



EFPA

**STANDING COMMITTEE
ON
ETHICS**

Convenor : GEOFF LINDSAY

**REPORT to the
GENERAL ASSEMBLY 2007 in PRAGUE**

EFPA Standing Committee on Ethics Report to General Assembly, Prague 2007

Executive Summary

Period of the Standing Committee

The Standing Committee on Ethics was set up in 1995 following the Task Force on Ethics. It continues with programmes of work agreed by each General Assembly.

Scope of the work

The Standing Committee on Ethics (SCE) has completed the three tasks set following the General Assembly, Granada July 2005: completion *Guidelines on mediation in the context of complaints about unethical conduct*; development of a book *Ethics for European psychologists*; advice to the Executive Committee on the *Universal declaration of ethical principles the EuroPsy*, and ethics codes submitted by aspirant member associations; and the SCE organized a very successful 3rd European Symposium on Professional Ethics, Vienna 5-6 November 2006.

Recommendations

1. That this report of the Standing Committee on Ethics be *received*.
2. That the *Guidelines on mediation in the context of complaints about unethical conduct*; be *approved*.

Presented by

Geoff Lindsay, Convener

Date

That this report of the Standing Committee on Ethics was the accepted position of EFPA at the General Assembly, Prague, 7-8 July 2007

Main work of the SCE 2005-7

The SCE has focused over the past two years on two major issues, each of which is described in this report. We have held a highly successful 3rd European Symposium on Professional Ethics, in Vienna. In addition, we have carried out additional tasks to advise the Executive Committee.

Minutes of all meetings have been sent to the Executive Committee, via our liaison An-Magritt Aanonson.

1. Guidelines on mediation in the context of complaint about unethical conduct

The Revised Meta-code includes a request from National Associations to have procedures for dealing with complaints of alleged unethical conduct by members. These include procedures to investigate complaints and to take corrective and disciplinary actions. In addition, National Associations are required to have procedures for mediation.

The SCE produced Guidelines to assist Associations in devising their procedures for investigation, and for corrective and disciplinary action which were received at the Granada General Assembly. These were then sent to all Associations for consideration and action. Over this period we have produced guidelines on mediation.

In developing these Guidelines the SCE took careful consideration of many factors. For example, *language* is an issue. There are several similar processes (e.g arbitration) and the subtleness of meaning in different languages must be acknowledged. We have therefore made clear the *nature of the process* and hence the meaning of the term.

The final version of the Guidelines is presented as an Appendix to this report.

2. Ethics for European psychologists

Over the period we also considered how best to support dissemination and professional development in ethics for psychologists. We have continued other methods (see below) but decided also to develop a book. The American Psychological Association has published a number of very useful texts but these often use as their base the APA code of ethics. The SCE was keen that this should be a *European* text, capturing the issues across Europe.

We now have a contract with Hogrefe & Huber for a book written by Geoff Lindsay (UK), Casper Koene (Netherlands), Haldor Overeide (Norway) and Fredi Lang (Germany). Other members of the SCE have also contributed ideas and examples of ethical dilemmas for the book. The text is due with the publisher in December 2007.

3. 3rd Symposium on Ethics for Psychologists

The SCE responded to requests from Associations to present a third symposium by holding this in Vienna, November 2006. On this occasion the focus was on ethical challenges and dilemmas faced by psychologists in different countries. Again, this was highly successful and the SCE has agreed to respond, again, to pleas for more by organizing a 4th Symposium in September/October 2008, location to be decided.

The SCE are most grateful to Wolf-Dietrich Zuzan (Austria) and his colleagues, and for the Austrian Association, for organizing and supporting this Symposium.

4. Advice to Executive Committee

The SCE was asked by the Executive Committee to give advice on two issues in particular.

i) Universal declaration of ethical principles for psychologists

This Declaration has been under development for several years. The SCE has been actively engaged in presenting advice to the Executive Committee. The main issue has been to clarify the nature of the Declaration and distinguish this from a universal ethical code. Also, to aid this endeavour, Geoff Lindsay (SCE convenor) has contributed to symposia when the

Universal Declaration has been discussed. These sessions have also been part of its development process.

ii) EuroPsy: European Certificate in Psychology

EFPA has the EuroPsy currently being trialed in a sample of member countries. We have advised the Executive Committee on the importance of distinguishing the nature of the Diploma as a *license* as approved to a *qualification*: the former can be revoked or conditions on the licensed psychologist can be enacted whereas a qualification, once gained, cannot be removed because of subsequent unethical actions. We have also raised the issue of the ethics content of training programmes. The SCE has continued to contribute to the development of the Diploma also through advice direct to the Diploma's Working Group.

iii) Recently the SCE has been asked to advise on the ethical code of two Associations seeking to gain membership of EFPA. The SCE recommended it should take on this role some time ago so it is positive to see this now in action.

5. Contribution to Associations

The SCE has again contributed to the development of ethics in Member Associations through its contributions to events in different countries. These have included the 3rd European Meeting on Ethics in Lisbon, March 2006, and Geoff Lindsay's contribution to the Turkish Psychological Association's work by an invited lecture and workshop in Istanbul, March 2007.

Future Work

The SCE has identified the following three major tasks for the next two year period.

- To complete a book of guidance based on the Revised Meta-code. The aim would be a publication in several languages which would be useful across Europe.
- To organize a 4th European Symposium on Professional Ethics.
- To support member associations in the development of their own ethical codes and systems for dealing with complaints about members.

Conclusions

I would like to thank personally all my colleagues on the SCE who have made these past two years so productive. Our meetings are characterized by intense, but always good-humoured and expert debate on complex issues. I wish also to thank An-Magritt Aanonsen, EFPA Executive Committee for her support and engagement with the SCE, and to thank my secretary Mrs Jean McElroy without whom none of this would have been possible. Finally, I wish to mark the retirement of the other original member of the Task Force on Ethics, precursor to the SCE, and my predecessor as Convenor, Casper Koene. The SCE celebrated Casper's excellent work at his last meeting in Brussels, March 2007, but it is also appropriate that the General Assembly records its appreciation of his commitment and wisdom and for all his contributions over the years.

APPENDIX

Membership

Geoff Lindsay, UK – Convener
An-Magritt Aanonsen, Executive Committee Liaison
Victor Claudio, Portugal
Derek Deasey, Ireland
Jürg Forster, Switzerland
Hana Junova, Czech Republic
Casper Koene, Netherlands
Yesim Korkut, Turkey
Fred Lang, Germany
Alain Letuvé, France
Polona Matjan, Poland
Pierre Nederlandt, Belgium
Haldor Øvereeide, Norway
Vito Tummino, Italy
Wolf Dietrich Zuzan, Austria

Meetings

Oslo	5-6 November 2005
Lisbon	11-12 March 2006
Vienna	6 October 2006
Brussels	10-11 March 2007

The Standing Committee on Ethics (SCE) has continued its practice of meeting in different countries. We are most grateful to the home associations in each case for their hospitality.

Appendix

Guidelines on mediation in the context of complaints about unethical conduct.

Guidelines on mediation in the context of complaints about unethical conduct

1. Preamble

- 1.1 These *Guidelines on mediation in the context of complaints about unethical conduct* build upon the revised EFPA Meta-code of Ethics approved by the EFPA General Assembly, Granada, July 2005 (www.efpa.eu). The Meta-code of Ethics provides guidance on the content of member Associations' own codes of ethics. The Meta-code, therefore, supports Associations, and ultimately psychologists, by its guidance on ethical principles.
- 1.2 Complaints of alleged unethical behaviour by psychologists may arise. Consequently, Member Associations should have procedures to investigate and decide upon complaints against members. Separate guidance has been developed to aid National Associations in developing their evaluative and disciplinary systems¹. These procedures may result in a decision to require supervision and/or disciplinary measures.
- 1.3 In addition, mediation² might be offered as an option to the complainant as a means of attaining a resolution between the complainant and the psychologist. This would normally be instead of supervision and/or disciplinary action. Its use would depend on the nature and seriousness of the alleged infringement.
- 1.4 The present *Guidelines* give additional guidance to EFPA Member Associations on the use of mediation as a means for the complainant and the accused psychologist to come to a settlement by themselves, facilitated by a third party, in such cases where the Association judges this appropriate.
- 1.5 National Associations should first set up the overall framework for evaluation and discipline, of which mediation may be an option, to ensure that mediation is part of the total system.

2. Mediation characteristics

- 2.1 In mediation, the complaint can be seen as an expression of a problem or conflict between the complainant and the accused psychologist. The interests of the Association are not at stake. In an informal, semi-structured process an impartial mediator assists the disputing parties to work through and resolve problems or conflicts together. It is a non-judgmental, voluntary process that focuses on helping parties to find mutually satisfying resolutions to their problems, consistent with the interests of each party.
- 2.2 Whether or not by one's own initiative, participation in mediation is on a voluntary basis and in autonomous self-determination. This requires that each party is free to close the mediation process at any moment, if they no longer consider the mediation as being helpful.

¹ *Recommendations on evaluative procedures and corrective actions in case of complaints about unethical conduct* (www.efpa.eu)

² In other languages a different term which represents the process described here may be more appropriate

- 2.3 As conflicting parties are facilitated to come to a solution themselves and have the freedom to terminate this process at any time, mediation conditions are essentially different from binding oneself beforehand to a final decision of any authority, as in arbitration.

3. Mediation requirements

- 3.1 In implementing its procedures for dealing with complaints the National Association should take account of both the nature of the complaint and the potential for further risk to the public and/or the standing of the profession and of the Association itself.
- 3.2 Mediation is an option to be considered following a complaint alleging unethical conduct by a member of the Association. Consequently, decisions regarding the option of mediation should be part of the Association's system of addressing such complaints.
- 3.3 Adequate information about all relevant conditions of mediation in the context of complaint procedures against psychologists should be available for both psychologists and for the public. This should include both the criteria for complaints that the Association considers suitable for mediation and the process of mediation.
- 3.4 In the case of an actual complaint the complainant should be given details of the Association's total system for dealing with complaints, including mediation.
- 3.5 If mediation is found suitable by the Association, full details of the mediation procedure should explicitly be given to both the complainant and the psychologist.
- 3.6 Mediation requires special strategies and intervention techniques. Mediators do not necessarily need to be psychologists, but they do need to have appropriate skills to undertake this role.
- 3.7 The mediator should be accepted as impartial by both the complainant and the psychologist.
- 3.8 All information about the complaint that is discussed during mediation will be treated as confidential by the mediator and will not be shared with the Association.
- 3.9 No formal record will be made of the mediation by the mediator.
- 3.10 If an allegation of a separate ethical violation is made during the mediation, the mediator should consider a) whether to stop the mediation and b) whether to advise the complainant of their right to make a new complaint.
- 3.11 The report of the mediator to the Association should be agreed by the complainant and the psychologist and may be limited to the outcome of the mediation process. This may be limited to a statement that the mediation has been successful and the complaint has been withdrawn.
- 3.12 Only anonymised statistical information concerning mediation should be made public by the Association.

4. The mediation process

- 4.1 The Association should see that its mediation process attempts a proper balance of power. Properly trained mediators are well prepared to handle mediation settings in which substantial differences in power between parties may occur. However, in order to give weaker parties sufficient confidence in mediation, the Association should ensure that in its mediation regulations attention is paid to the subject of power balance.
- 4.2 The Association may allow the mediator to decide upon arrangement strategies and techniques.
- 4.3 Mediation begins with the Association's willingness to refrain from further investigation and evaluative procedures during the period of mediation and to recommend the opportunity for mediation to the complainant and the accused psychologist. A decision to offer mediation should be made taking regard of the seriousness of the alleged infringement.
- 4.4 Mediation may end with the insight of the complainant that no ethical violation took place, the psychologist's expression of remorse or any other formal, written agreement between parties to 'close the books', or with a recompense. However, as parties are free to close mediation at any time, mediation may end without any result being satisfactory to both parties.
- 4.5 The National Association may decide to offer mediation early in the complaint process, or may prefer to do so after more thorough investigation, or even after a decision on a corrective action is made. However, it should be noted that the willingness to participate in mediation might decrease as its possible outcomes are limited by formal judgements or decisions.