

Revised June 2013

THE AUSTRALIAN AND NEW ZEALAND SOCIETY OF JUNGIAN ANALYSTS



CODE OF ETHICS AND GUIDELINES FOR WORKING PRACTICE

This *Code* is intended for all full and associate members of ANZSJA and all trainees/candidates enrolled in the ANZSJA analytic training program. In this document the term practitioner includes all full and associate members of ANZSJA and all members of ANZSJA's analytic training program. It is mandatory that all members of ANZSJA and all trainees/candidates should acquaint themselves with this ANZSJA *Code*, as well as the clinical and training procedures, which pertain to ethical issues. It is expected that ANZSJA members and trainees/candidates will follow the guidelines contained in this *Code*, not only in relation to analysands and to other members and trainees of the Society, but also in all their professional relationships, for example with colleagues in other professional bodies, with the guests of ANZSJA, with visitors to ANZSJA's meetings, with applicants for training and with supervisees.

There are four sections in this document: 1) on general guidelines, 2) on what constitutes serious misconduct, 3) on complaints and the complaints procedure and 4) on the archiving of files.

1. GUIDELINES FOR ETHICAL PRACTICE

A. Responsibilities to Analysands

A member of ANZSJA or trainee/candidate of the ANZSJA Analytic Training Program shall take due care to observe the following:

- a) At the start of the analytic process/consultation, it is incumbent on the practitioner to state clearly to the analysand the terms and conditions of analytic practice, for example, times, frequency of sessions, arrangements about fees. This is in accord with the Australian Practice Information/Privacy Amendment (Private Sector) Act 2000, and the Privacy Act 1993, Health Information Privacy Code and Privacy Commission in New Zealand, whereby colleagues will provide information to clients about aspects of their analytic practice. When setting fees, the practitioner or trainee/candidate shall ensure that the fees are fair, reasonable and commensurate with the service provided and s/he shall give due regard to the analysand's ability to pay. The practitioner or trainee/candidate shall ensure that these terms and conditions are maintained. Where it is necessary subsequently to alter these, clear explanations should be given.
- b) A practitioner or trainee/candidate shall refrain from claiming to possess qualifications, which s/he does not possess. Professional qualifications should be disclosed if requested by the analysand. A practitioner or trainee/candidate should acknowledge that there are limits to the service they can properly provide and that the respect of their own health in the analytic relationship and appropriate self-care should be upheld.
- c) A practitioner or trainee/candidate should be aware and acknowledge the limits of his/her competence and refer analysands to others when this proves necessary or desirable.
- d) A practitioner or trainee/candidate should offer his/her professional services to, and recognise the dignity and integrity, of all analysands, without prejudice or discrimination on the base of race, colour, sex, sexual orientation, social class, age, disability, religion or political persuasion.
- e) A practitioner or trainee/candidate should terminate her/his services to analysands in a suitably professional manner. There may be a mutual decision that the service is no longer required or that the service is not in the analysand's best interests. Where there is a concern about the psychological welfare of the analysand, the practitioner or trainee/candidate should suggest reasonable alternatives for continuity of service provision.

- f) During treatment, great restraint should be exercised with regard to social contacts with an analysand. After termination, the practitioner or trainee/candidate should keep in mind the possible continuation of transference feelings and therefore use discretion in any close social contacts.
- g) Due care should be taken to consider any possible contributing medical factors in an analysand's psychological circumstances. Where appropriate and in consultation with the analysand (see A, i) below), his/her general practitioner may need to be informed of the analytic work and may need to be consulted about possible medical implications.
- h) During treatment, a practitioner or trainee/candidate should take due care with respect to matters concerning ethnicity and culture.
- i) Contact with third parties e.g. relatives, friends, and medical advisers of the analysand should occur only with the express knowledge and consent of the analysand. Exceptions may have to be made in certain circumstances, such as the analysis of children, or the extra-analytical management of an analysand who is a danger to self or others.
- j) Confidentiality, and the preservation of a patient's anonymity, is paramount. Care shall be taken to appropriately disguise all clinical material in the case of publication (or in the presentation of material at clinical seminars). If an analysand may recognise him or herself, a decision not to publish should be made. Particular discretion shall be used in the special situations of personal consultations with colleagues. If an analysand specifically requests that his or her material should not be published this must be respected. Wherever possible the actual consent of the analysand should be sought. Exceptions may have to be made in certain circumstances, for example where a lawsuit may be threatened and where the practitioner or trainee/candidate is required to give details to his/her solicitors and/or professional insurers.
- k) A practitioner or trainee/candidate shall not take advantage of the dependent nature of the analytic relationship, the age, educational or intellectual disadvantage or ill health of the analysand, nor exploit the analysand sexually, emotionally or in any other manner.
 - i) Sexual relations between the analysand and the analyst can never be acceptable. It constitutes unethical behaviour. This is not restricted to sexual intercourse and includes any form of physical contact which has, or may be reasonably construed as having as its purpose, some form of sexual gratification, whether initiated by the analysand or the analyst. Terminating a therapeutic relationship in order to have a sexual relationship is also unethical.
 - ii) A practitioner or trainees/candidate will neither pay for nor receive a commission for the referral of potential analysands, nor engage in any financial transaction with individual analysands, apart from the ordinary

fee charged for analytic sessions. Exceptions may arise in relation to trainees/candidates in the ANZSJA analytic training program where a fee may be charged for seminars, lectures or other teaching.

- l) Practitioners should refrain from engaging in multiple relationships that would impair their professional competence, objectivity, duty of care and effectiveness in the analytical work. They should exclude themselves from multiple/dual relationships that could harm analysands or lead to their exploitation. Analysts should inform analysands of the analytical services they offer and declare any vested interests that they have in the analytical service they deliver. Analysts who find themselves in the situation of multiple/dual relationships through their role as supervisors or tutors should consult with a senior analyst to clarify best interests of those receiving the analytical service. When entering into multiple relationships for over-riding ethical reasons (e.g. because of organisational requirements), analysts adhere to the ethics of their professional relationship.
- m) If in doubt about his/her ability to perform competently as a practitioner or trainee/candidate, he/she is required to consult with an appropriate colleague to determine his/her competency to practise and/or to determine the need for further advice, treatment or supervision.
- n) It is an obligatory requirement of and for membership that all ANZSJA members and all trainees/candidates maintain adequate Professional Indemnity Insurance that covers all analytical and psychological services that the particular practitioner offers in his/her professional practice, as a member of ANZSJA or when enrolled in ANZSJA's analytic training programme.
- o) Members as part of a commitment to best ethical practice principles, should seek ongoing supervision in the form of individual supervision, a supervision group facilitated by an experienced supervisor or in the case of experienced analysts, a peer supervision group. This should complement continuing professional development as well as engaging with other appropriate educational activities according to an analyst's individual needs and professional requirements which might include teaching and publishing papers in professional journals.
- p) For their part supervisors should foster in their supervisees best practices that are built on principles, values and ethical issues particular to the practice of analytical psychology. Where possible, clinical supervisors should receive some formal training/educational input in how to supervise other therapists. Supervisors shall be aware of multiple roles and reduce any conflicting role interests.
- q) A practitioner or trainee/candidate is responsible for developing in advance a plan for the care of his/her analysands, in the event of the practitioner suddenly being unable to maintain his/her practice as in, for example, his/her unexpected death.

- r) Members who plan and run a research programme are to acquit all the relevant ethics clearances with their university/health service organization; and then pass a copy of the research outline and clearances to the ANZSJA Ethics Committee for final clearance.

B. Relationship with colleagues and within the Profession

Introduction

This section is intended to guide members and trainees/candidates in their relationships with, and behaviour towards, colleagues. Members and trainees/candidates are inevitably seen as representatives of ANZSJA, of its culture and its values in ways that cannot be confined to professional settings. They should therefore refrain from conduct which may bring ANZSJA into disrepute and damage its aims.

In making verbal or written public statements, a practitioner or trainee/candidate should make it clear whether s/he is speaking personally or as a representative of ANZSJA.

Personal or clinical material disclosed in meetings of ANZSJA, or of its committees, by practitioners, or by guests of, or visitors to, ANZSJA, should be treated with strict confidentiality, except where express permission has been given to treat it otherwise.

In making a formal complaint one should be aware of the damage that can occur to a professional reputation.

a) A practitioner or trainee/candidate should:

- i) conduct his/her relationships with colleagues both within and outside the Society with appropriate respect and courtesy, fairness and good faith; s/he will not falsely or maliciously speak ill of a colleague or colleagues, in such a way as to damage their personal or professional reputation;
- ii) promote cooperation with colleagues to further professional interests and concerns;
- iii) respect professional confidences concerning the analysands of colleagues;
- iv) seek to resolve conflicts with colleagues in the interests of analysands or in the interests of their professional integrity;
- v) adhere to professional rather than commercial standards in making known the availability of their services;
- vi) uphold and foster the value, integrity, knowledge and ethics of the profession.

b) Save in making a complaint in writing to the Ethics Committee, a practitioner or trainee/candidate should not defame, professionally or personally, a colleague or group of colleagues, to an analysand or to potential analysands, either privately or in public, or to members of the public in general.

c) Unless there are reasonable and valid contra-indications, a practitioner or trainee/candidate taking on a self-referred analysand currently in treatment with a colleague shall do so only with the knowledge of that colleague.

d) Elected office bearers and members of ANZSJA committees should be committed to the principles of ethical best practice as they undertake their positions of leadership and management.

(e) It is the responsibility of members to declare and take responsibility for conflicts of interest when advising or participating in ANZSJA committees or professional activities of ANZSJA or outside bodies and organisations. A conflict of interest may be potential, actual or perceived.

2. SERIOUS MISCONDUCT

All members of ANZSJA and all trainees/candidates should be cognisant of the rules of ANZSJA, which refer to removal from membership.

A breach of any of the following rules constitutes serious misconduct:

- a) All practitioners and trainees/candidates should ensure that the stipulated terms and conditions of analytic procedures (see **1 A, a – r**) above) are maintained.
- b) Financial dealings with analysands, supervisees or trainees/candidates shall always be restricted to matters concerning professional fees.
- c) A practitioner or trainee/candidate shall regard his/her patients' communications as strictly confidential; this confidentiality also applies to material received in supervision. On no account shall s/he disclose such confidences to a third party without the consent of an analysand. It should be noted that the right to confidentiality may be passed to the relative of a deceased analysand. The right to confidentiality may come into question for example as stated in **1. A, g)** and **1 A, i)** under the Guidelines; or if the practitioner or trainee/candidate becomes aware of the commission of a crime; or if a court orders the disclosure; or an analysand has given express consent.
- d) A practitioner or trainee/candidate shall not conduct analytic interviews with analysands, potential analysands or anyone else - even with their consent - as

entertainment. Interviews conducted for professional reasons or for professional development may only be published in professional journals. Every effort should be made to preserve anonymity of analysands. Actors may be employed using scripts which could be either imaginary or based on actual interviews provided that the anonymity of the analysand represented is adequately preserved.

- e) No practitioner or trainee/candidate shall enter into a sexual relationship with any of his or her analysands, supervisees or trainees/candidates (see **1 A**, k).
- f) No practitioner or trainee/candidate shall use physical violence or non-physical violence against an analysand. In exceptional circumstances however, it may be necessary for a practitioner or trainee/candidate to physically restrain an analysand to prevent injury to self or other.
- g) No practitioner or trainee/candidate shall attempt to carry out professional activities when no longer able to do so competently. S/he should not offer treatment when s/he is a) under the influence of drink or drugs, or b) is liable, for reasons of physical or psychological illness, or ageing, to be incapable of exercising adequate skill and judgment.
- h) If a practitioner or trainee/candidate has been convicted of a criminal offence or has civil proceedings commenced against him/her, or has proceedings commenced against him/her by other professional bodies, s/he shall inform the President of ANZSJA of the proceedings, together with the relevant facts.

The above *Code* cannot be regarded as complete or exhaustive as it derives from problems known to have arisen in the past, whereas new problems may arise in the future.

3. COMPLAINTS AND COMPLAINTS PROCEDURE

Introduction

Any person with a concern, who is considering making a formal complaint against a member of ANZSJA or a trainee/candidate should contact the Convenor of the Ethics Committee. Each person's complaint will be taken seriously and the complainant will be respectfully taken through the complaints procedure and through the sections of the Notification of Complaint Form, which will be thoroughly discussed.

A complaint is a formal statement of dissatisfaction about a member's conduct with a request for action by the Ethics Committee.

It is the practitioner's responsibility to meet their obligations as members of other bodies who may be subject to other ethics codes and complaints processes.

Whenever a member/trainee/candidate is approached by a member of the public or colleague outside the organization, they should suggest the person contact the Secretary of the ANZSJA Ethics Committee rather than inquire into the complaint themselves.

All efforts will be made to ensure that complaints are handled promptly, with respect and fairness for all parties. All processes entered into by the Ethics Committee and its Convenor must as far as possible seek to maintain confidentiality and acknowledge the particular needs of the complainant.

The complaints procedure should follow the steps outlined below with the exception of complaints between colleagues/trainees/candidates, where ANZSJA members are required to follow the process outlined in section 4 C h) before directing a complaint to the Convenor of the Ethics Committee. In making a formal complaint one should be aware of the damage that can occur to a professional reputation.

Complaints Procedure

It is the goal of the complaints process to resolve matters by informal mediation and achieve reconciliation between parties. The procedures set out below are designed to give both complainant and respondent every opportunity to respond to the issues raised.

- a) Upon receipt by the Secretary of the Ethics Committee of a complaint from within or outside ANZSJA, the complainant will be directed to put his/her complaint in writing, outlining the nature of the complaint and actions already taken to resolve the matter. The complainant should also provide written permission that the subject of the complaint may be informed of the complaint against him/her. (See Notification of Complaint form).
- b) The member/trainee/candidate will be immediately informed of the complaint and a nominated Ethics Committee member will discuss the issue with them within 7 days of receiving the complaint.
- c) Where possible, within 14 days of receipt of the written complaint the Ethics Committee will determine the level of response. This may range from requiring no further action to informal mediation, conciliation or formal investigation.
- d) A member/trainee/candidate is expected to cooperate constructively with any complaints procedure. If a complaint is proceeding to a formal investigation the member/trainee/candidate will be required to respond in writing if they have not already done so.

- e) If the Convenor decides a complaint requires no further action, both complainant and member/trainee/candidate are informed in writing of the Convenor's decision.
- f) If the Convenor determines it is a receivable complaint they may decide that the matter be informally mediated or referred for conciliation. Both complainant and member/trainee/candidate are informed in writing of the Convenor's decision and are given details of the process which will be undertaken.
- g) The particular form of any mediation process will be determined by the Convenor in consultation with the Ethics Committee. This process will adhere to the principles of respecting the particular needs of the complainant, and fairness and confidentiality for all parties. In any mediation meetings both complainant and member/trainee/candidate may have a support person present. While every effort would be made for such a meeting to be in person, it may be necessary for it to occur by teleconference or Skype.
- h) Where a member/trainee/candidate has reason to believe a colleague/trainee/candidate is acting contrary to the Code of Ethics, they should follow the procedure set out below:
 - i. They should seek a meeting with that colleague/trainee/candidate to discuss the issue.
 - ii. If such a private meeting is either not agreed to or not possible, the concerned colleague/trainee/candidate is encouraged to contact a senior colleague/analyst to facilitate such a discussion.
 - iii. If that discussion fails to resolve the concern about the matter, the colleague/trainee/candidate should contact the Convenor of the Ethics Committee in writing, outlining all the steps taken to resolve the matter.
 - iv. The Convenor treats the complaint in the normal way to determine whether it is a receivable complaint
- i) All travel and other expenses incurred through the complaints process are the responsibility of the complainant and member/trainee/candidate.
- j) If the Convenor determines that the complaint should be formally investigated by the Ethics Committee, both the complainant and member/trainee/candidate will be informed in writing of this decision and the stages of the process to be followed.
- k) The following guidelines for a hearing will be followed wherever possible.
 - i) The member/trainee/candidate be given 30 days, with the possibility of an extension by the Convenor, to prepare for any formal investigation by the Ethics Committee.
 - ii) Members of the Ethics Committee involved in a formal investigation must be unbiased and should not have been directly involved in the matter giving rise to the

investigation. If it is necessary, the Convenor of the Ethics Committee can appoint a Special Ethics Committee to conduct the investigation.

iii) At any formal meeting of the Committee investigating the complaint the member/trainee/candidate is able to have, at her/his own expense, a legal advisor or a member of ANZSJA. The complainant is also able to have, at her/his own expense, a legal advisor and/or other supportive person.

iv) The meeting or investigation of a complaint may make use of teleconference or skype.

k) If after full investigation, the Ethics Committee finds that a member/trainee/candidate has committed a breach of the *Code of Ethics*, it may:

i) give a warning which the Ethics Committee thinks is appropriate;

ii) require the member/trainee/candidate to be supervised by a senior colleague, and this period of supervision to be approved by the Ethics Committee;

iii) recommend the member/trainee/candidate have further supervision with a senior practitioner. If the member/trainee/candidate refuses to cooperate the matter may be referred to the Executive;

iv) recommend to the Executive:

a) suspension from ANZSJA or the ANZSJA training programme.

b) expulsion from ANZSJA or the ANZSJA training programme.

Names of members who have been suspended or expelled are reported to IAAP, to both the appropriate section of PACFA and the Register Committee of PACFA or the appropriate professional register in New Zealand.

l) The outcome of the investigation process will be communicated to both the complainant and the respondent, where possible within 60 days of commencement of any formal investigation.

m) If either party, person complained against or complainant, wishes to appeal against a decision or recommendation of the Ethics Committee they must put this in writing to the President of ANZSJA within 14 days of receiving in writing the outcome of the investigation process. He or she will be asked to show good cause and submit grounds for the appeal. Appeals later than this period will not be considered valid. The President will appoint a Committee to hear the appeal and make a recommendation to the Executive. This Appeal Committee shall decide its own procedures but to ensure independence of process and fairness, the Committee must include a member of PACFA Ethics Committee or another appropriate independent person preferably with experience in Ethical Matters.

n) All documents relating to the complaint will be confidentially archived after 7 days on behalf of ANZSJA. These records will be kept for 10 years. Personal information in individual complaints is kept confidential and is only made available to those appointed to deal with the complaint.

o) Following a complaints procedure, the Ethics Committee undertakes to make recommendations, where relevant, to the membership for changes to ANZSJA's structures or procedures to ensure that problems of a similar nature do not arise.

4. ARCHIVING OF FILES

a) A register of past Office Holders and dates of tenure be kept by the Secretary of ANZSJA. These positions are to include: President, Vice-President, Secretary, Treasurer and Convenor/Chairpersons of the Standing Committees (Ethics, Protocol, Training and Finance) and New Zealand representative.

b) All existing official files and documents are handed to the incumbent Convenor (an officer nominated by the Ethics Committee).

c) All sensitive materials are kept in a locked cabinet by the Convenor.

d) It is the responsibility of each incumbent Convenor to maintain confidentiality of sensitive materials.

e) In the event of the Convenor being indisposed for any reason, arrangements are made by the Office Holder to give the Secretary of that Standing Committee access to official files.

In Australia, **The Privacy Amendment (Private Sector) Act 2000** amends the Commonwealth Privacy Act 1988 (known as the Privacy Act) to establish minimum privacy standards for the Australian private sector, including ANZSJA. The legislation applies from 21 December 2001. The Privacy Act creates a single, nationally consistent framework for protecting privacy and complements existing codes of practice and ethics in the health sector. The Commonwealth legislation prevails over State or Territory privacy legislation, to the extent that these laws are inconsistent.

In New Zealand the relevant legislation is the **Privacy Act 1993** No 28.

Auckland, June 2013