



# COMPLAINTS ABOUT ALLEGED UNETHICAL CONDUCT OF PSYCHOLOGISTS

Recommendations on Evaluative Procedures and Corrective Actions  
Developed by the Board of Ethics (Update from the version of July 2005)

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## 1. Introduction

1.1 These recommendations build on the [EFPA Meta-Code of Ethics](#). The Meta-Code provides guidance on the content of Member Associations' codes of ethics. The Meta-Code therefore supports Member Associations, and ultimately psychologists, through its guidance on systems and procedures to promote ethical professional behaviour. The Member Associations have the responsibility for national ethical codes which are in line with the Meta-Code. As well as supporting ethical professional practice national codes of ethics provide the basis for evaluative procedures and reference points to evaluate the conduct of individual psychologists.

1.2 According to the Meta-Code, there are four main means whereby Member Associations may seek to ensure their members or other psychologists act appropriately and ethically:

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

1.3 These recommendations address the fourth of these functions, namely the responsibility of National Psychology Associations that are Member Associations of EFPA in relation to cases of complaint. Most Member Associations are not the competent national authority and regulatory and disciplinary processes are handled elsewhere, for example by a national regulatory body. The recommended procedures may apply both for Member Associations which are competent national authorities and those that are not. The procedures may serve these purposes:

- To have procedures for the evaluation of members' practice in cases where a complaint is made.
- To have the corrective or disciplinary procedures which may follow.
- To provide guidance if a more reflective and educational approach is chosen where the Member Association is not the competent national authority and procedures that relate to psychologists' continuing membership of the association are in place.
- To inform any consultation or engagement with the competent national authority in relation to the procedures being applied to their members

## 2. Aims and objectives

2.1 The aim of this guidance is to support National Associations in developing or reviewing their procedures for investigating complaints against members (or sometimes other psychologists), and evaluating alleged unethical conduct in order to protect the integrity and rights of clients, to safeguard and improve the ethical quality of psychological practice, to protect National Associations, and to do so in accordance with the Meta-code.

2.2 In accordance with the European Meta-Code, the objectives of this guidance

are to support National Associations to develop ethical codes which enable:

- i) clients or others to formulate complaints about a psychologist's professional conduct in terms of violation of the code;
- ii) psychologists to legitimate their professional conduct in terms of acting in accordance with the code;
- iii) those who are charged with the evaluation to review a psychologist's professional conduct in terms of violation or non-violation of the code.

### **3. Responsibilities of National Associations and other Bodies**

3.1 These Recommendations respect different national contexts. Individual member psychologists are expected to comply with their National Association's code, and National codes should be in line with the Meta-Code. Thus the conduct of individual members of any EFPA National Association can be evaluated against a common framework.

3.2 A National Association may initiate action even when no complaint is made by a member of the public if the National Association has good reason to believe a member has acted unethically or is unfit to practise.

3.3 In some countries there is a separate state or other delegated organisation legally responsible for the regulation of psychologists. The processes of the legally responsible organisation will be separate from those of the National Association. Where this is the case it may be appropriate for the National Association to defer any procedure it also undertakes until the legal system has completed its evaluation. Irrespective of the particular legal circumstances in any country, the National Association has a responsibility to ensure that the public are aware of the system(s) for dealing with complaints.

### **4. Complaints**

4.1 Psychologists inevitably meet situations in which professional ethical principles are in conflict with one another or with the law. It is then impossible to act in accordance with all ethical principles equally. In these circumstances psychologists need to be reflective and balanced, exercising professional judgement and ethical reasoning. Ethical conflicts may also arise if a psychologist's personal values or 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. Again, clear thinking and balance are essential. Overall, a reflective attitude to one's own professional actions and frequent reflection on the moral dimensions of professional conduct are necessary conditions for psychologists to make balanced choices.

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

- I. ignorance of the National Association's ethical code and/or other relevant ethical guidance;
- II. carelessness in interpretation of the code during professional practice;

- III. deliberate flaunting of the relevant code, whether for inappropriate personal benefit, or because of disagreeing with the code;
- IV. as a result of dilemmas arising in practice whereby ethical principles are in tension or even conflict;
- V. as a result of reduced physical or mental competence.

4.3 Notwithstanding education, training, consultation and reflective consideration, particular professional conduct may be seen by others as unethical and consequently may be the subject of a complaint.

## **5. Principles for handling complaints**

5.1 Each National Association should produce written guidance on the formulation of a complaint, with information on the procedures to be followed and on possible outcomes.

5.2 The National Association should also answer queries and give advice on the process if required.

5.3 Members of the public and psychologists should have easy access to information explaining the procedures concerning the making of a complaint and the processes of evaluating the complaint and decision making concerning it.

5.4 The psychologist who is the subject of a complaint should be informed of the details of the complaint. During any evaluation and corrective or disciplinary procedure, both psychologist and complainant should have easy and equal access to all information and evidence.

5.5 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.

5.6 There should be a fair balance of power between parties as far as the processing of the complaint is concerned.

5.7 The principle of equal arms should be followed: a complaint should not be pursued unless the complainant accepts that evidence necessary for the evaluation of the complaint will be required and must be made available.

5.8 There should be a procedure to reject complaints that are incomplete or anonymous and to consider them as suggestions.

5.9 Expert evaluation and advice are sometimes needed. The evaluation of complaints about a psychologist's professional behaviour and its alleged contravention of the National Association's ethical code will require experienced psychologists and sometimes also domain experts to contribute to the evaluation of the complaint. National Associations should incorporate into their evaluative procedures the possible use of psychologists expert in the domain of practice in which the complaint is made. Such experts should advise on the degree to which the behaviour in question is acceptable or not acceptable psychological

practice considering domain specific ethical questions and dilemmas.

5.10 All who are involved in the evaluation and corrective procedures should act with integrity, honesty and fairness. They should not take on any role if there is a conflict of interest or partiality. If a conflict of interest or partiality 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.

5.11 Complaints should be treated as confidential.

Where a complaint is dismissed, the matter should remain confidential. The psychologist whose conduct is the subject of a complaint may use information which is confidential for the purposes of defending him or herself, and should be able to limit any release of such information with discretion and expressly for this purpose.

5.12 The National 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 and confidentiality in the procedures. Confidence may also be enhanced if the outcomes of processed complaints are anonymously published.

5.13 The involvement of non-psychologists (lay persons) should be considered. Public confidence may be enhanced if non-psychologists are involved in the process, for instance in decisions regarding corrective action if a complaint is processed.

## **6. Investigation, evaluation, reflection and corrective procedures**

6.1 National Associations should determine how the three stages of investigation, evaluation and disciplinary action should be carried out and appropriately co-ordinated. National Associations should ensure that the evaluation of psychologists' professional actions may occur with or without their co-operation.

### **6.1.1 Investigation**

Complaints should be made in writing. If a complainant is not a native speaker, the National Association should look for facilities for a correct translation of the complaints. The National Association should decide whether the complaint is within its powers to investigate. If it is, the psychologist whose conduct is the subject of the complaint should be informed in good time and asked to respond. The National Association should decide whether to dismiss the complaint, or proceed with an investigation. In the former case, the complainant and the psychologist should be informed of the decision, and the reasons for it. If the complaint is not dismissed, it must be investigated. Investigation involves the gathering of information from the complainant, the psychologist whose conduct is the subject of the complaint, and possibly other sources which can provide evidence or assistance.

After the initial assessment and then the investigatory phase, the client's complaint should be formulated in terms of alleged violations of ethical principles, as described in the code of ethics and specific guidelines, in order to evaluate the professional conduct in the light of clear standards.

### 6.1.2 Evaluation and reflections

The information should be assessed to reach an insight and evaluation of the complaint and the alleged infringement(s) of the National Association's ethical code. The National Association should ensure that the member whose conduct has been complained about has the opportunity to make representations and reflections both in written form and in person.

### 6.1.3 Disciplinary and corrective actions and recommendations

The term *disciplinary actions* refers to actions that involve sanctions including, but not limited to, a reprimand, suspension from a register or expulsion from the National 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.

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 the psychologist's reflection and responses to the complaint.

Mitigating factors should also be considered.

Even where disciplinary actions are determined, the need for corrective actions in addition, such as further education or supervision should be considered.

### 6.1.4 The grading of recommendations and sanctions

National Associations should develop and state publicly their grading of recommendations and sanctions which should match the seriousness of violations of ethical standards, or the risk of incompetence. For example:

- I. No sanction
- II. Warning (corrective advice)
- III. Reprimand
- IV. Period of obligatory supervised practice and/or additional training
- V. Conditional suspension of membership
- VI. Suspension of membership
- VII. Expulsion from membership

Insofar as the National Association has formal power to suspend or to withdraw registrations or licences, the following sanctions could be added:

- VIII. Suspension of professional registrations
- IX. Suspension of professional licence
- X. Deletion from professional registrations
- XI. Removal of professional licence

## 7. Unsatisfactory conduct related to health conditions

7.1 The process of evaluation should be structured to allow decisions regarding whether

the subject of a complaint is suffering from a health condition which limits his/her ability to practise appropriately. Where a mental and/or physical health condition is considered to be a significant factor, the National Association should have separate procedures to intervene which allow it to deal with the psychologist without the need necessarily to find the complaint proven. The kinds of interventions possible will vary across countries, depending on whether the National Psychological Association is the Regulatory Body or whether there is a separate State Organisation with regulatory responsibility

7.2 An important outcome of the evaluation may be to give the psychologist insight into what is seen as ethically inappropriate. Advice may then be given on how to improve future actions in the light of the ethical principles.

7.3 Based on expert investigation, this advice may include recommendations for treatment or other kinds of help or support to cope with the situation in an appropriate and ethical way.

## **8. Appeal**

8.1 As a matter of fairness there should be a formal right of appeal. All parties should be able to appeal against the process of dealing with a complaint or the outcome of the process. The National Association should have written procedures for appeals.

8.2 Those entrusted with an investigation, evaluation, disciplinary or corrective action in the first instance should be excluded from undertaking a review or appeal.

## **9. Records, evaluation and publication**

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

9.2 All procedures should be reviewed on a regular basis. Publication of the outcomes of evaluated complaints may be helpful in promoting the content of and the adherence to the ethical code. In some countries it will be appropriate for the name of the psychologist to be published, whereas in others the information will need to be anonymised.

9.3 Statistics regarding investigations, evaluations, and corrective actions should be reported to the National Association's members annually.

9.4 Confidentiality as well as record keeping with respect to the information gathered during the procedure should be laid down appropriately in regulations.

9.5 There should be a policy on the period for which records will be retained, and on the publication of the outcome of cases.

9.6 There should also be a policy on access to anonymised records for research purposes.



## 10. Transnational co-ordination

10.1 The need for transnational coordination can arise because a psychologist may be a member of more than one National Association at the same time, or successively, for example in the case of international migration or when practicing internationally. Consequently if a psychologist acts unethically in one country, there are implications for practice in other countries. This issue is likely to become more relevant as mobility of professionals across Europe increases. To find ways of acting appropriately in such cases will increase the credibility of EFPA and of its Member Associations as a responsible professional community within Europe. Doing this safely and effectively however is complex given EFPA membership is wider than the EU. Even within the EU there is no one professional regulatory framework, there are data protection and privacy laws, and National Associations operate within different domestic legal and regulatory frameworks. National Associations should always be aware of the legal responsibilities and constraints that will generally differ between the countries involved. The paragraphs that follow are therefore intended as a guide as to the sorts of procedures that may be put in place where legal and regulatory provisions allow.

10.2 A member of one National Association may be the subject of disciplinary action, and also practising or seeking to practise as a psychologist in one or more other countries. In such cases, the protection of the public is better assured when procedures can be put in place to allow National Associations in different countries to take appropriate action.

10.3 The procedures recommended here relate only to those psychologists who are the subject of a complaint which has been determined as a serious violation of ethical standards. In these cases it is recommended that National Associations should have strategies and / or procedures for sharing information and for evaluating the professional status of the psychologist in order to take any appropriate actions.

10.4 Procedures concerning the transmission of information about actions being taken elsewhere should take into account national and supranational legislation on privacy and data protection as well as the powers and responsibilities of the National Association in regulating psychologists.

10.5 National Associations may require applicants for membership to reveal any disciplinary action taken by any other competent body, to include the National Association in the home country, or any other country, not only those within the EFPA membership, and any state body with legal powers for the regulation of psychologists. Such self-disclosures, including nil responses, may be required from all applicants as a condition of membership, and where this requirement is implemented should be specified in the appropriate rules of the National Association.

10.6 National Associations may include within the tariff of sanctions following a disciplinary process a requirement that the psychologist should inform other National Associations of which the psychologist is a member, of the outcome of the procedure. This sanction would be an option for the National Association depending upon its judgement of the severity of

the offence and the legal arrangements that apply in the countries concerned.

10.7 Where a National Association is concerned about the validity of a psychologist's application for membership, the National Association may consider contacting other National Associations for information, and National Associations are encouraged where appropriate respond to such legitimate enquiries. Such contacts should take account of the relevant laws in the countries concerned.

10.8 Where the law prevents a National Association responding to such an enquiry without the member's specific permission the National Association may include a clause in its application form requiring new members to agree to such information being provided in response to legitimate enquiries.