

Appendix I

The European Federation of Psychologists' Associations Meta-Code

Original Meta-code accepted by General Assembly, Athens 1995

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Preamble

Psychologists develop a valid and reliable body of knowledge based on research and apply that knowledge to psychological processes and human behaviour in a variety of contexts. In doing so they perform many roles, within such fields as research, education, assessment, therapy, consultancy, and as expert witness to name a few.

They also strive to help the public in developing informed judgements and choices regarding human behaviour, and aspire to use their privileged knowledge to improve the condition of both the individual and society.

The European Federation of Psychologists Associations has a responsibility to ensure that the ethical codes of its member associations are in accord with the following fundamental principles which are intended to provide a general philosophy and guidance to cover all situations encountered by professional psychologists.

National Associations should require their members to continue to develop their awareness of ethical issues, and promote training to ensure this occurs.

National Associations should provide consultation and support to members on ethical issues.

The EFPA provides the following guidance for the content of the Ethical Codes of its member Associations. An Association's ethical code should cover all aspects of the professional behaviour of its members. The guidance on Content of Ethical Codes should be read in conjunction with the Ethical Principles.

The Ethical Codes of member Associations should be based upon – and certainly not in conflict with – the Ethical Principles specified below.

National Associations should have procedures to investigate and decide upon complaints against members, and mediation, corrective and disciplinary procedures to determine the action necessary taking into account the nature and seriousness of the complaint.

Ethical Principles

Respect for a person's rights and dignity

Psychologists accord appropriate respect to and promote the development of the fundamental rights, dignity and worth of all people. They respect the rights of individuals to privacy, confidentiality, self-determination and autonomy, consistent with the psychologist's other professional obligations and with the law.

Competence

Psychologists strive to ensure and maintain high standards of competence in their work. They recognise the boundaries of their particular competencies and the limitations of their expertise. They provide only those services and use only those techniques for which they are qualified by education, training or experience.

Responsibility

Psychologists are aware of the professional and scientific responsibilities to their clients, to the community, and to the society in which they work and live. Psychologists avoid doing harm and are responsible for their own

actions, and assure themselves, as far as possible, that their services are not misused.

Integrity

Psychologists seek to promote integrity in the science, teaching and practice of psychology. In these activities psychologists are honest, fair and respectful of others. They attempt to clarify for relevant parties the roles they are performing and to function appropriately in accordance with those roles.

Ethical Codes

In the following Meta-Code the term ‘client’ refers to any person, patients, persons in interdependence or organisations with whom psychologists have a professional relationship, including indirect relationships.

Professional psychologists’ ethical codes must take the following into account:

- Psychologists’ professional behaviour must be considered within a professional role, characterised by the professional relationship.
- Inequalities of knowledge and power always influence psychologists’ professional relationships with clients and colleagues.
- The larger the inequality in the professional relationship and the greater the dependency of clients, the heavier is the responsibility of the professional psychologist.
- The responsibilities of psychologists must be considered within the context of the stage of the professional relationship.

Interdependence of the four principles

It should be recognised that there will always be strong interdependencies between the four main ethical principles with their specifications.

This means for psychologists that resolving an ethical question or dilemma will require reflection and often dialogue with clients and colleagues, weighing different ethical principles. Making decisions and taking actions are necessary even if there are still conflicting issues.

Respect for Person's Rights and Dignity

1. General respect

- Awareness of and respect for the knowledge, insight, experience and areas of expertise of clients, relevant third parties, colleagues, students and the general public.
- Awareness of individual, cultural and role differences including those due to disability, gender, sexual orientation, race, ethnicity, national origin, age, religion, language and socio-economic status.
- Avoidance of practices which are the result of unfair bias and may lead to unjust discrimination.

2. Privacy and confidentiality

- Restriction of seeking and giving out information to only that required for the professional purpose.
- Adequate storage and handling of information and records, in any form, to ensure confidentiality, including taking reasonable safeguards to make data anonymous when appropriate, and restricting access to reports and records to those who have a legitimate need to know.
- Obligation that clients and others that have a professional relationship are aware of the limitations under the law of the maintenance of confidentiality.
- Obligation when the legal system requires disclosure to provide only that information relevant to the issue in question, and otherwise to maintain confidentiality.
- Recognition of the tension that can arise between confidentiality and the protection of a client or other significant third parties.
- Recognition of the rights of clients to have access to records and reports about themselves, and to get necessary assistance and consultation, thus providing adequate and comprehensive information and serving their best interests and that this right to appropriate information be extended to those engaged in other professional relationships e.g. research participants.
- Maintenance of records, and writing of reports, to enable access by a client which safeguards the confidentiality of information relating to others.

3. *Informed consent and freedom of consent*

- Clarification and continued discussion of the professional actions, procedures and probable consequences of the psychologist's actions to ensure that a client provides informed consent before and during psychological intervention.
- Clarification for clients of procedures on record-keeping and reporting.
- Recognition that there may be more than one client, and that these may be first and second order clients having differing professional relationships with the psychologist, who consequently has a range of responsibilities.

4. *Self-determination*

- Maximisation of the autonomy of and self-determination by a client, including the general right to engage in, and to end the professional relationship with a psychologist while recognising the need to balance autonomy with dependency and collective actions.
- Specification of the limits of such self-determination taking into account such factors as the client's developmental age, mental health and restrictions set by the legal process.

Competence

1. *Ethical awareness*

Obligation to have a good knowledge of ethics, including the Ethical Code, and the integration of ethical issues with professional practice.

2. *Limits of competence*

Obligation to practise within the limits of competence derived from education, training and experience.

3. Limits of procedures

Obligation to be aware of the limits of procedures for particular tasks, and the limits of conclusions that can be derived in different circumstances and for different purposes.

Obligation to practise within, and to be aware of the psychological community's critical development of theories and methods.

Obligation to balance the need for caution when using new methods with a recognition that new areas of practice and methods will continue to emerge and that this is a positive development.

4. Continuing development

Obligation to continue professional development.

5. Incapability

Obligation not to practise when ability or judgement is adversely affected, including temporary problems.

Responsibility

1. General responsibility

For the quality and consequences of the psychologist's professional actions.

Not to bring the profession into disrepute

2. Promotion of high standards

Promotion and maintenance of high standards of scientific and professional activity, and requirement on psychologists to organise their activities in accord with the Ethical Code.

3. Avoidance of harm

Avoidance of the misuse of psychological knowledge or practice, and the minimisation of harm which is foreseeable and unavoidable.

Recognition of the need for particular care to be taken when undertaking research or making professional judgements of persons who have not given consent.

4. Continuity of care

Responsibility for the necessary continuity of professional care of clients, including collaboration with other professionals and appropriate action when a psychologist must suspend or terminate involvement.

Responsibility towards a client which exists after the formal termination of the professional relationship.

5. Extended responsibility

Assumption of general responsibility for the scientific and professional activities, including ethical standards, of employees, assistants, supervisees and students.

6. Resolving dilemmas

Recognition that ethical dilemmas occur and responsibility is placed upon the psychologist to clarify such dilemmas and consult colleagues and/or the national Association, and inform relevant others of the demands of the Ethical Code.

Integrity

1. Recognition of professional limitations

Obligation to be self-reflective and open about personal and professional limitations and a recommendation to seek professional advice and support in difficult situations.

2. Honesty and accuracy

- Accuracy in representing relevant qualifications, education, experience, competence and affiliations.
- Accuracy in representing information, and responsibility to acknowledge and not to suppress alternative hypotheses, evidence or explanations.
- Honesty and accuracy with regard to any financial implications of the professional relationship.
- Recognition of the need for accuracy and the limitations of conclusions and opinions expressed in professional reports and statements.

3. Straightforwardness and openness

- General obligation to provide information and avoid deception in research and professional practice.
- Obligation not to withhold information or to engage in temporary deception if there are alternative procedures available. If deception has occurred, there is an obligation to inform and re-establish trust.

4. Conflict of interests and exploitation

- Awareness of the problems which may result from dual relationships and an obligation to avoid such dual relationships which reduce the necessary professional distance or may lead to conflict of interests, or exploitation of a client.
- Obligation not to exploit a professional relationship to further personal, religious, political or other ideological interests.
- Awareness that conflict of interest and inequality of power in a relationship may still reside after the professional relationship is formally terminated, and that professional responsibilities may still apply.

5. Actions of colleagues

Obligation to give a reasonable critique of the professional actions of colleagues, and to take action to inform colleagues and, if appropriate, the

relevant professional associations and authorities, if there is a question of unethical action.

Recommendations: Preamble

These recommendations on evaluative procedures and corrective actions in cases of complaints about unethical conduct build upon the EFPA Meta-code on Ethics approved by the EFPA General Assembly, Athens, July 1995. The Meta-code on Ethics provides guidance on the content of member Associations' on codes of ethics. The Meta-code, therefore supports Associations, and ultimately psychologists, by its guidance on ethical behaviour. However, complaints of alleged unethical behaviour by psychologists may arise. Member Associations should have procedures for investigating and evaluating such complaints and deciding any action considered to be appropriate. The term disciplinary refers to actions that involve sanctions including, but not limited to, a reprimand, suspension from a register or expulsion from the Association. The term corrective actions refers to actions designed to improve performance including, but not limited to, requirements for specific additional training or re-training and supervised practice. Both kinds of action are important but address different issues: punishment of the psychologist's past behaviour which was the subject of the complaint compared with improvement of future behaviour. These guidelines have been produced as a comparable document to the Meta-code of Ethics. That is, the guidelines are for Associations. They respect different national contexts by focussing on principles and general procedures arising therefrom, rather than presenting a single, detailed system which all Member Associations would be required to follow. However, to provide assistance to Associations, an Appendix provides a more detailed and specific system which might be helpful as a model. The nature of any Association's role in evaluative and correction actions will be affected by the presence or absence of a statutory body within the country and its statutory responsibilities for these matters.

Introduction

1. The European Federation of Psychologists Associations (EFPA) adopted its European Meta-code on Ethics at its General Assembly, Athens,

July 1995, as guidance for the content of the Ethical Codes on its Member Associations. This should provide – in the common interest of clients, psychologists and the profession of psychology all over Europe – one ethical frame of reference for Psychological Associations to develop their ethical codes and to provide assistance in the evaluation of their members' conduct.

2. In accepting the Meta-code, EFPA Member Associations ensure the national codes are not in conflict with the Meta-code. As a result the ethical code of each member Association will be based on the same principles and have comparable content.

3. According to the Meta-code, Member Associations can contribute in several ways to the appropriate ethical level of their members' professional conduct. One of these ways is by instituting evaluative and disciplinary procedures in case of complaints about alleged unethical conduct of their members.

4. Individual members are expected to comply with their Association's code. Consequently the ethical behaviour of individual members of any EFPA Member Association can be evaluated against a common framework.

5. There are four main means whereby Member Associations may seek to ensure their members act appropriately and ethically:

- The formulation and publicising of the ethical code.
- The regulation of initial training.
- Requirements for members to maintain and develop their ability to practise competently and ethically.
- The provision of evaluative and disciplinary procedures in cases of complaint

6. The present guidance addresses the fourth of these functions, namely the responsibility of Member Associations to have procedures for the evaluation of members' practice in cases where a complaint is made, and to have the disciplinary procedures which may follow therefrom.

Need for Evaluation of Alleged Unethical Conduct

1. Psychologists may behave in ways which are considered unethical and may be subject of complaint for several different reasons including:

- ignorance of the national association's ethical code and/or other relevant ethical guidance;
- carelessness in interpretation of the code during professional practice;
- deliberate flaunting of the relevant code, whether for inappropriate personal benefit, or because of disagreeing with the code;
- as a result of dilemmas arising in practice whereby ethical principles are in tension or even conflict;
- as a result of reduced physical or mental competence.

2. Psychologists will inevitably meet situations in which professional ethical principles will be in conflict with one another or with the law. Then, it is impossible to act in accordance to all ethical principles equally. Thus psychologists are faced with ethical conflicts which bring them into dilemmas concerning how to balance the relative significance of relevant ethical principles in the given situation.

3. Ethical conflicts not only may arise if professional ethical principles are incompatible with one another in a given context, but also if personal values or generic ethical principles would be violated by acting in accordance with specific principles of professional ethics. Although these cases could not strictly be seen as professional ethics dilemmas, they can still be powerful and may influence substantially the psychologist's ethical decision-making.

Principles

1. Access to information

The psychologist should be informed of the details of the complaint and the possible violation of the ethical code. Members of the public and psychologists should have easy access to information explaining the procedures concerning the making of a complaint; the process of evaluating the complaint and the psychologist's behaviour; and the decisions and range of sanctions that are available. During any evaluation and disciplinary procedure, both psychologist and complainant should have easy and equal access to all information and evidence.

2. *Equity*

All aspects of the process of evaluation and discipline should be open, transparent, fair and equitable for any complainant or psychologist. Comparable cases should lead to similar outcomes in evaluation and in corrective actions.

3. *Equal arms*

A complaint should not be pursued unless the complainant accepts that evidence necessary for the evaluation of the complaint will be required and therefore must be made available.

4. *Avoidance of trivial or inappropriate actions*

There should be a facility to reject complaints that are not related to the ethical code, are trivial or are mischievous.

5. *Expert evaluation*

The evaluation of complaints about a psychologist's professional behaviour and its alleged contravention of the Association's ethical code will require experienced psychologists to contribute to the evaluation of the complaint. Associations should incorporate into their evaluative procedures the possible use of psychologists expert in the domain of practice of which the complaint is made. Such experts should provide evaluations of the psychologist's behaviour about which a complaint has been made, and in particular should advise on the degree to which it is acceptable or not acceptable psychological practice.

6. *Integrity*

All who are involved in the evaluation and discipline procedures should act with integrity, honesty and fairness. They should not take on any role if there

is conflict of interest. If a conflict of interest should occur during the process, then this should be brought to the attention of those with a need to know and the person concerned should withdraw from further involvement.

7. Confidentiality

Complaints and evidence should be treated as confidential during the process of investigation. Where a complaint is dismissed or not upheld, the matter should remain confidential. The psychologist who is the subject of a complaint may use information which is confidential for the purposes of defending him or herself, but must limit any release of such information with discretion and expressly for this purpose.

8. Public confidence

The Association's procedures should inspire public confidence. This will be achieved by the thoroughness and efficiency of the procedures, the integrity of all those concerned with operating the evaluative and disciplinary procedures, and necessary transparency in the procedures. All procedures should be carried out as quickly and expeditiously as possible. Confidence may also be enhanced if a hearing (Tribunal) is held in public, and if the outcomes of evaluated complaints are published.

9. Involvement of non-psychologists (lay persons)

Public confidence may be enhanced if non-psychologists are involved in the judgement of the complaint and the decisions regarding whether the complaint should be dismissed or upheld, and in decisions regarding corrective action if a complaint is upheld.

10. Separation of investigation, evaluation and corrective procedures

Associations should determine whether and how the three stages of investigation, evaluation and disciplinary action should be related.

- a. *Investigation*: There should be a stage of investigation. This will involve the gathering of evidence from the complainant, the psychologist who is the subject of the complaint, and any other source which will provide assistance.
- b. *Evaluation*: The evidence is assessed to reach an evaluation of whether the complaint, and the alleged infringement(s) of the Association's ethical code are upheld.
- c. *Actions*: If a complaint is upheld, decisions are required regarding what, if any, action(s) should follow.

11. Disciplinary and corrective action

Disciplinary actions should take into account the nature of the infringement of the ethical code, including the degree of harm resulting from the unethical behaviour, together with information presented in mitigation. Even where disciplinary actions are determined, the need for corrective actions in addition (e.g. further education or supervision) should be considered. Member Associations should develop and state publicly their tariff of sanctions.

12. Appeal

There should be an appeal procedure.

13. Monitoring

The investigation evaluation and disciplinary procedure should be monitored and considered by the appropriate body within the Association on a regular basis.

14. Publicity

Publication of the outcomes of evaluated complaints may be helpful in promoting the content of and the adherence to the ethical code. Statistics regarding investigations, evaluations, and corrective actions should be reported to the Association's members annually.

15. Interface between the Association and the State

Where another body has a legal responsibility for the regulation of psychologists, that body would normally be expected to hear complaints about unethical behaviour. The nature of such relationships differs across Europe from there being no statutory body, in which case the Association must take full responsibility for acting on complaints, to a statutory body with full powers to judge such complaints and make decision which are legally binding on the psychologist. Even in the latter case, the Association should maintain and promote its ethical code and ensure that the whole range of ethical questions is open to complaints and evaluation. Irrespective of the particular legal circumstances in any country, the Association has a responsibility to ensure the public are aware of the system(s) for dealing with complaints.

16. Models of practice

The Appendix provides a more detailed exposition of the principles outlined in the main part of this Guidance. It sets out a model for a system of investigation, evaluation and discipline.

Misconduct Resulting from Ill Health

Associations should have a separate procedure for evaluating complaints if the behaviour complained about is either alleged or found to be a function of a psychologist's ill health. This difference should apply also to the sanctions and other corrective actions that might follow the evaluation. The procedure should include the requirement for appropriate medical evidence on the psychologist's health.

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