervisor's expectation regarding formal and informal evaluations
 - Supervisor's expectation of the supervisee's need to provide formal and informal self-evaluations
 - Supervisor's expectation regarding the structure and/or the nature of the supervisory sessions
 - Weekly review of case notes until supervisee demonstrated competency in case conceptualization
 - The supervisee shall provide input to the supervisor regarding the supervisee's expectation of the relationship.

(Bernard & Goodyear, 2014, p. 311)

Supervisee Bill of Rights cont.

- Expectations of the Supervisory Relationship
 - “A supervisor is a professional counselor with appropriate credentials. The supervisee can expect the supervisor to serve as a mentor and a positive role model who assists the supervisee in developing a professional identity. The supervisee has the right to work with a supervisor who is culturally sensitive and is able to openly discuss the influence of race, ethnicity, gender, sexual orientation, religion, and class on the counseling and supervision process. The supervisor is aware of personal cultural assumptions and constructs and is able to assist the supervisee in developing additional knowledge and skills in working with clients from diverse cultures.
 - Since positive rapport between the supervisor and supervisee is critical for successful supervision to occur, the relationship is a priority for both the supervisor and supervisee. In the event that relationship concerns exist, the supervisor or supervisee will discuss concerns with one another and work towards resolving differences. Therapeutic interventions initiated by the supervisor, or solicited by the supervisee, shall be implemented only in the service of helping the supervisee increase effectiveness with clients. A proper referral for counseling shall be made if appropriate”

(Bernard & Goodyear, 2014, p. 311)

Supervisee Bill of Rights cont.

- Ethics & Issues in the Supervisory Relationship
 - *Code of Ethics & Standards of Practice*: The supervisor will insure the supervisee understands the ACA Code of Ethics & Legal responsibilities.
 - *Dual Relationship*: Since a power differential exists in the supervisory relationship, the supervisor shall not utilize this differential to their gain. Since dual relationships may affect the objectivity of the supervisor, the supervisee shall not be asked to engage in social interaction that would compromise the professional nature of the supervisory relationship.
 - *Due Process*: during the initial meeting, supervisors provide the supervisee information regarding expectations, goals, and roles of the supervisory process. The supervisee has the right to regular verbal feedback and periodic formal written feedback signed by both individuals.
 - *Evaluation*: During the initial supervisory session, the supervisor provides the supervisee a copy of the evaluation instrument used to assess the counselor's progress.
 - *Informed Consent*: the supervisor informs the client she is in training, is being supervised, and received written permission for the client to audiotape or videotape.
 - *Confidentiality*: the counseling relationship, assessments, records, and correspondences remain confidential. Failure to keep information confidential is a violation of the ethical code and the counselor is subject to a malpractice suit. The client must sign a written consent prior to the counselor's' consultation
 - *Vicarious Liability*: the supervisor is ultimately liable for the welfare of the supervisee's clients. The supervisee is expected to discuss with the supervisor the counseling process and individual and individual concerns of each client.
 - *Isolation*: the supervisor consults with peers regarding supervisory concerns and issues
 - *Termination of Supervision*: the supervisor discussed termination of the supervisor relations and helps the supervisee identify areas for continued growth and explore professional goals.

Supervisee Bill of Rights cont.

○ Expectations of the Supervisory Process

- The supervisee shall be encouraged to determine a theoretical orientation that can be used for conceptualizing and guiding work with clients.
- The supervisee has the right to work with a supervisor who is responsive to the supervisee's theoretical orientation, learning style, and developmental needs.
- Since it is probable that the supervisor's theory of counseling will influence the supervision process, the supervisee needs to be informed of the supervisor's counseling theory and how the supervisor's theoretical orientation may influence the supervision process.

(Bernard & Goodyear, 2014,p. 312)

○ Expectations of the Supervisory Sessions

- The weekly supervisory session shall include a review of all cases, audiotapes, videotapes, and may include live supervision.
- The supervisee is expected to meet with the supervisor face-to-face in a professional environment that insures confidentiality.

Supervisee Bill of Rights cont.

- Expectations of the Evaluation Process
 - “During the initial meeting, the supervisee shall be provided with a copy of the formal evaluation tool(s) that will be used by the supervisor. The supervisee shall receive verbal feedback and/or information evaluation during each supervisory session. The supervisee shall receive written feedback or written evaluation on a regular basis during beginning phases of counselor development. Written feedback may be requested by the supervisee during intermediate and advanced phases of counselor development. The supervisee should be recommended for remedial assistance in a timely manner if the supervisor becomes aware of personal or professional limitation that may impede future professional performance. Beginning counselors receive written and verbal summative evaluation during the last supervisory meeting. Intermediate and advanced counselors may receive a recommendation for licensure and/or certification” (Bernard & Goodyear, 2014, p. 313).