



The Ethics Guidelines are produced by the Office of the Syndic in collaboration with the Professional Inspection Committee. These guidelines do not constitute legal opinions; each case is particular and must be analyzed in the light of the circumstances peculiar to it.

THE PSYCHOLOGIST'S ROLE MAY VARY DEPENDING ON THE YOUTH CENTRE'S NEEDS AND MANAGEMENT'S EXPECTATIONS. BUT IT IS THE PSYCHOLOGIST'S RESPONSIBILITY TO IDENTIFY HIS OR HER LIMITS AND SUGGEST WAYS OF ENSURING COMPLIANCE WITH THE ETHICAL RULES THAT APPLY TO ALL PSYCHOLOGISTS.

THE PRACTICE OF PSYCHOLOGISTS IN YOUTH CENTRES

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INTRODUCTION

Psychologists who are employed by youth centres or contracted by them to do assessments of young people receiving the centres' services work in a demanding professional environment. The challenge arises from various factors, which would merit more in-depth examination to determine their relative importance: the societal issue of child abuse, the legal and organizational mechanisms established in Quebec to respond to this problem, the global nature of intervention requests relating to youths in youth centres, the limited human and financial resources available for dealing with this reality, and the specific problems presented by persons participating in the assessment or psychotherapy.

This ethics guideline is intended to shed light on some of these issues and to propose some directions to guide the practice of psychologists working in this environment. It does not constitute a legal opinion and each situation must be regarded as a particular case. This document is the product of a collaborative effort among several psychologists¹ working in this field and consultation with the Association des centres jeunesse du Québec.² It is also based on observations gathered by the Syndic's Office in the course of its investigations, and the Professional Inspection Committee during its inspections of psychologists working in youth centres.

CLARIFICATIONS

1. Role and Status

As an employee

As an employee of a youth centre, the psychologist may find himself performing different functions: that of expert conducting an assessment, psychotherapist or consultant to other employees, as required by the situation.

A psychologist who acts as a consultant is only permitted to formulate working hypotheses or suggest potential avenues for intervention. He has to be cautious when expressing opinions because in most cases, he has not

met the individual about whom he issues his clinical hypotheses. He should take into account how much he knows about the given case and the purpose for which his advice is being sought.

For psychologists acting as consultants in youth centres, some criteria by which to determine the need to make a note in the record were suggested in an earlier recommendation.³ For example, the psychologist should consider whether he knows the client about whom an opinion is being sought and the scope of the problem in question. To ensure that his comments are not used for a purpose other than originally intended, the psychologist should apply the same caution when expressing hypotheses as when entering notes in the record.

A psychologist who holds a position which does not permit him to display his title is not subject to the jurisdiction of our professional order if he has not rendered professional services in psychology during an assessment, therapy or follow-up of a case. Therefore, he should not add the title "psychologist" to his signature, as this would put him in a potential conflict of interest; however, he may use the initials indicating his academic credentials. If questioned about his competence, he should specify the nature of his intervention and clarify that he is not acting as a psychologist.

As a contract worker

The psychologist contracted by a youth centre to provide services for an assessment or psychotherapy must ensure that he maintains the independence required by his professional role. The information contained in the client's record or the comments of the person contracting his services must be put into perspective and assessed in the light of the material collected by the psychologist himself.

The psychologist should not hesitate to set his requirements when constraints are imposed on the mandate he is given (for example, if the suggested time period for the assessment is too short, access to the persons to be assessed is limited, or the psychologist does not have full access to available material). In such a situation, he may need to discuss with the contract-giver the framework of the proposed intervention.

2. Consent

When making an agreement with the person contracting his services, the psychologist must keep in mind what he himself deems the priorities so as to avoid any influence that could adversely affect the performance of his professional duties, as stated in section 31 of the *Code of Ethics of Psychologists*. This obviously includes obtaining free and informed consent to the intervention, which must be received from the client before the work is begun. The psychologist should keep in mind the right of a minor 14 years of age or over to give his consent "*alone to care not required by the state of his health*".⁴ At the end of an assessment, the report produced by the psychologist must be in keeping with the terms of the mandate and comply with the requirements applying to this field of professional activity.⁵

3. Confidentiality

Youth centre psychologists often report that they receive requests to provide information to other centre personnel.

The institutional framework within which these psychologists work, with its centralized records and multiple workers involved with the same client, may appear to challenge their ability to meet their obligation of confidentiality, which should not be the case. The requirements for professional

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HE MUST ALSO ENSURE THAT
THE PROPOSED WORKING
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QUALITY OF HIS WORK.**

THE PSYCHOLOGIST MAY NEED TO IDENTIFY THE INTERESTS HE HAS IN COMMON WITH HIS EMPLOYER AND DISCUSS WITH HIM THE POTENTIAL PROBLEMS AND MUTUALLY ACCEPTABLE SOLUTIONS.

secrecy are set out in the *Professional Code* (section 60.4), the *Code of Ethics of Psychologists* (sections 38, 39 and 46), Chapter IV.1 of the *Youth Protection Act*, sections 19 and 19.1 of the *Act respecting health services and social services*, and section 53 of the *Act respecting access to documents held by public bodies and the protection of personal information*. In addition, the *Regulation respecting the keeping of records and consulting-rooms by psychologists* serves as a useful frame of reference, particularly on the consent that is needed prior to disclosure of information.

Other personnel in the youth centre may, in their concern to act "in the interest of the child", as provided by section 3 of the *Youth Protection Act*, access the psychologist's record or try to obtain information relating to the parents, in contravention of the parents' rights. It should be noted that the *Youth Protection Act* prohibits the disclosure of this information except in defined circumstances, such as by an order of the tribunal (section 72.5) or to persons, bodies or institutions "having responsibilities under this Act" (section 72.6).

Except in particular instances, such as those provided by section 39 of the *Code of Ethics of Psychologists* or when dealing with the danger of suicide or homicide, the psychologist can be released from his obligation of professional secrecy only by the client's written authorization. It is preferable to obtain this authorization after explaining to the client what use will be made of the information, pursuant to section 40 of the *Code of Ethics of Psychologists*. The psychologist must always keep in mind the primacy of the Quebec *Charter of Human Rights and Freedoms*, in particular, section 9, which sets out every person's right to non-disclosure of confidential information and the obligation of the professional and the tribunal to ensure that professional secrecy is respected.

When the psychologist provides psychotherapy as part of his work at the youth centre, he has to bear in mind the psychotherapeutic relationship with his client and the potential impact on it of a breach of confidentiality. It is useful to have a clear description of the permission given by the client concerning an agreement to lift professional secrecy. In some cases, it would be appropriate to explain to the client the limits of professional secrecy, as, for example, in the case of a prior order by the Youth Court. As client records in youth centres are more subject than most to judicial monitoring, the psychologist must be clear on the nature of his mandate. In particular, he has to know whether he will be required to testify as assessor, psychotherapist or consultant to report to the court on the work he has done with the client. The psychologist has to strike a delicate balance, simultaneously taking account of his client's interest and satisfying his obligations towards the court.

4. Conflict of Roles and Conflict of Interest

The previous paragraph raised some concerns about potential conflicts of interest and conflicts of roles. It also showed the importance for psychologists of distinguishing between their roles as psychotherapist and assessor, and the inherent implications.

It is up to the psychologist, if required by the situation, to make his superior understand the limits to his ability to assume different roles with a given client. The psychologist who acts as a psychotherapist may not later act in court as a material witness. Similarly, he may not provide a course of therapy and subsequently act as an expert for the same client.⁶

If the psychologist acts as an expert, he has to maintain his independence. He must conduct himself in a way that ensures he will not be influenced by other personnel also involved with his client, especially when it comes

to recommendations concerning the client. A decision of the Professions Tribunal dealing with a psychologist's conduct reminds us that "an employer cannot require that a professional behave in a manner contrary to that prescribed by his code of ethics, the Professional Code or, if applicable, the particular legislation and regulations governing his professional order and his profession."⁷

5. Record Keeping

The psychologist who makes a note in the youth centre's central record should be cautious about the information he reports. He must take into account the *Regulation respecting the keeping of records and consulting-rooms by psychologists*. In addition, it is incumbent upon him to maintain the confidentiality of information that is not relevant for other personnel and to write content which precludes the possibility that the information will be used erroneously or harm will be caused to his client or a third party, as provided by section 77 of the *Code of Ethics of Psychologists*.

If he agrees to discuss a problem with another employee and makes a note in the record accordingly, the content of the note should describe the request made by the person seeking advice and specify the psychologist's response.

On matters related to record keeping, raw data and the client record, we suggest you refer to the ethics guidelines published in 2001 in *Psychologie Québec* magazine.

REFERENCES

1. We note in particular the collaboration of the following psychologists: Ginette Cyr, Louis Maheu, Kees Maas, Paul Ranger and Gilles Richelieu, president of the Association des psychologues en centres jeunesse.
2. We also want to thank Jean Boudreau, psychologist, who acts as senior advisor to the Association des centres jeunesse du Québec.
3. Ethics Guidelines (November 2001).
4. Sec. 17 of the Civil Code of Quebec
5. See on this subject the Ethics Guidelines of September 2002 and November 2002.
6. Ibid.
7. Bich, M.-F., *Le défi du droit nouveau pour les professionnels*. Les Journées Maximilien-Caron, 1994, Éditions Thémis, p. 66. Cited by the Professions Tribunal in decision no. 500-07-000167-977, p. 12.

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The practice of a profession is defined by two co-existing realities: one the one hand, a recognition of the professional's right to decide on the most appropriate course of action, with every decision having an underlying ethical dimension, and on the other, the existence of a regulatory mechanism aimed at ensuring the protection of the public. The ethics guidelines are intended to inform psychologists about the existing regulatory framework to help them in the process of making informed decisions.



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