



Counselling: Ethics, Morality and the Law in Nigeria

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ABSTRACT

History of guidance and counseling can never be totally complete without mentioning Frank Person and his organization of Boston Vocational bureau which provided needed vocational assistance to the many young people seeking employment and to train teachers to serve as vocational counselors. These teachers were to help select students for vocational schools and to assist students in choosing a vocation wisely and making the transition from schools and to assist students in choosing a vocation. Hence the growth of guidance and counseling in Nigeria also started in liked manner in St. Theresa's college, Oko ado in Ibadan, Oyo state. Guidance and counseling profession cannot succeed very well without the formulation of ethical and moral code of practice backed up by law (legislation) in line with these thoughts this paper takes a look at a brief history of guidance and counseling by its foundation father Frank Person down to its growth in Nigeria the ethics, morality, and the law in Nigeria context as it relates to the profession. Conclusions and recommendations were made. CASSON AND APROCON as the only recognized bodies in Nigeria should move for the body's legislation and recognition, establish national board for certified counselors, Registration of practitioners, issue of licensure and inspection.

Keywords: Ethic Morality, Law and Counseling.

INTRODUCTION

History is often made when a person has an idea that meets a need and coincides with an opportunity. In 1908, Frank Person organized the Boston vocational bureau to provide needed vocational assistance to the many young people seeking employment and to train teachers to serve as vocational counselors. These teachers were to help select students for vocational schools and to assist student in choosing a vocation wisely and making the transition from school to suitable work. Odemelam & Uwani (2009) considered various factors necessary for wise choice of a vocation. A clear understanding of yourself, your aptitude, abilities, interest, ambitions, resources, limitation and other causes (Depauw, 1986). Knowledge of the requirements and conditions of success, advantages and disadvantages, compensation opportunities and prospects in different lines of work is necessary.

True reasoning on the relation of these two group of facts, hence counseling can be seen as a relationship in which one person endeavors to help another person to understand and solve adjustment problems. Kalbers (2015) sees counseling as a process in which a counselor assists the counsel make interpretations of facts relating to a choice, plan, adjustment, which he needs to make. Bond and Griffin (2010) defines counseling as a process which takes place in a one to one relationship between an individual troubled by problems with which he cannot cope alone and a professional worker whose training and experience have qualified him to help others reach solutions to various types of personal difficulties. Eremie (2004)

defines counseling as helping an individual become more fully aware of himself and the ways in which he is responding to the influences in his environment.

The Growth of Guidance and Counseling in Nigeria

The development of counseling has no systematic documentation in Nigeria. However, sources available stipulate that the development of guidance and counseling has its roots in the then western state of Nigeria and that the growth of guidance and counseling started at ST. Theresa's college, Oke ado around the 50's and 60's at Ibadan with a group of Reverend Sisters who saw the dire need to offer information on vocational guidance on the outgoing final year students in 1958, since then the practice of guidance and counseling has been on the background (Egbochukwu, 2008).

The provision for guidance and counseling in the Nigeria National Policy on Education (6-3-3-4) has been an issue of concern to professional counselors for some time now. A critical appraisal of the provision reveals an obvious non-recognition, ignorance and neglect of the crucial contributions of counseling to the achievement of the goals and objectives of the national policy on education (Echebe (2012).

Ethics: Ethics is seen as a philosophical discipline that is concerned with human conduct and moral decision making (Van Hoose and Kotter 1985). Philosophy here is seen in six branches. Traditionally, Metaphysics set the questions for philosophy. Epistemology asks how do we know? Ethics and politics have to do with action and quality of life. Aesthetics or value theory has to do with beauty, balance and harmony. Logic has to do with the relations of things Epistemology sometimes replaces metaphysics these days because it has fewer religious overtones.

Ethics is a term: Many people think it has to do with a set of social conventions or a religious decree. In professional philosophy ethics is the study of what is good and bad. Generally, philosophical ethics concerns itself with discovering a system one may use to determine who or what is good or with evaluating systems that others have proposed.

The pursuit of moral knowledge date back to Ancient Greek philosophers, but it is mostly the influence of enlightenment moral thought that continues to shape ethics today. There are many well-known figures in the history of ethics – including the Greek philosophers Plato and Aristotle, and some modern important influential ones like Immanuel Kant, Jeremy Bentham, John Stuart. Ethics is the philosophical attempt to answer Socrates question of how should I live.

Ethics deals with:

- What Behaviour (or intentions) are good or bad. Brandt, (1959).
- What kind of things can be adduced as moral justifications (Justifying reasons) for certain kinds of behavior
- Is killing another human being (murder) morally acceptable, killing an enemy in war? Ethnic cleansing? killing a person in self-defence? killing yourself? Abortion? Abortion of a deformed fetus? killing of an animal?
- Do animals have right? Do women? Children? Mentally handicapped people?
- Is torture even justified? Theft? Promise-breaking? Van Hoose and Kottle (1985)
- What is the best way for human beings to live their lives?
- What are the justifying reasons for war? Is there such a thing as a “Just war”?
- Can the cultural practices of others times and societies be condemned as immoral? How about Nigerian slavery? African female genital mutilation, Nigerian corruption? (1999 constitution)
- What are the proper bounds for the toleration of diversity or the respect for personal privacy? Is there a point at which the (proper) toleration of diversity or respect for privacy becomes (improper) passive acceptance or immorality? What is that point? Patterson (1971). What do ethical words such as “good” “right”, “wrong”, “ought” mean?

Morality:

Recognition of the distribution between good and evil, right or wrong, respect for and obedience to the rules of right conduct, the mental disposition or characteristic of behaving in a manner intended to

produce morally good results. It also refers to keeping a set of social rules, customs, traditions, beliefs or practices guiding principles (Kitchener, 1986).

Law:

The body of rules and standards issued by a government or to be applied by courts and similar authorities (1999 Constitution of the Federal Republic of Nigeria). Law is the specialized form of social control familiar in modern, secular, politically organized societies. The profession of counseling is governed not only by ethical standards but by legal ones as well. Legal refers to “law or state of being lawful, and law refers to “a body of rules recognized by a state or community as binding on its members (Shertzer & Stone, 1980).

Professionalism in Counselling

The nationality of professionalism in counseling lies in the reliance of counselors on their expertise which does not only include helping the client solve their problems (using appropriate theory, and building effective treatment plan), but also on the ability to build healthy counseling environment, self-reflecting on their own strengths and weakness in helping the clients, self-regulating their own moods when conducting the session, and self-motivate to develop peak performance (even when given a very difficult clients who resist the counsellor’s existence). Counselors have to develop high awareness on fractions that might hinder effective counseling services, as well as factors that could promote a therapeutic counseling environment for the sake of developing healthy mind, body and soul (Denga, 2015).

Basic Moral Principles of Professional Ethics

Ethics mean moral principles that control or influence a person’s behavior or philosophical discipline that is concerned with human conduct and moral decision making. According to Akinade (2005), ethics are normative in nature and focus on principles and standard that governs relationship between individuals, such as counselors and clients. Corey et al. (2006) and British Association for Counselling and Psychotherapy BACP (2010) described the basic moral principles that form the foundation at the highest ethical level as a professional. The detail descriptions of these principles are as follows:

a) Autonomy – This principle refers to the promotion of self-determination, or the freedom of clients to choose their own direction. This principle reflected in the Humanist Theory promoted by Carl Rogers (1961). He suggested that human being is an organism that constantly moves independently to find homeostasis in life, and therefore gained independence and autonomy. To display respects for autonomy, the counsellor must acknowledge the right of clients to choose and act in accordance with their wishes, and a professional counselor must behave in a way that promotes autonomy. However, this principle is very much related to individualistic community (like Western community) of autonomy opposes the manipulation of clients against their will, even for beneficial social ends. Stadler (1986).

b) Non-maleficance – It means avoiding doing harm, which includes refraining from actions that could risk or hurt the client. Professional counselor has the responsibility to avoid engaging in practices that causes either physical, emotional or psychological harms, or behave in a way that could provide potential harm or threat to the clients. Inevitably, counselors should be more careful when creating therapeutic conditions so as not to promote dual or multiple relationship, or when handling information (or transferring client’s information to a third party via electronic mode) given by clients so as to promote confidentiality. Counsellors must at all times review their behaviors to identify patterns that might suggest inclination towards development of dual or multiple relationship or even behaviours that could suggest bartering (exchanging goods with services) that could harm the clients. These patterns can be identified from the conversation or non-verbal behavior displayed during counseling sessions. Last but not the least, counselors must also be very careful when developing treatment plan to ensure that it will benefit the clients (and not the counselors). Herlily and Corey, (2006).

c) Beneficence – This moral principle indicates promoting good for others. By nature, counseling profession contributes to the growth and healthy wellbeing of the clients within their own cultural context. But what is morally acceptable in a culture, sometimes is not acceptable to another culture. Therefore,

although the counselor's intention in helping is good, but due to cultural differences, it can cause more harm than good. For instance, following a behavioral approach, a very passive client is asked to be more assertive towards his or her parents which can be quiet unfitting and thereby raising family conflict between children and parents. Swanson, (1983).

d) Justice – The principle of justice requires begin just and fair to all clients and respecting their human rights and dignity. It directs attention to considering conscientiously any legal requirements and obligations, and remaining alert to potential conflicts between legal and ethical obligations. Justice is the distribution of services requires the ability to determine impartially the provision of services for clients and the allocation of services between clients. A commitment to farness requires the ability to appreciate difference between people and to be contrary to their legitimate personal or social characteristics. Practitioners have a duty to strive to ensure a fair provision of counseling and psychotherapy services, accessible and appropriate to the needs of potential clients (Gumaer and Scott, 1985).

e) Fidelity – Fidelity means that the professional counselor must make honest promises and honor their commitments to those they serve. This entails fulfilling one's responsibilities of trust in a counseling relationship. When in a counselor-client relationship, a counselor must inform his or her client about. The ACA Code of Ethics (2005) suggests that "When counseling is initiated... the counselor must inform clients of the purpose, goals, techniques, procedures, limitations, potential risks, and benefits of services..." the clients will gain throughout the session. This can be done quickly by providing a one page professional statement for client to read prior to the session. The statement must clearly states the theory and techniques used by the counselor (and it must reflect his or her expertise), and how the client can benefit from the counseling services.

f) Self-respect – The principle of self-respect means that the practitioner appropriately applies all the above principles as entitlements for self. This includes seeking counseling therapy and other opportunities for personal development as required. There is an ethical responsibility to use supervision for appropriate personal and professional support and development, and to seek training and other opportunities for containing professional development. Guarding against financial liabilities arising from work undertaken usually requires obtaining appropriate insurance. The principle of self-respect encourages active engagement to life-enhancing activities and relationship that are independent of relationships in counseling or psychotherapy (Welfel and Lipsitz, 1983).

Sources of Nigerian Law

- ❖ English law
- ❖ The Constitution (The Nigerian Constitution)
- ❖ Customary law
- ❖ Judicial precedent

The Law and Counselling Practice

A case of Malpractice is established when it can be proven that the counselor had:

- ❖ A duty
- ❖ That duty was breached
- ❖ The client experienced damage
- ❖ It was the breach of duty that caused the damage (Witmer, Wedl and Back, 1986).

The Role of Counseling in Ethics, Morality and the Law in Nigeria

Having looked at the key words which are ethic, morality and the law meaning-fully, what ethics, moral and law guide the counseling institution.

The Nigerian constitution has no place for the guidance and counseling in form of decree enactment or the constitution in this democratic dispensation. The much talked about 6-3-3-4 system by the government of Nigeria about the National policy of Education don't include the counseling programme in the system which is very important. The guidance and counseling discipline in Nigeria do not have a code

of ethics/ standard for practice and operation which is the bed-rock of vocational, personal – social and educational services. Without this, how will the so called counselor know his/her area of specialization and limitation when counseling a client on career choice and when to make referrals, who is a guidance counselor psychologist, clinical psychologist, mental therapist etc. there is role conflict which needs to be defined by code and ethics of professional guidelines/practice (Egbochukwu, 2008).

Ethical Codes

Does the counseling discipline has ethical codes. It is important to note that this will help the body. Ethical standards/code protect the profession from government, they allow the profession to regulate itself and to function autonomously instead of been controlled by legislation (Welfel and Lipsitz,1983). Ethical standards help in controlling internal disagreement and bickering, thus promoting stability within the profession (Van Hoose & Kortler (1985). Ethical standards protect practitioners from the public (Talbutt, 1981).

When we talk of ethics, morality and the law in the counseling profession, there is more to be done in Nigeria since guidance and counseling as a body is still not rooted in the Nigerian education system and the society in terms of organization, legislation, policy statement and practicability. Nigerian guidance and counseling borrow everything from American Psychological Association (APA), AACD and ACA without considering the;

- Environment
- Culture
- Morals
- Value

What is tenable in America environment, cannot be accepted in Nigeria so the counseling discipline should think about having a legislation through the National Assembly, for proper laws to govern the body, just like the lawyers, medical doctors, estate surveyors and valuers etc. all of these bodies have their legislation through the national assembly and a professional registration board, all in Nigeria that monitors, guides and regulate the activities of its members (Nigerian Constitution 1999). Ethics and morality of the counseling profession: Confidentiality of the client, Counselor competence, Role conflict, Privacy, Ethical judgment / reasoning etc are what the legislation should cover. Dagogo, (2005).

Ethical and Legal Guidelines

Ethics	Law
Rooted in philosophy, created by associations.	Created by legislature and court professional
Govern members of profession guide	Govern citizens (federal, state, and practice local governments)
Represent Ideal standards	Represent Minimal standards
Penalty → loss of license, professional Sanctions. Kinanee, (2017)	Penalty → fines, jail

Unethical Behavior of a Counselor

- ❖ Sexual activity with a client
- ❖ Imposing one’s values on the client
- ❖ Disclosure of confidential information
- ❖ When not necessary
- ❖ Negligent practice

❖ Questionable financial arrangements

These can lead to sanctions, suspension, and dismissal from the registration board as a member (Levenson (1986).

Functions of Ethical Code

- ❖ It safeguards welfare of client and society. Swanson, (1983).
- ❖ Defines ethical conduct in the counseling profession – to inform and educate members
- ❖ Defines standards of Practice – this is important in legal actions
- ❖ Creates a means by which members are held accountable for actions – protects the client, public and the profession
- ❖ Offers a way to promote professional growth, and global best practice.
- ❖ Examples of codes: those of American counseling Association (ACA), American Psychological Association (APA), American Association of Pastoral Counsellors (AAPC, PsySSA) etc

CONCLUSION/RECOMMENDATION

The American Counseling Association (ACA) publishes its code of ethics backed up by legislation to serve as basic for ethical behavior for counselors, this helps in solving ethical questions, procedure for filing and responding to ethical complaints (ACA 2005). This code has been on since 1961 and has undergone five revisions to update both its content and format.

ACA Code of Ethics:

- Section A: The Counseling Relationship
- Section B: Confidentiality, Privileged Communication and Privacy
- Section C: Professional Responsibility
- Section D: Relationships with other Professionals
- Section E: Evaluation, Assessment and Interpretation
- Section F: Supervision, Training and Teaching
- Section G: Ethical Issues.

1. So the Nigerian CASSON and APROCON as the only recognized bodies in Nigeria in this profession should work through the various States Houses of Assembly and the National Assembly and give these bodies ethical and legal voice for professional and proper guidance and counseling in Nigeria for better global competitiveness.
2. Counselors should be licensed. This is the highest form of credentialing.
3. Counselors should be certified – certification is a recognition that occurs when the state board or department issues a certificate to an individual in a specialty.
4. Registration: The practitioners of a profession such as counseling should submit information to the of their practice.
5. Inspection: A state agency periodically should examine the activities of the profession. If it is consistent with public safety, health and welfare.

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