

The ITA Code of Ethics and the Requirements and Recommendations for Professional Practice

This code is divided into four sections: Section 1 outlines the theoretical framework for the Code of Ethics, Section 2 the Ethical Code, Section 3 gives examples of the application of this framework, and Section 4 outlines the requirements and recommendations for professional practice.

The following abbreviations are used: TA – Transactional Analysis, ITA – Institute of Transactional Analysis, EATA – European Association for Transactional Analysis, ITAA – International Transactional Analysis Association, and BACP – British Association for Counselling & Psychotherapy.

These codes replace all previous ITA Codes of Ethics and Professional Practice and are dated 1st March 2008.

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SECTION 1 – THE THEORETICAL FRAMEWORK FOR THE CODE OF ETHICS

General Introduction

This Code replaces all previous ITA Codes of Ethics and is congruent with the EATA Code of Ethics. Appreciation and acknowledgment to the BACP is expressed for the guidance provided by their Code.

This Code is intended to guide and inform both organisations and individual members of the ITA in the ethical practice of transactional analysis.

In this Code the word ‘practitioner’ relates to all members of the ITA who use transactional analysis as a model for understanding and change with individuals, couples, groups or organisations and also includes the roles of supervisor and trainer. The word ‘client’ denotes any recipient of professional services of members of the ITA.

Within the helping profession, ethical principles need to address many areas in order to influence ethical behaviour. These are:

- * Clients
- * Self as practitioner
- * Trainees
- * Colleagues
- * Our environment and community

TA practitioners will consider the philosophy, ethical principles and personal qualities and reflect on what stance to take and how to behave in each of the mentioned areas. The practitioner will analyse any situation looking at the influence of ethical principles on the practice and choose behaviours taking into account a wide variety of factors, e.g. client,

self, environment, etc. A practitioner may wish to seek consultation with a qualified supervisor or qualified peer.

Limitations

It is recognised that any Code of Ethics will have limitations. For example, Berne's philosophy of TA was part of 1950's America and has an individualistic rather than community based focus. This focus also remains largely true for the early 21st century United Kingdom. If there were a shift of emphasis from a culture of individualism to one of community, then both this code and transactional analysis would need to change. It is therefore necessary that this code is considered within the context of benefit to the community as well as benefit to the individual.

The Relationship between Morality and Ethical Practice

***1 Morality** – The evaluation of, or means of evaluating, human conduct especially a) a set of ideas of right or wrong; b) A set of customs of a given society, class or social group which regulate personal and social relationships and prescribe modes of behaviour to facilitate a groups existence or ensure its survival.

Ethics – The study of the general nature of morals and of the specific moral choices to be made by the individual in his relationship with others.

(*1 Definitions from The Universal Dictionary, Reader's Digest 1987)

Any ethical code has therefore to be based in both the cultural norms of a country about what are right and wrong behaviours as well as account the particular customs and norms of the TA profession. So the ethical code needs to be rooted in both professional and social norms about how to behave. In practice this is not as straightforward as it seems as it may be that what is morally right in one situation is not morally right in another. As this is the case it becomes apparent that any ethical code which comprises a set of rules cannot fully account every situation nor adequately determine whether or not a course of action is right or wrong. It is therefore necessary to base any ethical decision on whether or not it is variance with our professional philosophy and our personal (moral) values. This code therefore offers a construct which incorporates these features.

This approach moves the arena of ethical practice away from the application of a set of rules, which denotes what shall or shall not be done, to a consideration of the values and philosophical principles which guide us in transactional analysis. It also enables practitioners to address more directly those issues of practice and approach that 'fall between' any rule driven Code of Ethics. A further advantage is that cultural differences are more easily incorporated when considered in terms of philosophy and value.

There are, however, some standards and requirements that are generally accepted by everybody in the profession as ethical and appropriate and breaches of them are therefore considered to be clear requiring little ethical thought. Therefore a set of obligatory rules are listed below.

In Conclusion

Working ethically is a continuous demand on all practitioners in both their professional and private lives. Some ethical challenges are straightforward and are easily resolved. Other challenges are more difficult to determine when in seeking to act ethically, there seems to be competing obligations or principles. This code seeks to support the practitioner by identifying a variety of factors that influence ethical practice and to offer a variety of ways for the practitioner to consider various courses of action.

No ethical code can ever cover every eventuality, nor can it lessen the difficulty of making a professional judgment in a changing and uncertain world. By accepting this code practitioners are committing themselves to the challenge of behaving ethically even when doing so requires courage in the face of moral dilemmas and difficult decisions.

SECTION 2 – THE CODE OF ETHICS

It is intended that this Code represent an attempt to encourage thinking that permits the coexistence of differing views on ethical practice by stating primary principles in ethical practice. It will do this by basing the Code on four central and principles universally held in transactional analysis which are also congruent with the norms of society within the United Kingdom:

- * The philosophical base from which we practice.
- * The principles, which support and affirm our practice.
- * Personal moral qualities of the practitioner.
- * Clearly explicit, generally accepted rules of behaviour.

Reporting Possible Violations and the Responsibility of the Practitioner

This Code addresses the ITA's commitment to openness and non-defensiveness. It is encouraged that concerned individuals raise their questions, concerns, suggestions or complaints with someone who can address them properly. In the case of an ITA member, in the first instance, it might be with their supervisor, trainer or qualified peer who is in the best position to address an area of concern. For members of the public this may be informally with a member of the ethics committee who can be contacted by telephone via 0845 0099101 or email ethics@ita.org.uk. However, if complainants are not comfortable speaking with their supervisor, trainer etc. or are not satisfied with their response, they are encouraged to speak with someone on the Ethics Committee or Professional Practice Committee. Contact details can be found in the ITA website www.ita.org.uk or on the above phone number. Reports of violations or suspected violations will be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation and appropriately address the ethical and professional issues involved.

The philosophical base from which we practice

Our ethical practice must be grounded in our philosophy and the principles which support it. Practitioners will encounter situations that are not covered by specific codes or will be faced with having to decide between principles. In such circumstances any chosen course of action only becomes unethical if it can be shown that the practitioner did not take appropriate care with due regard to the philosophy and principles of TA. Any examples given have been developed as an indication of good practice and are not to be considered as comprehensive.

The fundamental philosophy of transactional analysis is widely known and universally accepted within TA, namely:

** Everyone is OK.*

** Everyone has the capacity to think and influence their life by the decisions they make.*

** Any decision can be changed.*

Everyone is OK

This is defined here as meaning that whatever we may do or say, there is an essential core self that has value, dignity and worth. This core self has the potential and desire for growth and relationship.

Acceptance of this philosophy ensures that the TA practitioner respects and recognises human rights and dignity. The practitioner accepts difference whilst at the same time seeks to alleviate distress and suffering and encourages growth and health.

Everyone has the capacity to think and influence their life by the decisions they make

This is defined here as meaning that we all have the ability to consider our situation, consider options for action and we are responsible for those actions. In summary, in the ability to think all practitioners have the capacity to test and evaluate thoughts and actions.

Acceptance of this philosophy ensures that the TA practitioner acknowledges that every adult is responsible for his or her own thought processes and is also responsible for the consequences of what she or he decides. However every TA practitioner recognises that congenital abnormalities, physical damage and traumatic early life experience can limit the capacity of an individual to make such decisions.

Any decision can be changed

This is defined here as meaning that when we make a decision, we can later change that decision.

Acceptance of this philosophy ensures that the TA practitioner is open and accepting of the possibility of change to meet altering situations and needs.

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The Principles which support and affirm our practice

We have two primary principles, which support and underpin our philosophy:

*** Open Communication**

This requires that a practitioner will seek to maintain clear overt communication in their professional dealings with both clients and colleagues. It also means that where practitioners are aware of ulterior transactions they will seek to make them overt. Berne emphasised the importance of sharing knowledge and insights with the client which is a central feature of this principle.

Open communication means that all practitioners are clear in all matters of communication including, for example; advertising, information given about services, rules of confidentiality and working practice and disclosing information that might

compromise the professional relationship.

*** The Contractual Method**

This requires that all contracts are both clear and explicit as to the nature and purpose of the professional relationship and that both parties to the contract have clear, functioning Adult thinking.

The contractual method respects a client's right to be self-governing and encourages and emphasises the client's and practitioner's commitment to an active process in enabling change. It means that practitioners seek freely given and adequately informed consent from their clients.

A further principle also guides our practice.

*** Above All Do No Harm**

This was a central principle for Eric Berne. It requires that in all dealings with clients the practitioner seeks to avoid causing harm.

To maintain this Principle practitioners are required to sustain competence through ongoing professional development, supervision and personal therapy where necessary. All practitioners have a responsibility to confront, where appropriate, incompetence and unprofessional behaviour in colleagues, and co-operate in any organisational action against those who discredit the good name of transactional analysis. See also Obligatory Code 1 below.

Note on the Principles

Observances of the above principles are central in encouraging and respecting the trust that clients place in the practitioner. All ethical practice can be judged against whether or not any action honours that trust.

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Personal moral qualities

Ethical practice and moral action are inextricably linked with personal qualities. While it would be unrealistic to suppose that ethical practice is based solely on personal moral qualities, such qualities significantly support and assist authentic rather than adapted ethical behaviour. All TA practitioners are strongly encouraged to aim for such qualities.

It is recognised, however, that in any ethical process consideration of such qualities needs to be limited to their demonstration in professional practice. Nevertheless if these qualities were not also demonstrated in an individual's personal life this indicates a lack of congruence and integration.

Integrity; Demonstrated in openness, congruence and straightforwardness in dealings with others.

Courage; The ability to act for what is believed as right in the face of fear, risk and uncertainty.

Respect; To show consideration and regard to others and to self and in the way that others perceive themselves.

Honesty; The capacity to demonstrate truthfulness, sincerity and trustworthiness in all interactions with others.

Compassion; The ability to experience concern and empathy for the suffering of another together with a desire to give support and help.

Humility; The ability to have a realistic understanding of one's own strengths and weaknesses.

Fairness; The ability to view events without bias or prejudice in order to inform decisions and take appropriate actions.

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Obligatory Codes

1. ITA members shall not exploit their professional relationship with any person to whom the ITA member is providing services in the member's field of specialisation. 'Exploit' means 'to take unfair or selfish advantage of the member's professional relationship with the recipient of services, in any matter including, but not limited to, sexual or financial matters.

2. Contracts with recipients of professional services shall be explicit regarding fees, payment schedule, holidays, and cancellation of sessions by client or practitioner, and frequency of sessions. The member shall make it clear whether the contract with the client is for therapy, training, supervision, consultancy or some other service.

3. Members of the ITA will operate and conduct services to recipient of professional services taking conscientious consideration of the laws of the country in which they reside and work.

4. All communication between the member and the client shall be regarded as confidential except as explicitly provided for in the contract or in compliance with relevant law.

5. In the event that a complaint should be made against a member, that member shall co-operate in resolving such a complaint and will comply in all respects with the requirements of the Procedures for Handling Ethics Charges, which are current at that time. Failure to do so will, in itself, be considered a breach of ethics.

SECTION 3 – PRACTICAL EXAMPLES

Use of the Code

In any given situation the TA practitioner will consider how the philosophy and principles of TA, together with personal values apply. They will explore the situation along with their inner motivations in order to determine what attitude to take and how to behave in a way that is congruent with this code. Such deliberations will be aimed at a reduction of harm and will actively support the possibility of growth for the client.

Examples

The examples given below are for guidance as to the application of the code and are not to be considered definitive.

Vignette 1

An experienced practitioner, with many years post qualification experience, satisfies the formal continuing professional development requirement by stating that s/he read journals and books and has peer supervision. The reality is that s/he does little to keep themselves up to date with current TA theory and practice and s/he knows little of developments within the wider world of their speciality.

Principle(s) involved:

Do No Harm – By failing to keep abreast of current theory and practice the practitioner becomes rigid and unchallenged in their practice working from a calcified and unthinking position. They are not aware of increasing options and possibilities in their work with clients and stand the risk of doing harm.

Personal qualities involved:

Humility and fairness. Through their complacency about their practice they demonstrate an arrogance that indicates a belief that what they know is good enough. Similarly as a consequence of working from 'old' knowledge they cannot make fully informed decisions or take appropriate action – they are not in possession of all the information!

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Vignette 2

In a training session a trainer uses a fictitious example of a tricky issue brought to therapy by a client to demonstrate a particular theory and asks all the trainees to work in triads etc to identify the issues and what would be the work. To one trainee's horror and mortification she realises that it is her own painful situation which she is currently working through in her therapy. She believes that it could only have come via her therapist talking in supervision (the therapist is supervised by the trainer). The particular event is one of alleged "petty" abuse, years ago by a teacher, who shamed the client publicly when she confronted him, and where he asked the class what should happen about it. The teacher was a tactile person who often hugged his pupils and with her he had the habit of briefly tickling the back of her neck when teaching. She felt uncomfortable about this and had gone privately to the teacher to say how she felt and to ask him to please not do it. The next morning the teacher asked the class whether they had noticed him touching her, he went over their private conversation of the previous evening and then went on to have an open discussion about what the class thought about what had occurred. She had tried then to explain publicly to the class and the teacher how she felt. No-one supported her; some had laughed at her pettiness, while others thought she was a trouble maker and seeking attention. In therapy she

is convinced the therapist will betray her and break confidentiality.

So this is a repeat for her of her shaming past and a scenario that she has dreaded encountering again during her training and she complains about this to her association after attempting unsuccessfully to address her distress in her therapy session.

We know from our own learning about trauma that when this type of mistake happens, it is not so much that it should not have happened but rather how it is handled which is so crucial. Here there is a choice for the trainer and trainee.

Principles involved:

Contractual method. What has come to light is that the trainer has no contract to divulge third party information and, albeit unwillingly, has done so.

Do no harm. Again, even though unintentionally, the client and the supervisee have been harmed, in the sense that the client's story and history has been exploited for training purposes and a trust has been broken.

The Obligatory Code:

It seems that the trainer is in breach of Clause 4 of the Obligatory Code concerning confidentiality and also potentially salient is Clause 5 in which as practitioners we are required to co-operate in resolving any complaint against us.

Personal moral qualities:

In this vignette, the personal moral qualities are uppermost and all are required and at stake in this complicated but not uncommon scenario when a mistake comes to light.

Integrity: In which the trainer is required to be open about his/her mistake.

Courage: To act with courage in a situation which is perceived as potentially frightening and humiliating and to move away from defensiveness.

Respect: To act in a considerate manner in that, though unintentional, accept that people have been harmed, including themselves.

Honesty: Here, the duty of the trainer is to be truthful which will increase trust rather than the opposite.

Compassion: Closely linked to respect, to be able to empathise with the suffering experienced by others.

Humility: Involves the integration and knowledge that as human beings we have strengths and weaknesses as this painful vignette illustrates.

Fairness: Linked with integrity and honesty in which the trainer views the situation from all sides without prejudice (which is different from compassionate judgement) including his/her own.

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SECTION 4 – THE REQUIREMENTS AND RECOMMENDATIONS FOR PROFESSIONAL PRACTICE

There has been much confusion about the status of a 'code' and this has led to confusion as to whether or not any breaking of a code of professional practice is, in fact, a breaking of an ethical code. For this reason the words 'code' and 'guidelines' have been replaced by 'requirements' and 'recommendations'.

Here requirements mean those regulations that are essentials to belonging to the Institute of Transactional Analysis, the European Association of Transactional Analysis and, for psychotherapy members, the United Kingdom Council for Psychotherapy.

Recommendations are those things that are held to be appropriate in order to maintain a high level of professionalism in our work (best practice) but are not compulsory. Clearly the omission or breaking of a requirement will necessitate an organisational response (e.g. suspension of being Registered with the ITA) and not an ethical one. The breaking of a recommendation may result in confrontation from a colleague.

Examples of concern over professional practice includes such matters as false or misleading advertising, misuse of the logo, derogatory comments about another member, or a suspected breach of Professional Practice requirements or recommendations.

Such complaints are assumed to be the result of oversight or lack of information on the part of the offending party. The individual concerned is contacted and asked to take action to correct the situation. If the person refuses, then it becomes clear that the offending action(s) was intentional and it may become grounds for lodging an ethical charge against the individual. If this is the case then the matter is referred to the Ethics Committee for action. When there is not a clear violation, but rather a dispute between members, the matter may be referred to the Committee for information and advice. If it is considered appropriate, the Committee may also provide some level of mediation.

N.B. Failure to meet professional practice requirements or recommendations may also carry with it ethical implications.

Requirements

1. Insurance:

Practising members will take out Professional Indemnity Insurance to provide cover in the event of a legal suit, or other claims that may be made against them (this cover may be provided by the member's employer). Members are advised to check their policy documents for clauses which may invalidate professional insurance e.g. disclosure of Professional Indemnity Insurance to a client. They are further advised to check that their insurance policy covers the full range of their professional activities, and that some provision for legal costs is included.

2. Qualifications:

Members' statements concerning their professional qualifications and/or experience will be an accurate reflection of their status. Misrepresentation of qualifications may be illegal under the legal requirements for advertising and promotion that governs standards in commercial advertising and may jeopardise a member's present and future standing with the ITA.

3. Supervision:

All practicing members will ensure that they receive appropriate supervision of their work on a regular basis from some one who is suitably skilled and qualified in their chosen field. The recommendation is a minimum of eight times (minimum of an hour per occasion) a year for Certified members.

4. Medical Backup:

(specifically applies to Psychotherapy and Counselling members). When a practitioner is working with a client who has a potentially serious medical or psychiatric condition, the practitioner shall ensure that he/she seeks appropriate medical support and advice for the continuation of treatment.

5. Duality of Roles:

Members will avoid a duality of professional relationship in the following areas:

- Therapist/counsellor and supervisor to one person
- Therapist and examiner to one person.

Practitioners are also expected to consider the appropriateness and ethicality of other types of dual relationships e.g. when a therapist is being supervised by their client's trainer.

*(N.B. See also under **Duality of roles** in the recommendations for Professional Practice)*

6. Continuing Professional Development:

Certified members are required to follow a process of continuing professional development which meets their learning and development needs as well as reflecting their specific working environments and field of application and personal interests. Practitioners are required to maintain professional competence in all areas of their work. Demonstration of CPD is an annual requirement and necessary in order to maintain membership and/or registration with the ITA and UKCP. (Refer to CPD Policy, as set out by the Training Standards Committee and the ITA Code of Ethics No.15). Additionally for UKCP Registrants (with more than five years Registration with UKCP) a 5 year group peer review of all CPD is required. All such groups will require at least one member who is of a different therapeutic modality to TA.

7. Equal Opportunities Policy:

All practising members are required to adhere to the ITA policy of equal opportunity and ensure that, as far as is reasonably possible, their services are available to all members of society. Training members will inform trainees of all fields of application in TA. (Refer to Equal Opportunities policy as set out by the Membership Committee).

8. Recognition of Training Hours:

Only Provisional or full Teaching Transactional Analysts can offer training leading up to recognition as a Transactional Analyst within the ITA, EATA, or ITAA. A registered 101 Trainer who is a CTA may offer TA101 training.

9. Maintaining Records:

All members shall maintain records of sessions and these shall be kept confidential in a secure place. Except as agreed in the contract or in compliance with the law, information can be disclosed only with the client's consent, unless the practitioner believes that there is convincing evidence of serious danger to the client or others if such information is withheld. Clients must be informed that practitioners may discuss their work with their supervisors. Supervisors and members of a supervision group shall treat material presented with the same care and confidentiality as provided for in the original contract. Particular care will be taken when presenting case material outside of the usual boundaries of supervision, e.g. for training or teaching purposes. In such cases where case material records are presented - whether printed, verbal, on tape, film, or video, or retrieved from electronic media - the client's consent in writing shall be obtained. Due consideration needs to be given as to the effect on the therapeutic relationship of asking the client's permission to use such material.

10. Maintenance of Professional Membership: All members are required to pay membership dues promptly. Training members are committed to maintain membership of the ITA in order to fulfil membership obligations to EATA.

11. Valuing, Maintaining and Developing Skills and Competence as a Practitioner (Certified or in Training):

- Practitioners are committed to expanding their range of skills and to recognise their limitations. It is part of their professional responsibility to seek information and advice from colleagues and also to refer clients to other professional services if this may be of benefit to the client. Professional services shall not be started or continued if the practitioner believes her/himself unqualified to meet the client's needs. Psychotherapists and Counsellors have a particular responsibility to promote further study and research into psychotherapy theory and practice, as well as continue their personal development and the development of their own professional skills and understanding of psychotherapy.

- Practitioners shall continue in regular ongoing supervision, personal development, and continuing education and accept responsibility for seeking their own psychotherapy as necessary.

- Practitioners have a responsibility to themselves, their clients and their professional body, to maintain their own effectiveness, resilience and ability to work with clients. They are expected to monitor their own personal functioning and to seek help and/or withdraw from practicing, whether temporarily or permanently, when their personal resources are sufficiently depleted to require this.

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Recommendations

Professional Etiquette:

Practitioners accepting clients for psychotherapy or counselling who are already in a professional relationship as a client with another psychotherapist, counsellor, psychologist or psychiatrist, will normally only do so following consultation with the other professional. Such clients need to be informed that normal practice requires that consultation take place with the professional responsible for their treatment prior to any proposed change or addition to their care. In doing so due account needs to be taken of the wishes and autonomy of the client.

* Practitioners will not accept as clients anyone with whom they may have a pre-existing and potentially prejudicial relationship. To do so may be considered unethical.

* For practitioners offering counselling or psychotherapy, they will not accept clients for therapeutic work who already have a counselling or psychotherapy contract with another practitioner unless it is specifically agreed with the all practitioners involved.

* Practitioners will not solicit trainees or clients from other practitioners. Solicit means to gain trainees by making insistent requests, pleas or bribing.

* Trainers will only agree to accept EATA training contracts with trainees who are under contract with another trainer following full consultation between all three parties.

* Practitioners will inform clients, and obtain their written permission, if they intend to use any material from the client for research or publication.

* Practitioners will maintain clear, 'above-board' contracts with their clients.

Duality of Roles: *(See also under **Duality of Roles** in the Requirements above):*

It is a recommendation that practitioners will, as far as is practically possible avoid a duality of the following professional relationship. This means avoiding the following, except in geographical areas where to do so would create considerable difficulties.

- Therapist/counsellor and Trainer to one person

Fees: Psychotherapy and Counselling practitioners are responsible for charging fees which are commensurate with their qualifications and experience.

Protection: Practitioners need to make provision in their wills for an Executor of their professional estate in the event of their incapacity or death.

Records and the Security of Information:

- a. Records about clients should be kept safely under locked conditions to ensure privacy, and in a form that can be inspected by the client should he/she request this.
- b. Practitioners using computerised record-keeping need to be informed about requirements of the Data Protection Act and register if appropriate. (Refer to Data Protection guidelines issued by the Committee).
- c. Practitioners need to be aware that clients records can be required by the courts and so are advised to keep records and exam materials intact for a minimum period of eight years from the date of the last visit of the client, or if the client is a child until the client's 25th birthday or the 26th birthday if the client was 17 at the conclusion of the therapy.

EAPs and Professional Referral Schemes:

Any member responsible for running or managing a 'Therapeutic Service' such as an EAP or Professional Referral Scheme needs to ensure that it is well boundaried and incorporates the following guidelines:

- a. Provision of an explicit, written outline of how this would work, including the remuneration involved. This would need to be given to the clients and counsellors/therapists/ administrators and everyone involved in the referral system,

including referring authorities. Each contract needs to be explicit and agreed between the relevant parties

b. An EAP differs from a referral service in terms of the three-cornered contract. In the case of an EAP, the therapist is paid directly by that service. In the case of a referral service, the therapist would usually pay a small fee to be a member and receive referrals.

c. It is recommended that an administrator be employed to run the system, whose sole role would be to administer the system, and would have no dual role in the system.

d. The counsellors/therapists receiving referrals need access to an independent supervisor.

Disputes between Trainers and Trainees:

It is strongly recommended that all Trainers and Training Organisations provide a system whereby any disputes between trainer and trainee can be referred to an independent mediator for resolution.

1st March 2008