

Dealing with complaints against psychologists: the situation in France.

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Introductory note: What is Ethics?

Same word, various meanings in different languages.

In Latin languages and in Russian, Ethics is a branch of Philosophy studying the notions of good and evil in human behaviours, i.e. morality (its principles, concepts, their philosophical and/or religious basis).

ЭТИКА, МОРАЛЬ

The word “moral” has progressively been replaced by “Ethic”, probably because “moral” was attached to the notion of judgement. Still, in France two levels are distinguished: Ethics, which refers to a general concept defining the core principles adopted by a culture and hopefully shared by the individuals belonging to that culture, principles that should regulate the behaviour of citizens, principles on which the law of a country is based, and Deontology which is specific to professional areas (professional ethics).

Why do we need a code of ethics?

In professions which deal with human beings and have a direct impact on their destiny, integrity or well-being, such as physicians, architects, lawyers, nurses, psychologists, the practitioners, i.e. the person who provides the service, is placed in a slippery, risky, delicate position:

1. the service can only be provided if the client trusts the professional.
2. once a trustful relationship is achieved, the professional is in a position of power vis à vis the client. (Expertise, knowledge, self-assurance).

TRUST: various means to obtain it from s.o. Honest / dishonest.

POWER: strong temptation to misuse or abuse.

So the core questions are:

- ➔ How to help the professional in avoiding pitfalls?
- ➔ How to protect the client from crooks, perverts, malpractice?

Situation in France

In France, the first code of ethics for psychologists was written in 1961 – last version 2012. (<http://www.cncdp.fr/index.php/code-de-deontologie/code-de-deontologie-2012>)

BUT a code of ethics remains just a nice declaration by a group of people unless it not only is adopted by all the profession but also is recognised as entailing sanctions when the behaviour or conduct of the professional is not consistent with the ethical guidelines.

The landscape in France: a myriad of groups, associations, unions ... In other words, psychology in France does not have one voice: it's a brouhaha!

A slow evolution

In 1997, several associations joined to create a sort of reflection Board in ethical matters (CNCDP). The CNCDP

- Receives complaints but treats them as hypothetical situations.
- Does not have the power to investigate
- Is not allowed to even inform the psychologist that a complaint has been filed against him.
- Produces general statements about how to interpret ethical rules in their application to concrete situations, such as “if a ψ was to do (or write etc.) such and such thing in this type of situation, then we could consider that there was a breach of articles so & so of the code of ethics for the following reasons”

There is in France a strong resistance against the notion that some psychologists would be entitled to evaluate or judge their colleagues.

The CNCDP reports the following:

1. In rare cases, outright deliberate misconduct
 - Is not registered as a ψ , does not have qualifications/ diploma
 - Sexual relationship with client
 - Pronounces a diagnosis/evaluation about s.o. who is not a client or whom has not personally encountered.
2. The great majority of ethical misconducts are caused by either
 - ignorance of the ethical code
 - lack of reflection on the ethical aspects of one's own actions

→ bad training: professional ethics not taught properly in university courses and supervision.

Frequent examples:

- affidavits (dif. Private or professional, non-disclosure of confidential material)
- reports (quoting what was said by client instead of analyzing the meaning, radical judgments, non evidence-based statements, medical diagnosis ...)
- One-sidedness e.g. child custody issues
- use of non-scientific tools during assessment
- lack of feedback to client
- refusal to write a report, or give actual results of a test ...
- problem in adoption procedures (judging parental competency on a non-scientific basis).

A majority of clients are not aware that they can file a complaint and/or they don't know how to do it. Therefore, clients are not well protected.

When a complaint is filed, it is treated by the courts of justice and psychologists are usually severely sanctioned. Therefore, psychologists are not well protected.

Recent creation of a Board of Ethics

In consequence, one of the major association of psychologists (FFPP) has decided to create a disciplinary commission (starting in 2017) with the following definition:

- Has full power to investigate and judge alleged misconducts
- But only for the members of this association
- Proceeds in 2 steps:
 - 1) contradictory investigation (complaint and defense) by a permanent committee (4 persons) → qualifies possible charges in reference to the code of ethics or declares that there is no case
 - can propose mediation so as to avoid a judgment

- 2) If judgment, an *ad hoc* committee is convened (permanent investigative group + 3 ψ chosen according to their specialty, competency, region).
- If the psychologist is found guilty, decisions can be supportive actions, guidance, compulsory supervision, compulsory complementary training, or sanctions (suspension of membership, radiation).

So far, no complaints have yet been received.

Conclusion

Although by state law and code of ethics psychologists are considered fully **responsible** of their actions, the notion of **accountability** has yet to be infused into the profession in France.

We hope that the newly founded disciplinary commission will serve as a model for the profession and lead to better protection of both the public and the psychologists.