

Some words about words

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The ethics codes of most so-called professional organisations, including the AHPP and the UKCP have a clause generally referred to as the 'duty to report'. This means that where a practitioner has reason to suspect ethical violations by another member of that profession, they are required to act. Firstly, by confronting the individual directly, in confidence, and secondly, if informal resolution is not achieved, by reporting it to the relevant ethics body of the organisation and instituting a formal complaint.

Research among registrants of UKCP organisations which my colleagues and I did for my book, *Ethics, working with ethical and moral dilemmas in psychotherapy*, showed that (a) some professionals are not even aware of this requirement and (b) even where they are, many UKCP registrants are reluctant, if not unwilling to implement it for fear of negative repercussions on their social, professional, job and financial prospects (e.g. getting referrals for therapy or supervision).

These findings are consistent with research results in other countries such as the USA. What does this mean in practice? It means that many UKCP registered professionals know of, or have reason to suspect, ethical abuses by their colleagues and do not implement the ethical *duty to report*. Indeed, even though I, through my confidential and anonymous research have come to know of many such cases, ethical abuses continue because

practitioners are afraid they may lose benefits in some way, be punished or considered disloyal to their colleagues if they should actually observe in action this item in our ethics codes.

It seems from my formal and informal research that this item is thus honoured far more in the breach than in the observance. I know of very few cases indeed where any such complaint has succeeded. I know of nobody at all against whom failure in their ethical duty to report, even where they knew someone was being abused and did nothing, has been brought to a satisfactory conclusion within the UKCP.

A UKCP psychotherapist knew of the sexual abuse of a vulnerable patient in the Peter Slade case, yet did not act to prevent it continuing or to assist the other women who had been abused by him. Slade's other colleagues knew about the abuse while it was happening. It is still being argued whether these

colleagues acted to prevent the abuse continuing and/or failed to protect other patients.

It was left to the patient, a member of the public, eventually to bring her own complaint. The end result was - Slade remained on the BPS register. She feels, and she has told me, more traumatised by the conduct of the complaint through the professional body than by the misconduct of her previous psychotherapist. Her experience in this regard is common. The *bystanding* of professional organisations (their self-protection) for whatever *reasonable-sounding constitutional reasons* are experienced as a re-traumatisation. POPAN has repeatedly published findings which indicate that clients and patients find the experience of trying to make use of our so-called ethics and complaints procedures, particularly the UKCP, appalling.

Some cases have gone on for more than 8 years while the UKCP therapists or organisations that have been complained against continue to practice and train without let or hindrance. In some cases they have sought, found and quoted with her explicit permission UKCP officers such as Janet Boakes, then Honorary Secretary, in support of reprisal actions against complainants who have acted authentically as if the duty to report item in our codes was for real.

Fortunately in the High Court in February last year, after considering the evidence impartially, Mr. Justice Collins described my personal motivation for making complaints about the abuses of two such UKCP member organisations' ethics procedures and the Governing Board participation in this, as being in good will and brought 'in pursuance of my

moral and ethical responsibility'. A member of the Governing Board at the time faced jail for contempt of court for threatening a complainant. The UKCP complaints processes against their member organisations was publicly exposed as, let us say, *flawed*. Dr. Boakes' use of the words *a grievance* trivialises the UK High Court Judicial review. *This is misleading misinformation.*

I do not have *a grievance*. In fact, I brought two serious complaints about UKCP member organisations who, contrary to what they claim to the public, do not follow their own ethics and complaints procedures and who take punitive action against a complainant who actually does follow through on the ethically required rule of duty to report. As even Palmer Barnes admits in her book on ethics, such complaints are not brought lightly.

Faced with the bureaucratic blank wall, endless delays and the enormous financial and insured legal resources of professional bodies against single individuals without such organisational resources or donations, many clients and trainees with legitimate complaints just simply give up. Many have told me in confidence that they won't even try.

And since colleagues, who usually find out about abuses through clients or trainees, usually will not act *against* other colleagues, the problems are only too often swept under the carpet. No wonder that Dr. Boakes can then report, as she did in the last issue of this journal, that the total number of complaints reported to the UKCP are 'falling'.

So instead of the ethical duty to report, we get the word *whistle-blowing* in the cultural language of an organisation. It usually has the negative connotation of someone being disloyal and

untrusting of their colleagues. The fact that this may be disloyal and untrusting of our clients and a breach of our own ethics codes is thus neatly obscured by the pejorative use of the term whistle-blower. Whistle-blowers are almost universally vilified and victimised instead of welcomed as *key mechanisms in promoting and delivering accountability*. This fact has led to the 1999 Public Interest Disclosure Act. Further information from the Office for Public Concern at Work: whistle@pcaw.demon.co.uk.

The first, almost reflex action which I have witnessed in so many psychotherapists when a client lays a complaint against them is a version of 'the client is mad'; 'the client suffers from a negative transference'; 'the patient is a vindictive person' etc. etc. etc. Members of the public do not know the labyrinthine 'back-door' workings of the UKCP. *Blaming the victim* is

one of the oldest disempowering tricks in the books of fascist states and people who abuse others; see my book on *The Bystander*, Whurr, 1996. How many patients and trainees can retain their self-respect when, after already having been abused, they have to face powerful professionals whose first reaction to a complaint is, 'There's something wrong with you.'

The rapist or paedophile typically says, 'But she was just asking for it' or 'the child really wanted it' and 'he brought it on himself'. These are all ways of denying their responsibility and shifting

it onto the victim. The same thing happens when a colleague tries to lay a complaint against other colleagues under the duty to report rule.

Does it in fact matter whether the client or colleague is *mad, in negative transference* or *vengeful*? Who is to judge their motivation - someone who has shown blatant proof of bias and has every advantage to gain from defaming and demoralising the complainant in

this way? Or someone who is unbiased, impartial and has had proper access to evidence and argument from both sides - and who has *nothing* socially, personally, professionally or financially to gain from their judgement one way or another?

Anyway, all of the above epithets may be true about a complainant in some people's eyes - usually those who wish they will then look *better* i.e. obviously *innocent* of

any wrongdoing - and those who collude with them. Does it make the complaint invalid? Not necessarily. *Bad* and *mad* people get murdered. Should we assume that such murders are somehow less culpable? Should people whom some financially insecure, biased psychotherapist judge to be mad or bad, therefore be denied a proper hearing and a competent defence in an impartial situation?

English law, says 'no'. Judge the UKCP's actions for yourselves against the information available on the PHYSIS website. Or just ask around. Could Dr.

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Shipman have continued killing so many women if his colleagues had whistle-blown earlier? Should the black people and other disadvantaged individuals be considered litigious if they contest the culturally congruent definitions of fairness, justice and propriety defined by the white Eurocentric power-holders? Just check out the number of black people on the UKCP Governing Board.

Although the UK legal system is by no means always perfect, it is usually left to proper unbiased courts following transparent procedures to investigate whether abuses or unlawful acts have been committed. This is independent of one's private opinion of the fantasied motives of the person who brings the case to be considered. The point of justice is, was an offence committed? The point is not that

if the complainant has also personally been injured by the offence their complaint is dismissed as invalid.

Neither in a just legal situation does the colleague, or other person, bringing a complaint against another colleague or organisation have to have proved that body's guilt beyond doubt. The relevant issue is whether there is reason to suspect. How can we think ourselves competent to pre-judge the final verdict? This would be a violation of the items concerning practising within your competence. Psychotherapists are not competent to

consider evidence, do cross-examination and evaluate proof.

That is why the law usually, excepting the procedures in certain new universities, covers complainants with what is called *qualified privilege*. This means that you can bring the ethical issue about which you are concerned to the attention of the relevant authorities for them to investigate properly. You do your job, they do theirs. Each within their contract and competencies.

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'Reason to suspect' is enough, and ethically required, for the complainant. The appropriate unbiased body will assess the seriousness or severity of the issue based on actual evidence. You are not a judge and therefore you cannot be expected to make such judgements. Furthermore, you

cannot be sued by the person or body against whom you have made such a complaint for obeying the moral and ethical dictates of your professional body. Providing, of course, this body is properly constituted and fairly follows due process.

The word *litigious* actually means 'pertaining to litigation', 'inclined to engage in lawsuits, disputable, open to contention'. Generally this word is used as a devaluing term by power-holding communities; those who do not wish to be challenged in any way. Litigious in certain cultures is used to

describe anyone who contests the authority's power whom the authority feels should not do so because of their supposed inferior rank, status or financial situation.

When my partner at the time, Sue Fish, was fired as a teacher from Mulberry Bush school, the eventual documents stated that it was not because she was 'gay' that she had been fired from her position, but *because we had contested* the decision of the School's Governing Board to fire her because she was considered to be offering a *third role model*, embarrassing the parents who were in touch with the Queen etc.? Are the black people protesting their abuse at the hands of British police litigious? This word is all too often used to discourage the disadvantaged from making their protests heard instead of encouraging public accountability.

It is not true that *anyone* can bring a lawsuit. Generally the merits of a case are well assessed long before it comes to English courts for argument, advocacy and final judgement. However, in such cases *the process is transparent, the records are public and the judges are not in professional competition*, e.g. for donations, research grants, teaching contracts, referrals, *star spots* at conferences, with the litigants.

This, in most cases, cannot be said to be true of the UKCP processes. Therefore, such opinions, whether voiced or insinuated, demonstrated by committee minutes or by the shunning of colleagues by UKCP registrants/member organisations, is based on unprofessional and unethical malicious gossip.

In fact such conduct actually contravenes the ethics code items which normally involve respect for, and

avoidance of, the sullyng of the professional reputation of colleagues. It, therefore, also disparages the profession. If such emotively negative words are used against complainants to cover-up the actual deficiencies in the profession's adherence to their published codes of ethics, it is reprehensible in the extreme. It is also a terrible danger to the unsuspecting public who are led to believe the words of our publicity.

Is it 'humanistic' to observe our avowed ethics codes only in the words of our published statements, instead of also in our actions? I think that must be left to every individual practitioner to decide for themselves. However, the responsibility for the consequences of our decisions, or indecisions, always remain with us, whether we like it or not.

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