

## LSICLG18

# Interpret and apply ethical and legal frameworks in the practice of counselling



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### Overview

This unit is working within ethical and legal frameworks and analysing and solving any ethical dilemmas. It encourages you to interpret and apply good codes of practice. You are required to have knowledge of basic legal concepts such as contracts and negligence. You are also required to understand the duty of care that you have towards the client and have knowledge of the relevant legislation that affects the practice of counselling.

There are two elements to this unit

1. Work within an ethical framework
2. Work within a legal framework

This unit is relevant to those working in the following counselling contexts

1. Institutions
2. Statutory Services
3. VCS (Voluntary Community Sector Services)
4. Social Enterprises
5. Individual Practice
6. Commercial Enterprises

All units within the suite of National Occupational Standards for Counselling are not specific to any theoretical model.

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### Performance criteria

*You must be able to:*

#### Work within an ethical framework

- P1 practice within an ethical framework
- P2 adhere to ethical codes of good practice which underpin professional
- P3 adhere to contractual and ethical boundaries of relationships with clients
- P4 monitor and review the effect of personal values, experience, beliefs, attitudes and behaviours in own practice
- P5 monitor and review the impact of the limits of own experience, competence and knowledge when working with clients
- P6 use supervision as a forum for monitoring and sustaining standards of safe, competent and ethical practice
- P7 identify, consult appropriate others, and resolve any conflicts between ethical requirements and work requirements
- P8 analyse complex ethical dilemmas and apply problem solving strategies to resolve them
- P9 analyse complex ethical dilemmas and work with others to formulate solutions
- P10 exchange mutual support with colleagues to operate within the agreed ethical codes of practice
- P11 devise an ethical strategy to withdraw from interactions with clients and seek appropriate support from colleagues when own limits are exceeded
- P12 assess risk to client and risk to others by client
- P13 identify and act upon malpractice by other therapists
- P14 interpret and apply codes of good practice to inform the implementation of legislation in the area of therapeutic practice
- P15 ensure own practice demonstrates a clear commitment to best practice
- P16 comply with the obligations that the legal framework places upon practice, including 'informed consent' and 'capacity'
- P17 respect client confidentiality and anonymity but understand when safety to clients and others requires confidentiality to be breached
- P18 ensure that clients are clearly informed of the legal limits of confidentiality when sharing of information is called for
- P19 protect self and others from danger, harm and abuse
- P20 declare interests that might influence judgement and practice

#### Work within a legal framework

*You must be able to:*

- P21 demonstrate a "duty of care" towards the client
- P22 refer to relevant legislation that affects the practice of counselling
- P23 maintain secure and confidential records and reports of clients in accordance with ethical, legal and organisational requirements
- P24 ensure that mechanisms are in place for recording information relevant

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- to working with other parties
- P25 work within legal requirements and procedures for disclosing confidential information about clients
- P26 provide and obtain information for courts and formal hearings in accordance with the above
- P27 demonstrate where necessary the ethical uses involved in representing the service or agency in courts and at formal hearings
- P28 demonstrate a high level of communication skills in a style appropriate to professionals and clients
- P29 communicate information on formulation, risk and treatment to other health professionals
- P30 take responsibility for communicating and receiving highly complex, sensitive information
- P31 identify barriers to communication and develop methods of overcoming them
- P32 ensure own practice is accountable to those in authority and to clients
- P33 identify and act upon malpractice by other therapists

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### Knowledge and understanding

*You need to know and understand:*

#### Work within an ethical framework

- K1 ethical decision-making theory and strategies
- K2 ethical problem-solving theories and strategies
- K3 how a former or existing relationship with client, or persons known to client, impacts upon the therapeutic work
- K4 risk assessment and legal and ethical requirements regarding risk of harm to client or by client
- K5 good practice with regard to risk, health and safety in accordance with legal, ethical and organisational guidelines
- K6 basic legal concepts such as contract and negligence
- K7 what action to take to confront malpractice by other therapists
- K8 national, local, professional and organisational requirements concerning security, confidentiality and data protection
- K9 legal, professional and organisational requirements pertaining to diversity and anti-discriminatory practice
- K10 legal, ethical and organisational requirements relating to rights and confidentiality under data protection and sharing of information legislation

#### Work within a legal framework

*You need to know and understand:*

- K11 relevant legislation appropriate to your client group
- K12 secure systems for recording and storing data in compliance with the data protection act
- K13 accountability, legal liability and duty of care and its implications in a court of law
- K14 the processes by which law and ethics are developed, e.g., differences between criminal and civil law, the importance of case law, the relationship between law and ethical frameworks
- K15 all relevant codes of practice, guidelines and ethical requirements relevant to counselling
- K16 the principles of professional responsibility in a supervisory capacity, where relevant
- K17 how to apply interpersonal skills to enable effective communication with a wide diversity of individuals and groups
- K18 different methods and styles of communication and their appropriateness in range of situations

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**Relevant occupations** Health, Public Services and Care; Health and Social Care; Child Development and Well Being; Associate Professionals and Technical Occupations; Education and training; Preparation for life and work; Health and Social Services Officers; Health Associate Professionals; Therapists; Social Welfare Associate Professionals; Healthcare and Related Personal Services; Childcare and Related Personal Services

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**Suite** Counselling National Occupational Standards v4

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