

International Psychoanalytical Association
Ethical Principles and Procedures

Preamble

The International Psychoanalytical Association's ("the IPA's) Principles of Ethics¹ ("Principles") set out the basic ethical rules for the IPA's Members, individual psychoanalysts, and Constituent Organisations, which train, certify, and oversee the ethical and professional performance of individual psychoanalysts. The Principles (a) reflect humanitarian values, psychoanalytic principles, and professional obligations to patients and the public; (b) apply generally wherever IPA Members practice psychoanalysis; and (c) will be elaborated by each IPA Constituent Organisation with due regard to local considerations.

The Implementing Procedures² explain when, why and how the IPA will consider questions and complaints under the Principles and communicate on ethical questions with its Constituent Organisations and Members.

The Principles and Procedures, though separately approved, are closely related and, thus, appear together in the IPA's Procedural Code. The IPA envisions periodic review and updating of its Principles and Implementing Procedures, in light of emerging developments and knowledge.

Principles of Ethics.

1. Scope and Qualifications.

- a. Constituent Organisations Train and Qualify Psychoanalysts. The International Psychoanalytical Association (IPA) is a membership organisation of psychoanalysts and Constituent Organisations around the world. Each IPA Constituent Organisation is an independent entity that, consistent with applicable laws and customs, and subject to the IPA's general criteria, including these Ethical Principles, (i) establishes its own professional and ethical standards, rules and regulations, and (ii) screens, trains, and certifies and oversees the professional and ethical qualification and performance of psychoanalysts (including trainees).
- b. Application of Principles. This document (i) applies to (a) IPA Constituent Organisations, (b) their psychoanalyst Members who are, as the result of such membership, IPA Members and (c) IPA "Direct Members" (psychoanalysts in areas not served by a Constituent Organisation) and (ii) addresses only ethical concerns. Other IPA criteria for the application, screening, training, qualification, or professional oversight standards are articulated in the other parts of the Procedural Code.
- c. The IPA's Principles are General. The Principles establish minimum professional ethical standards for application and implementation by IPA Constituent Organisations. Under its Constitution and Byelaws, the IPA occasionally may offer guidance on the application of its Criteria and Principles, exercising discretion on whether, and if so how, to respond to any request for an interpretation or ruling by a Member, Constituent Organisation, or third party.³
- d. Modifications apply prospectively. The IPA may modify or augment its Ethical Principles and/or Implementing Procedures from time to time, on a prospective (future application) basis.

¹ Adopted August 3, 1998.

² Adopted July 24, 1999.

³ The IPA's Constitution and Byelaws, ratified by a ballot of Full Voting Members in June 1999, provides that Constituent Organisations have primary jurisdiction on ethical matters and that the IPA may suspend or expel a Member for "Material violation of IPA Criteria" Art. 5, section E(2).

2. Ethical Principles.

a. For IPA Constituent Organisations.

i. 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 Principles and with applicable laws and customs.

ii. Code of Ethics and Complaint Procedure.

a. General Rules. 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 these IPA Ethical Principles 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. 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, (a) arrange to receive assistance with one or more nearby Constituent Organisations and/or an IPA sanctioned regional body and/or (b) request IPA guidance (which may be provided subject to IPA discretion, as explained in ¶ 2 (b) of the IPA Implementing Procedures).

iii. Procedures. Each Constituent Organisation, in its Code of Ethics or a related instrument, shall set out the procedures, including time limits, whereby (i) requests for ethical guidance or rulings, and complaints, will be received, heard, and acted upon and (ii) appeals will be processed. Such procedures shall be consistent with the IPA's Principles and Implementing Procedures and applicable laws and reflect the Constituent Organisation's resources, structure, and other pertinent criteria.

iv. Complaints to the IPA or Ruling Requests Addressed. An ethical complaint addressed to the IPA that involves a Constituent Organisation, its facility or its member, will initially be referred to the Constituent Organisation for consideration and disposition. The IPA will exercise its supervisory discretion only in matters involving great urgency or serious risk.⁴

b. For All Psychoanalysts and Trainees (Psychoanalysts).

1. Confidentiality. Psychoanalysts shall respect the confidentiality of their patients' information and documents.

2. Financial Arrangements. All fees and other financial arrangements shall be fully disclosed by the psychoanalyst and agreed to by the patient before analysis commences or, in the case of fee adjustments, prior to their taking effect. Business dealings between psychoanalysts and their patients must not take place.

3. Human Rights. No psychoanalyst shall participate in or facilitate the violation of any individual's basic human rights, as defined by the UN Declaration of Human Rights.

⁴ See footnote 1, above.

4. Duress. A psychoanalyst's professional position, authority or confidential information shall not be used to coerce patients or to generate profit or benefit to the psychoanalyst or any third party.
5. Sexual Contact. A psychoanalyst shall neither solicit nor have sexual relations with a patient or student under the psychoanalyst's treatment or supervision.
6. Voluntary Relationship. A patient's relationship with a psychoanalyst is purely voluntary and the patient may discontinue treatment or seek other treatment or advice at any time.
7. Termination of Treatment. In terminating a patient relationship, a psychoanalyst should seek to do so by mutual consent. If the psychoanalyst nevertheless chooses to discontinue a patient's treatment, the psychoanalyst should respond to the patient's treatment needs and reasonable requests for information about possible alternative sources of treatment. If necessary, the psychoanalyst should take appropriate steps to protect the patient and the public.
8. Maintaining Skills. A psychoanalyst shall remain informed about relevant professional and scientific developments and their application to the practice of psychoanalysis.
9. Professional Impairment. A psychoanalyst shall inform the appropriate body of a Constituent Organisation (or the IPA, in the case of a Direct Member), in confidence, of significant evidence that a psychoanalyst, including himself or herself is behaving in a manner that suggests inability to discharge adequately the psychoanalyst's professional obligations.
10. Honesty. A psychoanalyst shall maintain an honest and open relationship with each patient, subject to reasonable professional constraints, and shall not mislead patients or their families or engage in any act of fraud, deceit or coercion.
11. Continuity. Prior to a psychoanalyst's death or unavailability, the psychoanalyst shall, with due regard for patient confidentiality, make provision for each patient to be informed (including options for continuing treatment).

Adopted August 3rd 1998/Revisions approved 19th December 1999 and 28th July 2000.

Implementing Procedures

1. Primary Jurisdiction of Constituent Organisations. Each Constituent Organisation (a) has primary jurisdiction over all ethical Complaints and Inquiries (defined in paragraph 3(a), below) regarding its members and itself⁵ and (b) 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,⁶ which are consistent with the IPA's Principles.
2. IPA Procedures, in general.
 - a. Ethical Procedures. These "Ethics Procedures" (i) contain the basic rules for the IPA's discretionary application and interpretation of its Principles and (ii) are, along with the Principles, incorporated in the IPA's Procedural Code.
 - b. IPA Discretion. Under its governing instrument (Constitution and Byelaws) and the Principles, 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:
 - i. A Constituent Organisation is the primary forum for Ethical Complaints and Inquiries, except for a Complaint against a Direct Member of the IPA or a generic Inquiry concerning an IPA Principle.
 - ii. Matters that present novel questions of contemporary international concern and great urgency or serious risk are more likely to receive IPA scrutiny.
 - iii. All Inquiries and Complaints are evaluated in light of available IPA resources.
3. General Rules.
 - a. Inquiries distinguished from Complaints. Requests for IPA consideration of ethics-based questions fall into two general categories:
 - I. A Complaint challenges the professional action (or inaction) of an IPA Member psychoanalyst, Constituent Organisation or subordinate body. A Complaint must initially be addressed to the affected Constituent Organisation(s), if any.
 - II. An Inquiry seeks the interpretation of one or more Principles, or an advisory opinion concerning a Principle's proper implementation or application.

⁵ Principles ¶2(A)(4) provides:

An ethical complaint addressed to the IPA that involves a Constituent Organisation, its facility or its Member, will initially be referred to the Constituent Organisation for consideration and disposition. The IPA will exercise its supervisory discretion only in matters involving great urgency or serious risk.

⁶ Principles, ¶2(A)(3) provides more specifically as follows:

Each Constituent Organisation, in its Code of Ethics or a related instrument, shall set out the procedures, including time limits, whereby (i) requests for ethical guidance or rulings, and complaints, will be received, heard, and acted upon and (ii) appeals will be processed. Such procedures shall be consistent with these IPA Ethical Principles and applicable laws and reflect the Constituent Organisation's resources, structure, and other pertinent criteria.

- b. Who may initiate an Inquiry or Complaint? An IPA Member 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, ¶2b, above).
- c. Filing an Inquiry or Complaint.⁷ A Complaint or Inquiry, whether directed to the IPA or a Constituent Organisation, must be
- I. in writing,
 - II. in English, if to the IPA, and in the Constituent Organisation’s prescribed language, if to a Constituent Organisation,
 - III. signed by the person(s) responsible its initiation,
 - IV. delivered by mail or courier delivery service (with return receipt) to the IPA’s headquarters⁸ or the Constituent Organisation’s main office in an envelope clearly marked “Attention: Ethics”,
 - V. notice (including a copy of the Complaint) delivered by mail to each “target.” A “target” is an individual psychoanalyst or IPA Constituent Organisation whose behaviour is alleged to be unethical, and
 - VI. notice, if required, shall be confirmed to the IPA or the Constituent Organisation in writing, including each target's name, address and the date notice was given with delivery of a Complaint.
- d. Ethics Committee. The IPA’s Ethics Committee receives, reviews and, if it proposes any IPA action, issues recommendations to the IPA Executive Committee on ethical Inquiries and Complaints.
- e. Conflicts of Interest. Any IPA officer or committee member with a material conflict of interest – family, professional, or economic – vis a vis an ethics Inquiry or Complaint shall (i) promptly disclose the conflict [in writing] to the IPA President and Ethics Committee Chair and (ii) not participate in the IPA’s review of or action on the matter.
- f. Constituent Organisation Cooperation. An affected IPA Constituent Organisation shall cooperate with all IPA requests, including the prompt provision of all relevant information and documents.
- g. Constituent Organisation Notification of IPA. A Constituent Organisation shall notify the IPA promptly (within 30 days) if, on ethical grounds, it 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. This information, including the member’s name, shall be communicated to IPA Constituent Organisations and Members via the IPA Newsletter or other suitable means.
- h. Confidentiality. All Complaints to the IPA that allege wrongdoing by any individual shall be processed by the IPA in confidence. Confidentiality shall be determined by the IPA in light of these Ethics Procedures’ notice and other requirements.

⁷ A Complaint initially received by the President or any other IPA officer or office will be directed to IPA headquarters.

⁸ International Psychoanalytical Association, “Broomhills,” Woodside Lane, London N12 8UD.

- i. Expedition. All communications, notices, responses and actions covered by these Procedures shall be given or taken with reasonable expedition, under the circumstances. An authorised IPA committee or officer shall, when necessary, specify time limits in light of the facts and circumstances of a particular inquiry or complaint.

4. Procedures for IPA Handling of Ethical Inquiries and Complaints.

- a. IPA Receipt/Acknowledgement. Upon receiving an Inquiry or Complaint (per ¶ 3(c), above), the IPA staff will (a) acknowledge receipt by mail, including copies of the Principles and these Ethical Procedures, and (b) 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).

- b. Ethics Committee Initial Review. The Ethics Committee's Chair shall

- I. send a copy of the inquiry or complaint to the committee's 3 regional co-chairs;
- II. confer with the co-chairs as a "review" on the matter's status and significance; and collaboratively
- III. take one of the discretionary actions listed in the next succeeding paragraph.

- c. Review committee actions. The Ethics Committee's review committee (via the Committee's Chair), following initial assessment of an ethics-based Complaint or Inquiry, may:

- I. inform the source of an Inquiry or Complaint that it does not meet the IPA's review criteria;
- II. refer the matter to one or more IPA Constituent Organisations if (a) relief was not initially sought at that level, (b) the Constituent Organisation(s) did not adequately consider the matter, and/or (c) the communication to the IPA failed to articulate adequately the problem or facts;
- III. take further fact-finding (per procedures in part 5, below), review and/or research steps within the IPA Ethics Committee and so notify the source (by mail) and the IPA's President. The latter will be provided only: the names of the complainant and target (unless the Ethics Committee determines that personal or legal sensitivity warrants a pseudonym), and name(s) of the pertinent Constituent Organisation(s), if any;
- IV. refer the matter to the full Ethics Committee for evaluation (in all cases the review committee reports to the full Ethics Committee); and/or
- V. submit a recommendation to the Executive Committee. Per paragraph 6(c), below, only the Executive Committee or, in some cases, the Executive Council may authorise an IPA ethics-based action that is not listed in subparagraph (i), (ii), (iii) or (iv) of this paragraph 4(c).

5. Procedures for IPA Action.

- (a) Legal Counsel. IPA counsel may be informed or consulted if an Ethics Committee review committee, the full Ethics Committee, the President or the Executive Committee deems legal advice desirable or necessary.

- (b) Fact-finding Procedures. Listed below are the general criteria that govern fact-finding by the Ethics Committee (or its review committee):
- (i) Each target shall be notified of any Complaint against him, her or it and provided a reasonable opportunity to respond.
 - (ii) All target and complainant records and identifying information shall be held in confidence. To ensure this goal, during review of a Complaint, electronic communications shall not be employed within, to or from the IPA except to or from a secure telefax machine.
 - (iii) 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.
 - (iv) Relevant facts shall be gathered as expeditiously and cost-effectively as possible, within authorised budgetary limits.
 - (v) Specific questions or matters may be delegated to one or more fact-finders or subcommittees.
- (c) IPA Action. The Ethics Committee or its review committee may recommend any of the following actions to the Executive Committee:

(i) Complaints against IPA Member.⁹

- A. Exoneration. The Member is not found culpable because the evidence failed to demonstrate material unethical conduct.
- B. 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.
- C. 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 a letter of (i) admonition, expressing IPA ethical concerns about the alleged conduct and suggesting that further education, consultation, supervision or other remedial action be pursued, or (ii) censure, which may require remedial action.
- D. Suspension from the Association. Such suspension shall be for a stipulated period, not to exceed three years from date of suspension.

⁹ Under the IPA's Constitution and Byelaws, removal or suspension of a Member requires a vote of the full Executive Council after initial review and recommendation by the Executive Committee.

E. Separation from the Rolls. A new application for membership in the IPA will not be entertained within five years from date of separation.

F. Permanent Expulsion.

(ii) Inquiry.

A. Advisory opinion: applies one or more of the IPA's Principles to stated facts, actual or hypothetical.

B. Elucidation of Principles: explains and/or documents the reasons for, or ramifications of one or more IPA Principles.

C. Amendment of Principles or Procedures: amendments must be adopted by the IPA's Executive Council.

6. Appeals. Any appeal of an Executive Committee action or inaction shall be addressed to the Executive Council, which in its discretion may dismiss the appeal as lacking merit (requires a two-thirds vote), or take other appropriate action.

7. Publication. The IPA shall inform its Constituent Organisations and Members (via its Newsletter) 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 Executive Council, in its discretion, finds extraordinary reasons for limiting or withholding publication.

8. 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.

Adopted 24th July 1999/revision approved 28th July 2000.