

Submission to the Psychologists Board of Australia in relation to a Code of Ethics

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I have already added my voice to that of a number of psychologists concerned with the definition of 'client' in the current APS Code of Ethics (PBA submission: Patrick, et al.). I won't repeat those concerns in this submission, except to summarise by saying that "the problem with only having a hammer is everything looks like a nail". Likewise, the problem with having one word – 'client', everybody looks like a client. If the Psychologist Board of Australia chooses to proceed with a code of ethics that defines "client" (unlike the APA's Ethical Principles of Psychologists and Code of Conduct), then the PBA must rethink the definitions used in the APS Code of Ethics.

In this submission I wanted to propose a set of definitions for 8 different relationships. I also mapped the dual-relationships in the table below, and propose which dual relationships are inherently problematic, and which are not. Beyond these specific proposals, my intention is to convey 2 things. That:

1. A psychologist can have more relationships with other people than that of a 'client'; and
2. While many dual-relationships are problematic, not all dual-relationships are automatically problematic.

These definitions also raise other questions about what ethical responsibilities psychologists have even where there is no dual-relationship. For example; what ethical responsibility does the psychologist have to the 'commissioner' where that party is not the 'client' (by the definitions of each term suggested in this submission)?

Proposed Problematic and Non-problematic Dual-Relationships

	Commissioner	Client	Student	Peer	Supervisee	Subordinate	Participant	Relative or other personal relationship
Commissioner		✓	✓	✓	✓	✓	✗	✗
Client	✓		✗	✗	✗	✗	✗	✗
Student	✓	✗		✓	✓	✓	✗	✗
Peer	✓	✗	✓		✓	✓	✗	✓
Supervisee	✓	✗	✓	✓		✗	✗	✗
Subordinate	✓	✗	✓	✓	✗		✗	✗
Participant	✗	✗	✗	✗	✗	✗		✗
Relative or other personal relationship	✗	✗	✗	✓	✗	✗	✗	

✓ = The dual-relationship is not seen as inherently problematic, though the psychologist or provisional psychologist should nonetheless remain vigilant for conflicts.
 ✗ = The dual-relationship is seen as inherently problematic, and must be avoided.
Note: A more complicated relationship should be decomposed to assess its appropriateness. For example; A peer who is a supervisee who is also a personal friend. The peer/supervisee relationship is not problematic, the peer/friend relationship is not problematic, but the supervisee/friend relationship is problematic.

Proposed Relationships and their Definitions

Relationship	Definition
Commissioner	The party or parties that pay (or are obliged to pay) for the psychological services, supervision, or training. This may be the same person as the client, supervisee or student, but need not be. For example; a parent may be the commissioner for psychological services provided solely to their child (the 'client'). Where the work is <i>pro bono</i> , the psychologist providing the professional service, supervision or training is the commissioner. It is possible that there are multiple commissioners, for example, where the Federal Government through Medicare pays, and the client co-pays and additional amount. The employees of a commissioner (if any) are not themselves commissioners or clients except where they have the discretion to commission, or where they otherwise meet the definition of 'client'.
Client	<p>The client is the direct recipient and/or subject of psychological services. In the vast majority of cases the psychologist or provisional psychologist would have met and worked with the client on at least one occasion, though in some cases it may be that they interacted in some fashion but never personally met. This designation extends for 2 years beyond the last contact with the client. This category does not include research participants even though many of the same psychological services that clients receive may be applied. Indirect beneficiaries of the direct work done with the client are not themselves clients by virtue of the indirect benefit; nor are the client's friends and relatives 'clients' unless the psychologist or provisional psychologist directly provides services to them.</p> <p>This category does include 'foreseeable clients'. That is those individuals who have never been a client to date, but for whom the psychologist or provisional psychologist is specifically obligated to accept as a client should the need arise. For example: the psychologist works for a firm that provides an "Employee Assistance Program" under contract to a particular organisation. While the psychologist may have never seen most of that company's employees as clients, the fact that they may one day be a client is reasonably foreseeable. There must be some specific obligation to an identified group of potential clients before the 'client' relationship can be foreseen. For example; if the only psychologist in a rural town could potentially see anyone in that town as a client, <u>but is not obliged to do so</u>, then the individuals in that town <u>are not</u> foreseeable clients, even though the group of potential clients are clearly identified.</p>
Student	<p>A student is any individual for whom the psychologist or provisional psychologist has a formal responsibility to assess, with the exception of professional practice supervisees. The designation of 'students' includes direct responsibilities for assessment, and indirect responsibility to personally oversee the assessment of students by other peers or subordinates. This can include research supervisees (as opposed to professional supervisees), course-work students, and workshop participants only where the psychologist or provisional psychologist personally formally assesses the work of the individual. This category is not intended to refer to administrative subordinates where responsibilities for 'in-house' training and performance evaluation/management may exist.</p> <p>This category does include 'foreseeable students'. That is those individuals who may have never been a student to date, but for whom the psychologist is specifically obligated to accept as a student should the need arise. For example: a psychologist who works for a university might be obliged to teach a course that an upcoming student (currently studying at that same university) may not take for a year or two. The fact that the student must take the course to complete their studies, and the psychologist is likely to be teaching that course, makes that individual a 'foreseeable student'.</p>
Peer	A peer is any psychologist or provisional psychologist with whom the psychologist or provisional psychologist interacts, where formal assessment is not a feature of the relationship. A workshop participant who is not personally formally assessed by the psychologist would fall within this category. A peer can also be a research collaborator or a fellow employee. Another example might be a psychologist or provisional psychologist who refers clients or seeks informal advice in relation to theoretical, empirical, procedural, ethical and/or professional practice matters. But again, while there may be informal formative or illustrative appraisal, <u>formal</u> assessment or supervision is not a feature of the peer relationship.
Supervisee	<p>This category refers to professional practice supervisees (as opposed to research and administrative supervisees which are deemed to be students and subordinates respectively). The supervising psychologist has some formal role to supervise and assess the supervisee in their professional practice.</p> <p>This category also includes 'foreseeable supervisees'. That is those individuals who have never been a supervisee to date, but for whom the psychologist is specifically obligated to accept as a supervisee should the need arise. For example: a psychologist who works for a university might eventually be obliged to professionally supervise an individual still undergoing training in that same university. The fact that the individual must be supervised in relation to their professional practice, and the psychologist is likely to be required to supervise, makes that individual a 'foreseeable supervisee'.</p>
Subordinate	A subordinate is a person for whom the psychologist has some administrative seniority over; within the organisation they both work.
Participant	A research participant may be the recipient and/or subject of psychological services that are offered as part of a <i>bona fide</i> research project. Hallmarks of <i>bona fide</i> research projects are the absence of payment from participant/s, the ethical approval of the project through a university and/or government departmental ethics committee, and the approval for the project by a university and/or government department. This relationship can be direct (the psychologist/researcher provided the services), or indirect (an appropriately qualified research assistant provided the services on behalf of the psychologist/researcher). This designation extends for 2 years beyond the last contact with the participant. This category does not include clients even though many of the same psychological services that clients receive may be applied.
Relative or other personal relationship	Friends, former friends, intimate partner/s, former intimate partner/s, parent, step-parent, sibling-by-birth, step-sibling, daughter, step-daughter, son, step-son, wife, husband, former wife or husband, grandparent, step-grandparent, aunt-by-birth, uncle-by-birth, and cousin-by-birth.

Examples of Dual-Relationships

Client & Commissioner	✓	A client pays to see the psychologist.
Client & Student	✗	The client is a student in a course run by the psychologist.
Client & Peer	✗	The client is a professional colleague that the psychologist interacts with aside from that of client.
Client & Supervisee	✗	The client is a professional practice supervisee of the psychologist.
Client & Subordinate	✗	The client is a subordinate in the same organisation where they both work.
Client & Participant	✗	The client was recently a participant in a study conducted by the psychologist.
Client & Relative or other personal relationship	✗	The client is a cousin of the psychologist.
Student & Commissioner	✓	The student pays for a course the psychologist conducts.
Student & Peer	✓	The student is a professional colleague with whom the psychologist has worked from time to time.
Student & Supervisee	✓	A student in one context is also a professional practice supervisee of the psychologist.
Student & Subordinate	✓	A student in one context is also a tutor in another course the psychologist runs.
Student & Participant	✗	The student was recently a participant in a study conducted by the psychologist.
Student & Relative or other personal relationship	✗	The student is a cousin of the psychologist.
Peer & Commissioner	✓	A professional colleague pays to attend a workshop run by the psychologist.
Peer & Supervisee	✓	A professional colleague in one context is also a professional supervisee of the psychologist.
Peer & Subordinate	✓	A professional colleague is also a subordinate in the same organisation where they both work.
Peer & Participant	✗	A professional colleague is asked to participate in an approved study run by the psychologist.
Peer & Relative or other personal relationship	✓	A professional colleague is a cousin of the psychologist.
Supervisee & Commissioner	✓	The supervisee pays the psychologist for their professional practice supervision.
Supervisee & Subordinate	✗	The supervisee is also a subordinate in the same organisation where they both work.
Supervisee & Participant	✗	The supervisee is asked to participate in an approved study run by the psychologist.
Supervisee & Relative or other personal relationship	✗	The supervisee is a cousin of the psychologist.
Subordinate & Commissioner	✓	The subordinate in one context pays to attend a workshop run by the psychologist outside work.
Subordinate & Participant	✗	The subordinate is asked to participate in an approved study run by the psychologist.
Subordinate & Relative or other personal relationship	✗	The subordinate is a cousin of the psychologist.
Participant & Commissioner	✗	A research participant pays for the intervention they received as part of a study.
Participant & Relative or other personal relationship	✗	A research participant is a cousin of the psychologist conducting the study.

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