

## Ethics Systems in the New Zealand Psychological Society

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### **Introduction:**

Tena koutou katoa.

I appreciate having been invited to speak in this Cultural Justice and Ethics symposium in a session that focuses on bicultural issues in psychological practice, teaching and research.

I am certain this year will be remembered in the Psychological Society as a critical turning point at which bicultural issues for psychology first really began to be addressed seriously in professional circles. While occurrences such as the special issue of the Bulletin devoted to Biculturalism and this symposium are only starting points, they are significant events that will inspire debate and change, change that will be influential in shaping the future of psychology in New Zealand. The work that has gone into organising these efforts is a credit to the NSCBI. I look forward to working with the committee in areas where the efforts of the Ethical Issues Committee and NSCBI need to be combined to give effect to required changes.

I have been asked to speak on the nature of ethics in the Society. Despite my experience in the Ethical Issues Committee (EIC), that is a daunting task amongst the line up of speakers today. What I am able to provide is an outline of the structures that determine and shape ethics in the Society and the relationship of ethics to the political systems of the profession. This may provide insights into the systems and rules that might need to be used to achieve change or that might themselves need change. While I convene the EIC and have a role on Council, neither that nor my presentation of the ethical framework should be construed as promotion of the status quo. In fact, if those who know me start accusing me of being an apologist for the system I will know its time to give up unless so much has been achieved that the system really is worth apologising for.

### **Ethics systems in psychology:**

*Ethics and values ..... They concern what ought to be, having sometimes very little to do with what is. (Davison and Neale, 1990)*

It is important to remember that the Psychological Society does not exist in isolation. It is part of a wider society and must be accountable to and responsive to the needs of the public, its clients and changes occurring in the community. Ethics largely arise out of the public's expectations of the profession and implied in that is compliance with the law. Psychologists are obviously answerable to the Courts when their actions transgress the law; no one can legally claim that inclusions or omissions from a code of ethics permit them to act outside of the law. Fortunately, there are seldom conflicts between ethical and legal obligations as certain statutory provisions now reflect some of the more important of our ethical standards. Any consideration of ethics in the Society must take account of the wider societal context within which psychologists operate.

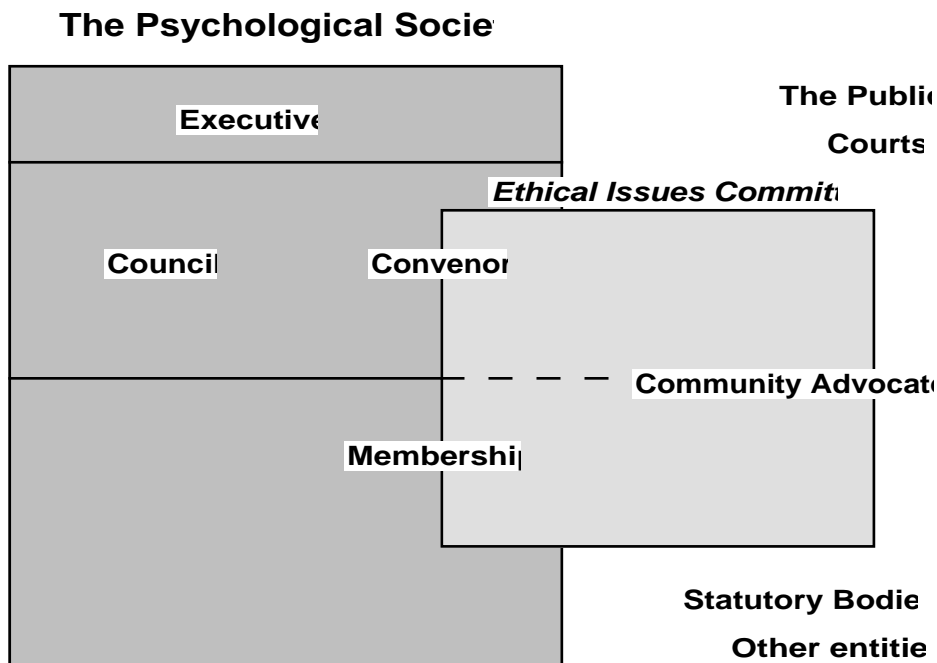
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The Society and its members also have relationships to statutory bodies (such as the Family Court, employing authorities, and the Psychologists Board). These bodies demand adherence to certain rules, sometimes explicitly stated (e.g., as in the Department of Justice's *Corrections Group Code of Practice* or the *Health Code*). Psychologists can also belong to organisations other than the Society which require compliance with rules and codes. The College of Clinical psychology is a notable example, which, like the Psychologist's Board has adopted the Society's Code of Ethics, helping reduce the potential for confusion caused by differing expectations of a variety of professional groups.

Within the Society itself, the major decision-making bodies are: the members (through branch and divisional structures, Council and the AGM), Council (elected by and representing members and their interest groups), and the Executive (representing Council in the management of the Society).

**Figure 1: Groups involved in ethical enforcement**



**The role of the Ethical Issues Committee:**

The Ethical Issues Committee is appointed by Council to carry out on Council's behalf certain prescribed functions that include the following:

- (a) promotion of the ethical practice of psychology
- (b) development and promotion of the Code of Ethics
- (c) provision of advice on ethical issues to Council and others
- (d) investigation of complaints about the conduct of Society members
- (e) advising Council on appropriate responses to breaches of the Code of Ethics

The Ethical Issues Committee convenor is co-opted onto Council to ensure it can receive advice on serious cases referred to it for decisions. The committee consists of two other psychologist members and a community advocate. Outside expertise can be co-opted to assist the committee in particular cases (for example, cultural experience in psychology is not well represented in the committee's membership, so such expertise would need to be brought into the EIC at times). Those coopted may include non-members who represent a relevant area of public or professional interest in the EIC matter.

### **The Code of Ethics:**

The Code is simply a set of "moral" rules which exist as standards for psychological practice. It is "owned" by the Society and its members (not the EIC) and therefore reflects membership and Council expectations. It is not intended to be absolute and prescriptive, but rather to encourage and guide responsible decisions in the application and practice of psychology, and to provide a mechanism of accountability for those actions/decisions. The EIC has been given some responsibility for the Code's development, maintenance and application/enforcement. The objectives and status of the Code of Ethics are as follows -

*The Code has three main purposes:*

- *to unify the practices of the profession;*
- *to guide psychologists;*
- *to present a set of guidelines to inform the public of the professional standards of psychologists.*

*It establishes a standard against which psychologists' professional behaviour may be evaluated. Behaviour contrary to the advice of the code amounts to behaviour against the best advice of the profession. The code is used by the society to decide on complaints about the ethical behaviour of members.*

It is highly likely that a complaint regarding culturally inappropriate practice could be referred to the EIC, though it would not deal with such a matter by itself (assistance would be sought from the NSCBI and appropriate consultants coopted to the EIC for the purpose). An individual psychologist could be held to account under the sections identified by Marewa Glover (1993) - particularly sections 1.0, 2.1 and 1.5, which state:

#### *1.0 Responsibility*

*Psychologists are expected to maintain professional objectivity and integrity; to apply professional knowledge and skills to all psychological work undertaken; to support actively the objective of advancing psychological knowledge; and to respect the cultural environment in which they work.*

*1.5 Psychologists are sensitive to cultural and social diversity. They recognise that there are differences among people, such as those that may be related to age, sex, or socioeconomic and ethnic backgrounds and, when necessary, they obtain training,*

*experience or advice to ensure competent service or research relating to such persons.*

*2.1 Psychologists recognise the boundaries of their own competence and provide only services for which they are qualified by training and experience. They refer matters outside their areas of competence to appropriately qualified persons.*

It is easier for psychologists to apply the Code to their own practice than to try to use it to evaluate the profession as a whole - the Code simply does not easily lend itself to application as an absolute set of global requirements. It is also possible for psychologists to claim the Code defends their actions (as in the example cited by Glover of the intervention being the only help available). While that may worry some, it is not difficult to imagine the situation where a psychologist (perhaps a member of a cultural minority) has worked with a client of another ethnic group; that psychologist might validly challenge a colleague's complaint (that there was a cultural mismatch) on the grounds that the client was in crisis and might not have survived while other arrangements were made.

### **Problems with the Code of Ethics:**

The Ethical Issues Committee and Society and other users of the Code freely admit the Code has major flaws and faults (as must be expected of a document of its type that was developed a decade ago). While it still adequately caters for most situations, there are complex questions of bicultural accountability (and others) that severely test the Code. Marewa Glover has identified some of those in her 1993 article in the Bulletin. The question is, do we amend the existing Code (thereby increasing confusion for psychologists and the public because of the plethora of variants of the Code) or put efforts into a complete overhaul or replacement? The EIC has argued for the latter and sees the direction taken by the Canadians as a useful model for reference. It is the EIC's view that a new Code should:

- be easy to teach, learn and apply, requiring conceptual clarity and portability of concepts and principles
- be easily understood by clients and practitioners, requiring simple language and structure
- be responsive to needs and rights of ethnic and cultural groups in New Zealand society
- be adaptable to the needs of an evolving profession and have relevance to new developments in psychology (sports psychology, family court)
- clearly identify principles rather than necessarily providing a detailed prescription attempting to anticipate all eventualities
- address professional obligations and responsibilities (such as ongoing education, peer review, and accountability)
- focus on preventive ethical practice

Clearly, we would see the NSCBI as having an important part to play in the review of the Code of Ethics, together with other parties who use the Code and can contribute resources to a consultative review process.

### **Cultural Justice and Ethics:**

There is a danger inherent in relying on the Code itself to be an instrument of change. In some ways it can be that (e.g., in 1984-85 the specificity of informed consent provisions of our Code guided the drafting of law that was to affect psychologists and their clients), but for the most part codes are reflective of the expectations of society, clients and the profession, and define minimum standards. Codes do not necessarily lead opinion and, where they do, as opinion changes the code can itself become outdated. Fortunately, those who developed the NZPsS 1985 Code to some extent envisaged this and included in it a little-used section on "Decisions of Council", giving those binding status under the Code of Ethics. Any interim development of ethical principles relating to cultural justice are probably best dealt with under that section, unless they involve radical change to the basis of the Code.

Accordingly, the best short and medium term avenues for change are through the political structures of the Society, seeking Council decisions that are supported by members and can be given authority under the Code. Simultaneous longer term efforts are best directed at education of the membership and those involved in deciding how the Code and Rules of the Society should develop. However, what will make a real difference is not what is in the Code, but what is in the hearts and minds of Society members, psychologists in other organisations and those who operate the Psychologists Board. This point was well made by Professor Jim Ritchie in his article in the Bulletin:

*But the Treaty alone, and even the considerable body of modern interpretation, will not specify in what ways a scholarly and service organisation like the Psychological Society, as a body or as requiring standards of its membership or in practice, must do.... The wider object is cultural understanding and respect....So just doing a workshop, making statements about Treaty recognition in charters or codes of practice or ethics will not be enough. Carefully extending our understanding of other ethnicities here, working with their scholars and practitioners, understanding their wisdom must become part of the ongoing life-long learning of us all.*

(Ritchie, *Beyond the Treaty*, 1993)

I wish the NSCBI well with this symposium and look forward to some interesting and challenging exchanges of viewpoint and, hopefully, some emerging solutions to issues that are significant to the evolution of psychology as a profession. I know that through the process of which this meeting is a part we can arrive at a professional philosophy that is of more value to New Zealand society than is now the case.

***Tena Koutou, Tena Koutou, Tena Koutou Katoa.***