

# IPA ETHICS CODE

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This Revised Ethics Code was adopted by the IPA Board of Representatives at their meeting in New York in January 2015, and takes effect from 1 March 2015. In 2014, the IPA ran a consultation where it invited every member and society to comment on potential changes to our ethics code. The results of the consultation have been incorporated into this final version. These changes are really important so we are making them available in a number of languages for the convenience of our Members.

Please note that these translations have been provided in good faith for the convenience of IPA Members, but the English language version is the definitive original version in case of any disputes as to meaning or in any legal proceedings.

The International Psychoanalytical Association's ("the IPA's") Ethical Principles ("Principles"), Ethics Code and Implementing Procedures (collectively the "Code") set out the basic ethical rules for the IPA's Members and Constituent Organisations (which term throughout this Code includes their designated training Institutes as well as other related institutions such as PIEE and ILAP, which may train, certify, and oversee the ethical and professional performance of individual psychoanalysts).

The Ethics Code:

- a) reflects humanitarian values, psychoanalytic principles, and professional obligations to patients and the public;
- b) applies generally wherever IPA Members practice psychoanalysis or any other clinical practice (such as psychotherapy and counselling), or work with Candidates, Supervisees or in an institutional setting; and
- c) may be elaborated by each IPA Constituent Organisation with due regard to local considerations.

This Code is in four parts (each of which, along with this introduction, forms an essential part of the IPA's Ethics Code, the IPA's Criteria, and the minimum standards to be observed by constituent organisations):

Part I: Scope and qualifications

Part II: Ethical Principles for IPA Constituent Organisations

Part III: Ethical Code for all Psychoanalysts and Candidates

Part IV: Implementation:

- A Procedures for IPA and constituent organisations
- B Procedures for IPA handling of ethical inquiries and complaints
- C Procedures for IPA Direct Members

## **PART I: SCOPE AND QUALIFICATIONS**

1 **Application.** This Code applies to:

- a) IPA Constituent Organisations;
  - b) their psychoanalyst members who are, as the result of such membership, IPA Members;
  - c) IPA "Direct Members" (usually psychoanalysts in areas not served by a Constituent Organisation);
- and

d) all IPA Candidates (a Candidate is a person accepted by a Constituent Organisation or its designated IPA training Institute (where they are separate legal entities), or a related institution such as PIEE or ILAP, onto a formal professional course of training in psychoanalysis which is intended to lead on graduation to membership of the IPA. Throughout this Code, the terms “psychoanalyst(s)” and “(IPA) Member(s)” apply equally to Candidates. Where no appropriate arrangements exist, ethical complaints against a Candidate in a Study Group will be dealt with in the same way as ethical complaints against IPA Direct Members. IPA Candidates who are undergoing a training analysis have the same rights as any other patients).

2 **Scope.** This Code addresses only ethical concerns. Other IPA criteria for application, screening, training, qualification, or professional oversight standards are articulated in other parts of the Procedural Code.

3 **Minimum standards.** This Code establishes the minimum ethical standards for application and implementation by IPA Constituent Organisations. Each Constituent Organisation is an independent entity that, consistent with applicable laws, and subject to the IPA’s Criteria (including these Ethical Principles, Ethics Code and Implementing Procedures), establishes its own ethical standards, rules and regulations.

4 **Future changes.** The IPA may modify or augment its Code from time to time, on a prospective (future application) basis.

5 **Children and adolescents.** While the Code applies to all psychoanalysis, including child and adolescent psychoanalysis, there are specific provisions which may not apply in all circumstances (for example, in some circumstances it will be necessary to discuss issues relating to fees, etc, with a parent or guardian, as well as, or instead of, the patient). The IPA Ethics Committee intends in due course to produce separate guidance specifically for child and adolescent psychoanalysis; until then, this Code applies except where specific circumstances clearly justify an exemption from one or other provisions.

## 6 **Primary Jurisdiction of Constituent Organisations.**

a) Other than as set out in (b) below, each Constituent Organisation:

(i) has primary jurisdiction over all ethical Complaints and Inquiries (defined in paragraph 8, below) regarding its members and itself, and

(ii) must maintain and publish a written Code of Ethics and an objective implementing mechanism to address ethical Complaints and Inquiries, a standing ethics committee or reasonable alternative, which are consistent with the IPA’s Code.

b) The IPA Ethics Committee will manage any complaint involving a psychoanalyst acting in their capacity as an officer, Board Member or other official of the IPA.

## 7 **IPA Discretion.**

Under its governing instrument (the Rules) and this Code, the IPA exercises discretion in deciding whether and, if so, how to address ethics-based communications. Generally, in exercising discretion, the IPA considers the following factors, among others:

a) Whether a Constituent Organisation has primary jurisdiction (see paragraph 6, above).

b) Matters that present novel questions of contemporary international concern and great urgency or serious risk are more likely to receive IPA scrutiny.

c) All Inquiries and Complaints are evaluated in light of available IPA resources.

d) Where a Constituent Organisation declines to hear an appeal against a decision in an ethics case, the IPA Ethics Committee and the IPA Board of Representatives may assume responsibility for

holding that appeal and may require the Constituent Organisation to co-operate. The cost of this appeal may be charged to the Constituent Organisation.

#### **8 The difference between an Inquiry and a Complaint**

- a) A Complaint challenges the professional action (or inaction) of an IPA Member psychoanalyst, Constituent Organisation or subordinate body.
- b) An Inquiry seeks the interpretation of one or more Principles, or an advisory opinion concerning a Principle's proper implementation or application.

#### **9 Who may initiate an Inquiry or Complaint?**

An IPA Member, Candidate or Constituent Organisation, a concerned patient or family member, or an interested public official may file an Inquiry or Complaint, which the IPA may consider (see IPA Discretion, paragraph 7, above).

### **PART II: ETHICAL PRINCIPLES FOR IPA CONSTITUENT ORGANISATIONS**

**1 General Obligation to Maintain Ethical Standards.** Each IPA Constituent Organisation shall take reasonable measures to ensure that every psychoanalyst, and each training facility and other activity operated by or for the Constituent Organisation, maintains high ethical and professional standards, which are consistent with the IPA's Code and with applicable laws.

#### **2 Code of Ethics and Complaint Procedure**

- a) **Code of Ethics.** Each Constituent Organisation shall establish, maintain, and make available to interested parties a written Code of Ethics (or similarly named set of ethical rules) which shall (i) be consistent with the minimum standards set out in this IPA Code (although each Constituent Organisation may set higher standards that are consistent with the spirit of the Code), and (ii) provide for identifying and addressing alleged or apparent unethical behaviour or practices by psychoanalysts trained, qualified, or operating under the authority of the Constituent Organisation.
- b) **Procedures.** Each Constituent Organisation, in its Code of Ethics or a related instrument, shall set out the procedures, including time limits, whereby requests for ethical guidance or rulings, and complaints, will be received, heard, and acted upon (see Part IV, paragraph A7, below).
- c) **Appeals.** Each Constituent Organisation shall establish appeals procedures which are consistent with the IPA's Code and applicable laws and reflect the Constituent Organisation's resources, structure, and other pertinent criteria.
- d) **National registration bodies.** Where a Constituent Organisation has delegated the administration of its Ethics Code and Procedures to an over-arching national registration body, this code and procedure must be consistent with the IPA's Code.
- e) **Special Rule for resource-limited Constituent Organisations.** A smaller Constituent Organisation may, if it lacks the resources to address an ethical complaint or ruling request, arrange to receive assistance with one or more nearby Constituent Organisations and/or an IPA sanctioned regional body; and/or request IPA guidance (which may be provided subject to IPA discretion, see Part I: paragraph 7, above).

### **PART III: ETHICAL CODE FOR ALL PSYCHOANALYSTS AND CANDIDATES**

#### **1 Human Rights**

A psychoanalyst must not participate in or facilitate the violation of any individual's basic human rights, as defined by the UN Declaration of Human Rights and the IPA's own Policy on Non-Discrimination.

#### **2 Financial Arrangements**

All fees and other financial arrangements must be fully disclosed to, and agreed by, the patient before analysis commences or, in the case of fee adjustments, prior to their taking effect. No other financial transactions may take place between psychoanalysts and their patients.

### **3 Professional and general integrity**

- a) Confidentiality is one of the foundations of psychoanalytic practice. A psychoanalyst must protect the confidentiality of patients' information and documents.
- b) A psychoanalyst must not act in any way which might bring the profession into disrepute.
- c) A psychoanalyst must not be reckless or malicious as to whether they damage the reputation of any person or organization including, but not limited to, other psychoanalysts, or wilfully interfere in peer review evaluations in the absence of compelling and extenuating circumstances.
- d) A psychoanalyst must (subject to the requirements of professional confidentiality) be honest with patients and colleagues, and must not mislead or engage in any act of fraud, deceit or coercion

### **4 Abuse of Power**

- a) A psychoanalyst must give due consideration during an analysis, and after it has ended, to the imbalance of power that may exist between analyst and analysand, and must not act in any way which is counter to the autonomy of the patient or former patient.
- b) A patient's psychoanalytic treatment with a psychoanalyst is voluntary and the patient may discontinue treatment or seek other treatment or advice at any time.
- c) Termination of an analysis or other treatment should usually be by mutual consent. If a psychoanalyst decides to discontinue a treatment attention must be given to the patient's treatment needs and reasonable requests for information about possible alternative sources of treatment.
- d) A psychoanalyst must not use a professional or institutional position to coerce patients, supervisees or colleagues. Neither must confidential information be used for this purpose.
- e) A psychoanalyst must not solicit nor have sexual relations with a patient or candidate under the psychoanalyst's treatment or supervision.

### **5 Maintenance of standards, professional impairment and sickness**

- a) A psychoanalyst must be committed to Continuous Professional Development and must maintain appropriate levels of contact with professional colleagues. This is to ensure that an adequate standard of professional practise and current knowledge of relevant professional and scientific developments are maintained.
- b) If the training analysis of a psychoanalyst was corrupted (and therefore not satisfactorily completed) or if they were abused during analysis, and with no presumption of blame or fault on the part of the victim, a new analysis for the psychoanalyst would usually be required.
- c) A psychoanalyst has a duty to inform the appropriate body of a Constituent Organisation (or the IPA, in the case of a Direct Member) if they see evidence that another psychoanalyst is behaving in a manner which contravenes the Code of Ethics.
- d) A psychoanalyst has a duty to seek advice from a senior colleague if in doubt about their capacity to practise and a duty to inform and assist a colleague if the colleague's capacity to discharge their professional obligations appears impaired. In the event of significant concerns about the capacity of a psychoanalytic colleague which the colleague is not willing to address, a psychoanalyst must inform the appropriate body of a Constituent Organisation (or the IPA, in the case of a Direct Member).
- e) A psychoanalyst must, with due regard for patient confidentiality, make provision for each patient to be informed (including options for continuing treatment) in the event of the psychoanalyst's death or unavailability.

## **PART IV: IMPLEMENTATION**

## A PROCEDURES FOR IPA AND CONSTITUENT ORGANISATIONS

A1 **Filing an Inquiry or complaint:** A Complaint or Inquiry, whether directed to the IPA or a Constituent Organisation, must be:

- a) in writing,
- b) in English, if to the IPA, and in the Constituent Organisation's prescribed language, if to a Constituent Organisation,
- c) signed by the person(s) responsible for its initiation,
- d) delivered by mail or courier delivery service (with return receipt) to the IPA's headquarters or the Constituent Organisation's main office in an envelope clearly marked "Attention: Ethics", or as an electronic copy (such as a PDF) of the signed complaint sent to the Executive Director provided that the IPA has a compatible electronic system to enable it to be read.

In addition:

- e) notice (including a copy of the Complaint) shall be delivered to each "subject". A "subject" is an individual psychoanalyst or IPA Constituent Organisation whose behaviour is alleged to be unethical, and
- f) notice, if required, shall be confirmed to the IPA or the Constituent Organisation in writing, including each subject's name, address and the date notice was given with delivery of a Complaint.

A2 **Ethics Committee Actions:** The Ethics Committee receives, reviews and, if it proposes any action, either takes such action within its delegated authorities or issues recommendations on ethical Inquiries and Complaints to the Constituent Organisation Board (or, in the case of the IPA Ethics Committee, to the IPA Executive Committee).

A3 **Conflicts of Interest:** Any officer or committee member with a material conflict of interest – family, professional, or economic – in relation to an ethics Inquiry or Complaint shall promptly disclose the conflict in writing to the Ethics Committee Chair and not participate in the review of or action on the matter.

A4 **Constituent Organisation Cooperation:** An IPA Constituent Organisation shall cooperate with all IPA requests, including the prompt provision of all relevant information and documents.

A5 **Constituent Organisation Notification of IPA:** If, on ethical grounds, a Constituent Organisation expels, separates, or suspends for over one year any Member, or if a Member resigns while an ethics-based complaint or inquiry was pending against the Member, the Constituent Organization shall within 30 days write to the Chair of the IPA's Ethics Committee and the IPA's Executive Director with the name of the Member, the nature of the breach of the Ethics Code and action taken. This information, including the member's name, shall be communicated to IPA Constituent Organisations and Members via the IPA Newsletter or other suitable means.

A6 **Confidentiality:** All Complaints that allege a breach of the Ethics Code shall be processed in confidence. Confidentiality must be maintained by the members of Ethics Committees and of other committees or boards who, in the course of their duties, are required to be privy to confidential information; this duty of confidentiality extends after any term of office has ended.

A7 **Time Limits:** All communications, notices, responses and actions covered by these Procedures shall be given or taken with reasonable expedition, under the circumstances. An authorised IPA or Constituent Organisation committee or officer shall, when necessary, specify time limits in light of the facts and circumstances of a particular inquiry or complaint. Other than in exceptional circumstances, the entire process of dealing with a complaint must be completed within one year of the receipt of the formal complaint.

Other than in exceptional circumstances, any appeal must be lodged within six months of notice being given of the outcome of the original complaint; and any appeal must then be completed within one year of the receipt of the formal Notice of Appeal.

A8 **Withdrawal of Complaint:** Once a complaint has been formally made to an Ethics Committee (of either a Constituent Organisation or the IPA), the complainant may not withdraw it without the express consent of that Ethics Committee. If the complainant withdraws cooperation the committee may at its own discretion continue hearing the complaint.

A9 **Resignation of Member:** Once a complaint has been formally made to an Ethics Committee (of either a Constituent Organisation or the IPA), if the subject of the complaint withholds or withdraws cooperation, resigns their membership, or dies, the Ethics Committee (or other appropriate body) may at its own discretion continue hearing the complaint or appeal.

## B PROCEDURES FOR IPA HANDLING OF ETHICAL INQUIRIES AND COMPLAINTS

B1 **IPA Receipt/Acknowledgement.** Upon receiving an Inquiry or Complaint (see Part I: paragraph 8, above; and Part IV: paragraph A1, above), the IPA staff will acknowledge receipt and forward a copy of the Inquiry or Complaint to the Chair of the IPA's Ethics Committee (the original will be maintained in security at IPA headquarters).

B2 **Ethics Committee Initial Review.** The Ethics Committee's Chair shall send a copy of the inquiry or complaint to the committee members; confer on the matter's status and significance; and collaboratively take one of the discretionary actions listed in the next succeeding paragraph (a decision by a simple majority of the committee shall be sufficient and a failure of a minority of committee members to participate in the review for whatever reason (including non-receipt of communications) shall not invalidate any decision). In urgent cases, the Chair may review the inquiry or complaint with the Co Chairs.

B3 **Ethics Committee actions.** The Ethics Committee, following initial assessment of an ethics-based Complaint or Inquiry, may:

- a) inform the source of an Inquiry or Complaint that it does not meet the IPA's review criteria;
- b) refer the matter to one or more IPA Constituent Organisations if relief was not initially sought at that level, the Constituent Organisation(s) did not adequately consider the matter, and/or the communication to the IPA failed to articulate adequately the problem or facts;
- c) take further fact-finding (see procedures in paragraph B5, below), review and/or research steps within the IPA Ethics Committee and so notify the source and the IPA's President. The latter will be provided only: the names of the complainant and the psychoanalyst (unless the Ethics Committee determines that personal or legal sensitivity warrants a pseudonym), and name(s) of the pertinent Constituent Organisation(s), if any, or at their discretion only the country or region of the complaint;
- d) undertake a full evaluation; and
- e) either take such action within its delegated authorities or submit a recommendation to the Executive Committee (see paragraph B6, below).

B4 **Legal Counsel.** IPA counsel may be informed or consulted if the Ethics Committee, the President or the Executive Committee deems legal advice desirable or necessary.

B5 **Fact-finding Procedures.** Listed below are the general criteria that govern fact finding by the Ethics Committee (or its review committee):

- a) Each subject shall be notified of any Complaint against them and provided a reasonable opportunity to respond.
- b) All subject and complainant records and identifying information shall be held in confidence.

- c) The Ethics Committee may appoint a Site Visit Team to act on its behalf in conducting a formal investigation, and, having compiled the case, and then put that entire case to the subject for their answer, in putting to the Ethics Committee a formal report outlining their findings, for the Ethics Committee to then adjudicate.
- d) If warranted by extraordinary circumstance, the Ethics Committee or its review committee, in its discretion, may hold an informational or adversarial hearing and, if so, may permit legal representation based upon the criteria for discretion listed above.
- e) Relevant facts shall be gathered as expeditiously and cost-effectively as possible, within authorised budgetary limits.
- f) Specific questions or matters may be delegated to one or more fact-finders or subcommittees.

**B6 IPA Action.** The Ethics Committee or its review committee may recommend any of the following actions to the Executive Committee:

a) Complaints against IPA Member

- (i) Exoneration. The Member is not found culpable because the evidence failed to demonstrate material unethical conduct.
- (ii) Dismissal of Complaint without Prejudice. This disposition permits subsequent proceedings on the same charge -- for example, when a current determination cannot be made because of insufficient reliable evidence or a procedural defect.
- (iii) Dismissal of Complaint with Prejudice with or without admonition or censure. The Complaint is dismissed without a finding that unethical conduct did or did not take place and further proceedings on the same charges are barred. Where appropriate, such a dismissal may be accompanied by either a letter of admonition, expressing IPA ethical concerns about the alleged conduct and suggesting that further education, consultation, supervision or other remedial action be pursued; or a letter of censure, which may require remedial action.
- (iv) Suspension from the Association. Such suspension shall be for a stipulated period, not to exceed three years from date of suspension.
- (v) Separation from the Rolls. A new application for Membership in the IPA will not be entertained within five years from date of separation.
- (vi) Permanent Expulsion.
- (vii) Bar on readmission. Where a Member resigned before proceedings in a complaint or appeal were completed, the Member can be barred from being readmitted to the IPA for a specified period of time or permanently.

b) Inquiry

- (i) Advisory opinion: applies one or more of the IPA's Principles to stated facts, actual or hypothetical.
- (ii) Elucidation of Principles: explains and/or documents the reasons for, or ramifications of one or more IPA Principles.
- (iii) Amendment of Principles or Procedures: amendments must be adopted by the IPA's Board.

**B7 Appeals**

Except in the case of an appeal by a Direct Member against a finding of an ethical violation (see paragraph C2, below) any appeal of an Ethics Committee action or inaction shall be addressed to the Board, which in its discretion may uphold or dismiss the appeal as lacking merit (requires a two-thirds vote), or take other appropriate action. Formal notice of any appeal must be received by the IPA's Executive Director within six months of the date on which notice of the original decision was sent to the parties.

**B8 Publication**

The IPA shall inform its Constituent Organisations and Members (via its Newsletter or comparable publication) of formal ethics actions, including the text of any action on an Inquiry and any suspension, separation or expulsion of a Member (which shall identify the violated Ethical

Principle(s)), except if the Executive Committee or Board, in its discretion, finds extraordinary reasons for limiting or withholding publication.

#### **B9 Costs**

If the Executive Committee finds that a complainant, Member or Constituent Organisation acted in bad faith in initiating, defending or pursuing an ethics matter before the IPA, including the withholding or falsification of requested information, it may assess against such offending party the IPA's and/or other party's costs.

### **C PROCEDURES FOR IPA DIRECT MEMBERS**

In the case of any complaint against a Direct Member of the IPA, paragraphs B1 through B9 shall apply with the following modifications and clarifications:

C1 Paragraph B3(b) does not apply because the Direct Member is not subject to the jurisdiction of any Constituent Organization

C2 The appeal permitted by Paragraph B7 may, in the IPA's discretion, be made subject to review by an Ethics Appeal Officer or body appointed by the IPA's Board or its Executive Committee, who may be authorized to uphold or dismiss an appeal (in whole or in part) on written findings:

- a) of a clear violation or non-violation of the IPA's Principles, or
- b) of failure of a complainant or a Direct Member to cooperate with reasonable expedition or thoroughness with the IPA's efforts to gather facts and/or conduct an inquiry or review an appeal, and
- c) that the appealed action, sanction or inaction was and is (or was not and is not) fair and reasonable under the circumstances (and may vary the action, sanction or inaction to one which is in their view proportionate and just). The Appeal Officer or body shall promptly communicate its findings and recommendations in writing to the Executive Committee;

C3 In accordance with Paragraph B9, the Ethics Committee may recommend to the Executive Committee the apportionment of some or all costs incurred by any party in the appeal against any of the other parties in the appeal.

C4 Where a Direct Member has been found to be in breach of the Ethics Code, and at the end of the period permitted for an appeal to be lodged, the IPA Ethics Committee has discretion to inform the other Members of the Study Group or other institutional structure of that Member (or former Member), and any other relevant professional institutions or authorities, of the name of that Member (or former Member) and any action taken along with, where necessary, contact or other relevant information.

*This Revised Ethics Code was adopted by the IPA Board of Representatives at their meeting in New York in January 2015, and takes effect from 1 March 2015 (alleged breaches of the Ethics Code which took place prior to that date will be assessed against the previous edition of the Ethics Code, although such cases may be managed using the Implementation Procedures which are set out in Part IV of this Revised Ethics Code).*