

# BRITISH/ PSYCHOANALYTIC /COUNCIL

## Consultation on Standards of conduct, performance and ethics and supporting guidance

**Deadline for consultation responses: 9 September 2023**

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## 1. Introduction

- 1.1 This consultation seeks the views of our stakeholders on draft Standards of conduct, performance and ethics ('the Standards') and draft supporting guidance on the new standards ('the Guidance').
- 1.2 The Standards and Guidance are planned to replace the current versions of the Code of Ethics and Ethical Guidelines. This document explains more about the draft Standards and Guidance for consultation.
- 1.3 **The draft Standards and Guidance for consultation are published alongside this document on our website.**
- 1.4 This consultation is likely to be of particular interest to our registrants, Membership Institutions, other professional associations and accredited registers, and patients and the public.
- 1.5 This consultation opens on **28 April 2023** and closes on **9 September 2023**

Please see section seven of this document for information about how to respond.

## 2. About the British Psychoanalytic Council (BPC)

- 2.1 We are the leading professional association and a Professional Standards Authority (PSA) Accredited Register for the psychoanalytic and psychodynamic psychotherapy profession in the UK.
- 2.2 We:
  - set standards;
  - accredit training;
  - register qualified practitioners; and
  - consider concerns about the fitness to practise of our registrants.
- 2.3 We work closely with our Member Institutions who are training organisations and professional associations.

### **3. About our Ethical Framework**

- 3.1 Our existing Ethical Framework comprises the Code of Ethics (2011) and Ethical Guidelines (2011).<sup>1</sup>
- 3.2 The Code of Ethics ('the Code') sets out standards for ethical behaviour and practice. All Member Institutions and registrants are required to comply with the Code as part of their membership of and registration with us. The Ethical Guidelines ('the Guidelines') provide guidance on meeting the Code.
- 3.3 The Code is intended to provide a useful framework which can assist registrants in making ethical decisions. When our Committees consider concerns about the fitness to practise of our registrants they will refer to these documents to help them determine whether we need to take any action to protect the public.

### **4. About our review of the Code and Guidelines**

- 4.1 The Code and Guidelines were last published in 2011. We have reviewed the Code and Guidelines to ensure they continue to be fit for purpose, up-to-date and well understood by Member Institutions, registrants and the public.
- 4.2 The draft Standards and draft Guidance we are consulting on have been developed by the BPC and shaped through the input of some of our stakeholders. We gathered feedback on the existing Code and Guidelines and benefited from comments on early drafts of the Standards and Guidelines. We would particularly like to thank the following groups for their invaluable contribution to this work.
  - Board of Trustees
  - Screening Committee
  - Professional Standards Committee
  - Ethics Committee Working Group

### **5. About the draft Standards**

- 5.1 We have explained below some of the key features of the draft Standards. This includes standards which are new or significantly changed from the content of the existing Code.
- 5.2 In this section, numbered references in brackets are references to the draft Standards.

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<sup>1</sup> British Psychoanalytic Council (2011). Code of Ethics.  
British Psychoanalytic Council (2011). Ethical Guidelines.  
<https://www.bpc.org.uk/professionals/registrants/ethical-framework/>

## **Standards of conduct, performance and ethics**

- 5.3 We are proposing to replace the Code with renamed 'Standards of conduct, performance and ethics'.
- 5.4 The title is intended to be clearer for the public and professionals alike that these are standards which must be met by our Member Institutions and registrants.
- 5.5 We have changed the term 'Code' to 'Standards' to demonstrate there is flexibility in practice, provided the minimum standards are met.
- 5.6 We have included 'conduct and performance' to embody all aspects of practice.

## **Structure and detail**

- 5.7 We have built on the existing Code (and some of the content of the existing Guidelines) to develop draft Standards which we hope are clearer and more accessible.
- 5.8 The existing Code has 20 numbered points. The draft Standards are instead broken down into 13 standards, which are further broken down into numbered statements (e.g. 1.1, 2.1 etc).
- 5.9 The existing Code is written in high-level, broad terms and is relatively less detailed than comparable standards published by similar registration bodies. There are some gaps in the existing Code which we also need to address. In our experience, the relative lack of detail in the existing Code can sometimes mean there is a lack of clarity about what we require of our registrants (and, in turn, what our registrants should expect of each other).
- 5.10 The draft Standards are more detailed or specific in some places than the existing Code. We have attempted to draft standards which continue to provide a framework for ethical decision making, allowing ample room for professional judgement and creativity, whilst including enough detail so that what we require of our registrants is clear. We have made sure that nothing important has been lost from the existing Code.
- 5.11 Where we have elaborated on the content of the existing Code, or added additional standards, we anticipate that, for the vast majority of our registrants, this will be nothing new as they will already be meeting these high standards in their professional practice.

## **Raise concerns if patients or others are at risk**

- 5.12 The third standard in the draft Standards – ‘Raise concerns if patients or others are at risk’ - is new.
- 5.13 The existing Code is clear about patient safety being ‘paramount’ but does not include any explicit requirements about raising patient safety concerns. We want our registrants to be confident in reporting concerns about patient safety whenever they identify them.
- 5.14 The draft Standards say that registrants must raise any concerns about patient safety promptly (3.3). We have also added additional standards specifically about the need to protect and safeguard children, young people and vulnerable adults from abuse (3.1 and 3.2).

## **Maintain professional candour**

- 5.15 The 11<sup>th</sup> standard in the draft Standards – ‘Maintain professional candour’ – is new.
- 5.16 There is an expectation that professionals, including our registrants, should be open and honest with their patients when things have gone wrong with the treatment, care or other professional services they have provided. This is sometimes referred to as a ‘duty of candour’. Being open and honest means that appropriate action can be taken to put matters right (if possible) and professionals and their employers (if applicable) can learn and improve.
- 5.17 The existing Code, with its emphasis on patient safety and respect for patients, is consistent with the principles outlined above, but does not include any specific requirements about informing patients when things go wrong.
- 5.18 The draft Standards say that registrants must: ‘Be open and honest with patients when things go wrong, taking into consideration the impact on the patient’s treatment’ (11.1).
- 5.19 We have also added standards about registrants:
- respecting a patient’s right to complain (11.2);
  - making sure that a complaint does not impact on the standard of care, service or treatment provided to a patient (11.2); and
  - responding to a patient’s complaint in a professional manner (11.3).

## Conversion therapy

- 5.20 'Conversion therapy' is an umbrella term for a therapeutic approach, or any model or individual viewpoint, that demonstrates an assumption that any sexual orientation or gender identity is inherently preferable to any other, and which attempts to bring about a change of sexual orientation or gender identity, or seeks to suppress an individual's expression of sexual orientation or gender identity on that basis.<sup>2</sup>
- 5.21 The BPC is a signatory to the 'Memorandum of Understanding on Conversion Therapy in the UK'. Alongside our colleagues in the psychotherapy, counselling and the healthcare sectors, we consider that the practice of conversion therapy, whether in relation to sexual orientation or gender identity, is unethical and potentially harmful. We have committed to reviewing our current guidelines and policies to consider the need to include more specific requirements to ensure individual practitioners demonstrate awareness and understanding of our position on conversion therapy.
- 5.22 The existing Code does not include any content that is specific about conversion therapy. We consider that an unambiguous standard is required so that the stance of the profession on this important and high profile issue is clear. The draft Standards include a clear requirement that registrants must 'not offer, practise or advocate conversion therapy' (Standard 5).

## Other new standards

- 5.23 The following provides a summary of other new standards in the draft.
- We have added an additional standard which is about registrants ensuring that the practice environment is safe for their patients. (Standard 2)
  - We have elaborated on our requirements for registrants to have sufficient and competent supervision from a suitably qualified supervisor or peer supervision group. (Standard 7)
  - We have clarified that registrants must either hold their own professional indemnity insurance or, if they are employed, be covered by their employer's indemnity cover. We have further clarified that the cover must be adequate and appropriate to the registrant's practice. (2.3)
  - We have added an additional standard which is about registrants practising in a way which does not discriminate against people, in line with equality legislation. (Standard 4)

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<sup>2</sup> <https://www.bpc.org.uk/professionals/memorandum-of-understanding-on-conversion-therapy-in-the-uk/>

## 6. About the draft Guidance

- 6.1 We are also consulting on supporting guidance to the new Standards – ‘Guidance for Standards of Conduct, Performance and Ethics’. This Guidance would replace the existing Ethical Guidelines.
- 6.2 The draft guidance provides advice to registrants about how they might meet the new Standards of Conduct, Performance and Ethics. We have not provided advice for every standard. Instead, we have included information where we considered that additional guidance would be helpful for our registrants to think about how they might meet a specific standard.

## 7. How to respond to the consultation

- 7.1 We welcome your comments on the draft Standards and draft Guidance. We have listed some consultation questions below. However, the questions are not designed to be exhaustive and we would value your comments on any aspect of the draft.
- Q1. Please select which best describes you
- BPC Registrant
  - BPC Member Institution representative
  - Psychoanalytic/psychodynamic practitioner not registered with the BPC
  - Member of the public
  - Current or previous patient of psychoanalytic/psychodynamic therapy
  - Other mental health sector professional
  - Government, Professional Standards Authority or similar employee
- Q2. If you are responding on behalf of an organisation, please provide the name of the organisation.
- Q3. Do you agree that the Code of Ethics should be renamed ‘Standards of conduct, performance and ethics’?
- Q4. Please give reasons for your answer to question 3.
- Q5. Do you consider that the draft Standards reflect professional and public expectations of psychoanalysts, Jungian analysts, psychoanalytic and psychodynamic psychotherapists, psychodynamic counsellors and all other titles on the BPC Register?
- Q6. Please give reasons for your answer to question 5.
- Q7. Do you consider that there are any standards which should be amended or removed?

- Q8. Please give reasons for your answer to question 7.
- Q9. Do you consider that any additional standards are necessary?
- Q10. Please give reasons for your answer to question 9.
- Q11. Do you think any further guidance about the draft Standards are needed in the draft Guidance? If so, please provide further details.
- Q12. Do you have comments on any other aspect of the draft Standards?

7.2 You can respond to this consultation by completing our easy-to-use online survey:

<https://www.surveymonkey.co.uk/r/7WFT937>

7.3 If you are unable to submit your response using the survey, please email your response to:

[hello@bpc.org.uk](mailto:hello@bpc.org.uk)

7.4 Please note, we normally require consultation responses to be made in writing. However, if you are unable to respond in writing because of a disability, please contact us on 020 7561 9240 to discuss any reasonable adjustments that would help you to respond.

7.5 Please complete the online survey or email your response by **9 September 2023**. We regret that we will be unable to consider responses received after this date.

7.6 Once the consultation period is completed, we will analyse the responses we receive. We will then publish alongside the final version of the Standards a document which summarises the comments we received and explains the decisions we have taken as a result. This will be published on our website.