



TRISH JOSCELYNE argues for more clarity in the Society's ethical codes

Professional practice guidelines

Time for a change?

THE new government emphasis on quality assurance is gradually being felt within the working lives of psychologists. For those within higher education, both their research output and teaching are under scrutiny. Educational psychology services face their own inspections, and clinical governance becomes a reality within the health service, affecting clinical and assistant psychologists.

Within this context of quality, and with patients' charters now standard, psychologists might look to their own professional organisations to guide and monitor their practice. One important guide in monitoring ethical standards and professional practice is provided by the Society's Code of Conduct (BPS, 2000). In this article I will argue that if internal regulation is to be taken seriously as part of quality governance, it is time to re-examine the codes by which we practise.

I will examine two types of code – the BPS Code of Conduct, which covers the work of all members of the Society and is therefore of necessity more general in nature, and the more specific professional guidelines, for example those of the Division of Clinical Psychology. I argue that the Society's Code is currently confusing in that it is specific about some issues and vague about others, and that it needs to be clearer about its guiding purpose and principles. I also argue that the Code could be rewritten to make the language clearer and more precise. Once the general guiding principles are covered by the Code, more specific ethical principles encountered in a psychologist's work could be covered in detail by specific professional guidelines. These guidelines could be expanded to discuss dilemmas,

opposing views on ethical issues, and relevant research.

Ethical codes

In 1985 the Society published its Code of Conduct to allow the Disciplinary Board a standard by which they could judge complaints of professional misconduct against members of the Society. The Code was rewritten in 1993 'in the light of experience dealing with several dozen allegations of misconduct' (BPS, 2000, p.2). The Code itself consists of an introduction, general principles and sections on competence, obtaining consent, confidentiality and personal conduct. This is followed by some further guidelines, reprinted from other Society publications, on topics ranging from equal opportunities to penile plethysmography usage.

The introduction to the Code of Conduct acknowledges that minimum standards are not enough to encourage best practice and advises that further guidelines issued by the Society (such as those published by the DCP) should also be taken into account. The DCP guidelines are significantly more comprehensive than the Code of Conduct: they cover many aspects of a clinical psychologist's work, from access to health records to addressing workplace stressors. Some problems are set out with possible solutions or actions, other guidelines are more specific. For example paragraph 6.3.2.1 discusses the dilemma of breaking confidentiality of a disclosure by an adult of prior sexual abuse; the Code advises that in these cases there are no statutory requirements for disclosure, but if there is an indication of possible current abuse of children the balance of risk of breaking confidentiality should shift towards disclosure. Under some of the sections there is a reading list for further guidance, and legislation is also referred to for general issues to do with the law.

How useful are ethical codes?

In looking at the helpfulness of the Code and guidelines in dealing with ethical issues, I shall use one dilemma with which psychologists might need guidance: the

issue of relationships with former clients. In this instance it is clear that the Code contains ambiguities and fails to address some potential circumstances.

Inappropriate relationships have often been considered within the client-therapist setting, but there are other variants that might cause ethical dilemmas. Should lecturers and students avoid having a personal relationship even after the professional relationship is over? Another difficulty is the question of who is the client. For example, would it be unethical for an educational psychologist to have a relationship with the parent of a pupil they had previously worked with?

The question of whether a relationship with a former client is viewed as morally wrong is a debatable one. A survey by Pope *et al.* (1987) found that most psychologists believe sexual contact between a therapist and client is wrong, but the case is less clear for sexual contact with former clients: only 50 per cent believed such sexual relationships to be unethical.

That contact with a former client can contravene the Code of Conduct was shown by the case of Nicholas Morton. He was found guilty of professional misconduct when he entered into an 'inappropriate relationship' with a 'recipient of his services' (see *The Psychologist*, November 1998, p.556).

However, the client was a *former* recipient of Nicholas Morton's services at the time (although a current client of the Trust in which he worked). Because of the Code's general nature it becomes the responsibility of the psychologist (and ultimately a disciplinary committee) to make a judgement about whether behaviour is in fact a breach of the Code. What made it an 'exploitative relationship' – that the complainant was a current client of the Trust or a former client of Morton's?

Unlike the Code of Conduct, the DCP guidelines are clear on the issue of contact with former clients, stating that 'Psychologists must not enter into a sexual relationship with a former client for at least two years after discharge' (para. 2.1.3.4). The guidelines also give clear

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DCP Professional Practice Guidelines:

www.bps.org.uk/sub-syst/dcp/publicat.cfm

BPS Code of Conduct, Ethical Principles and

Guidelines: www.bps.org.uk/documents/Code.pdf

APA Ethical Principles: www.apa.org/ethics/code.html

pointers to help a psychologist show that such a relationship is non-exploitative.

However, the two-year rule does not seem based on any research into changes of power differentials over time (Jehu, 1993). There are arguments on both sides about the appropriateness of having a sexual relationship with a former client. It could be argued that once clients have left therapy they are no longer in a therapeutic relationship with their therapist and are therefore able to form new and more equal types of relationship. On the other hand, it could be argued that the power differential in the client-therapist relationship may never be erased because of the nature of the therapeutic relationship. The therapist may therefore remain in an exploitive position even after a two-year gap.

One problem with guidelines is that the greater the specificity of the code, the more the omissions become clear. The two-year rule in the DCP guidelines still allows the therapist possibilities for exploitation – as in remaining friends for two years and then having a sexual relationship. But whether a therapist was intending to exploit a client over a two-year gap would be hard to prove given that there could be a chance or unplanned relationship between client and therapist. Even specific guidelines are open to considerable interpretation and could be difficult to use in a disciplinary hearing.

In dealing with the ethical issue of relationships with former clients, therefore, the Code and guidelines are problematic on two counts. A lack of detail can muddy the waters in certain issues (such as there being no mention of former relationships in the Code of Conduct), but even an attempt to be specific can end up being too simplistic (for example in using the two-year rule in the DCP guidelines).

Given these shortcomings, I would like to suggest some changes to the guidelines.

Code of Conduct

At times the Code seems to struggle with the need to be concise and to give as much information as possible, e.g. clause 4.2:

[psychologists shall] convey personally identifiable information obtained in the course of professional work to others, only with the expressed permission of those who would be identified (subject always to the best interests of recipients of services or participants in research and subject to the requirements of law and agreed working practices), except that when working in a team or with collaborators, they shall endeavour to

make clear to recipients of services or participants in research, the extent to which personally identifiable information may be shared between colleagues or others within a group receiving services...

The Code would be more likely to be read if it was written with short concise sentences, a reduction in subclauses and a more accessible vocabulary.

The Code would also be improved by cutting it down to a short number of general and guiding principles similar to the six guiding principles which begin the Code of the American Psychological Association (APA, 1992). These principles deal with the minimum ethical standards expected by the APA: competence, integrity, professional and scientific responsibility, respect for people's rights and dignity, concern for others' welfare, and social responsibility.

Although the BPS Code does have some general headings, these sections are a mixture of the specific and general (e.g. obtaining consent, personal conduct). Each of the current sections would be covered by one or more of the APA general principles. For example, 'Concern for others' welfare' includes the sentence:

Psychologists are sensitive to real and ascribed differences in power between themselves and others, and they do not exploit or mislead other people during or after professional relationships. (APA, 1992, p.9)

This type of general principle therefore covers more specific ethical dilemmas, such as relationships with former clients. Guiding principles like these put the onus on the psychologist to consider the nature of the relationship rather than offering a list of dos and don'ts. Concise yet general principles would encompass some of the more specific sections of the codes and make it simpler for a psychologist to follow the guiding ethics of the profession.

A further problem with the Code is the addition of further guidelines after it. It is unclear why these guidelines (such as those for the use of animals in research) have been introduced in this document as they are not relevant to all psychologists. What would be more helpful is an inclusion of a general equal opportunities statement, and a clear guide to the workings of the Disciplinary Board. All further guidelines produced by the Society (including all Divisions) could then be referenced at the end. Professionals could then access all

relevant guidelines as well as finding out about those relevant to other professionals with whom they may have contact. In this way it would be clear that the Code is the guiding principle for all psychologists and that all professionals should access the specific guidelines relevant to their work.

DCP guidelines

A psychologist who had read the DCP guidelines would have difficulty in arguing that they were unaware of the unethical nature of their behaviour. However, where the guidelines are less useful is in choosing between two ethical principles, to promote ethical behaviour. It is arguable that no guidelines could help with all ethical dilemmas and that they should not attempt to do so. However, the DCP guidelines are clearer in some places than others (for example on informed consent). With issues such as relationships after termination of therapy, more attention could be paid to the opposing sides of the dilemma (i.e. client freedom versus possible power differences).

Although the DCP guidelines would be unable to give research in all areas, when issues do give rise to dilemmas, more relevant authors could be referenced than at present. Most helpful would be the presentation of two opposing views. The ethical psychologist could then use the relevant literature to make a judgement about their own particular case.

No need to look outside

I believe the important changes to the Codes that I have suggested could benefit psychologists looking for guidance, and also those who may have complaints against them. With well-written and comprehensive guidelines, those wishing to judge the ethical performance of particular psychologists will not need to look outside the profession to monitor them.

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