

## 2.5 SOLICITING CLIENTS

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What kinds of marketing methods can counsellors use to solicit clients in private practice contexts? In this setting counsellors are clearly operating a business and sound business practices apply. But the business of counselling is also bound by the ethics that govern the delivery of a professional service, which makes higher demands in terms of standards than the trading of goods might require. Professions have a long history of altruism which sanctions baselines for behaviour more stringent than those of fair exchange in the marketplace. For example, the principle of *caveat emptor* (let the buyer beware) would not suffice as an ethical baseline for professional practice.

The NZAC *Code of Ethics* (2002) recognises these professional stringencies in its outline of a set of principles to govern the practice of counselling in New Zealand. Among other principles, counsellors are enjoined “to be honest and trustworthy in all their professional relationships” (4.7), to “practice within the scope of their competence” (4.8) and to “treat colleagues and other professionals with respect” (4.9). These principles would not be expressed, for example, through false advertising, through exaggerated claims of competence given to clients, or through negative comparative advertising which referred to other counselling services.

Within the specific guidelines that the NZAC *Code of Ethics* elaborates there are further implications that build upon these general principles. One of the headings is “responsibility to the profession” (7.3). This ethic of responsibility is specific to professions in a way that is different from the selling of goods (although there are examples of other forms of responsibility in those domains. Think for example of the responsibility

of retailers to sell toys that are safe). But the public expects professionals to maintain a higher standard of trustworthiness than other businesses, and to do things for the public good rather than just for their own or their clients' benefit. Hence counsellors are expected to "represent honestly and accurately their membership status [within NZAC], their qualifications, training and competencies" (7.3.d). We are used to, and have become tolerant of, advertising methods that contain a degree of exaggeration by the use of vague-sounding words that can be taken to mean a range of things, but that suggest promises beyond those which the product can provide. In the interests of the profession, counsellors should err on the side of prudence and caution in what they claim.

Specifically, counselling should remain a service rather than a product in the ways we talk about it. Counsellors can make no guarantees about the outcomes of counselling. The principle of informed consent also enters this domain. Any hint of deception or exaggeration in processes of advertising or solicitation could be argued to infringe the right of the client to informed consent and to undermine the ethic of openness for the whole profession. For example, it would not be acceptable for a counsellor to introduce hidden costs that were submerged in the fine print of the original contract. Even if strictly legal, such practices could be interpreted as deceptive and in breach of the ethic of negotiating "clear and reasonable" contracts (5.4.a).

Another issue arises when counsellors are employed in an organisation, and, at the same time, maintain a private practice. Imagine, for example, a school counsellor who sees a child at school along with their parent. Is it acceptable for a counsellor to say to the two clients, "I don't have time to help you deal with this at school, but I could arrange to meet you in my private practice capacity"? The NZAC *Code of Ethics* prohibits counsellors from using their position in an organisation "to recruit clients for their own private practice" (7.3.e). Here, a conflict of interest is involved. The counsellor has a pecuniary interest in that private practice which clashes with the counsellor's responsibility as an employee to the organisation through which the clients have met the counsellor. The problem is that there is the potential for the suspicion that the counsellor is making this referral to him- or herself on the basis of self-interest rather than on a more altruistic basis.

At the heart of good counselling is the establishment of a profound experience of trust. NZAC certainly advocates for such a level of trust in its definition of what counselling is about. Professional standards need to be observed when soliciting clients. Counsellors are advised to be prudent, circumspect and cautious in the ways they go about recruiting clients.