4th lecture – 17/08/16

- **Background to ethics** and the psychology of moral reasoning- understand approaches to ethical reasoning, understand psychological approaches to moral reasoning.
- Codes of ethics as explicit deontological guides to ethical reasoning and behaviour. Knowledge of principles of the APS Code of Ethics. And understand relationship of codes to legislation governing human rights and privacy.
- A model for conscious ethical decision making (APS)- understand the steps in the model, apply the model to ethical scenarios, and recognise ethical principles in scenarios.
- [Look at the mind map for revision]
- **Ethics** gives us a moral compass for thinking about life, our actions, and our society. It is a system of moral principles to guide how people make decisions and lead their lives. From the Greek word ethos, meaning custom, habit, character, or disposition. Ethics addresses these questions: how do I live a good life, what are our rights and responsibilities, how do we decide what is good and bad.
- Approaches to ethical reasoning and actions are derived from religious traditions, philosophy, and cultures.
- Ethical principles inform debates on topics related to human rights and professional conduct.
- There are three broad approaches to ethics: deontological, consequentialist/utilitarian, and virtue.
- **Deontological (duty-based) ethics-** associated with the philosophy of Kant. From the Greek word, deon, which means 'duty'. Concerned with the reasons for why people decide to act in certain ways, rather than with the consequences of their actions. Some acts are right or wrong in principle, so we have a duty to act accordingly, regardless of the consequences. The ends do not justify the means, and is based on universal principles.
- Kant- every rational being exists as an end in himself, and not merely as a means to be arbitrarily used by this or that will.
- **Consequentialist- utilitarianism-** Jeremy Bentham and John Stuart Mill. Ethical decisions are based on the consequences, rather than on the value of the actions themselves. This is the opposite of deontological. When faced with a moral dilemma, a person should choose the action that maximises good consequences, people should live so as to maximise good consequences.
- **Utilitarianism** states that people should maximise human wellbeing (utility). Bentham- the greatest good for the greatest number of people. Problems with consequentialism- it can lead to the conclusion that some quite dreadful acts are good. Predicting and evaluating the consequences of actions is often very difficult.
- **Virtue ethics-** based on writings of Aristotle- virtues as natural tendencies that if nurtured become stable features of a virtuous character. Concerned with virtue or moral character, rather than with ethical duties and rules, or the consequences of actions.
- A virtuous person is kind across many situations over a lifetime because that is his/her character, not because s/he wants to maximise utility, gain favours, or act in accordance with rules.

- Virtue ethics deals with questions like: how should I live? What is a good life? What are proper social values?
- Picked up in positive psychology, and earlier humanistic approaches (Maslow and Rogers)- self-actualising, eudaimonic wellbeing, 'flow' and meaning (Seligman).
- **Heinz dilemma**- should a husband steal overpriced drugs to save his wife?
- **Kohlberg's stages of moral development-** interviewed boys (10-16) about moral dilemmas (1958)- interested in the reasons given for the decision. Identified three levels of moral reasoning, each with two sub stages: pre-conventional, conventional, post-conventional. People can only pass through these levels in the order listed. Each new stages replaces the reasoning typical of the earlier stage. Not everyone achieves all stages. It was criticised by Carol Gilligan for gender bias, and developed care-based ethics rather than justice-based ethics.
- **Level 1-pre-conventional morality-** right and wrong determined by rewards/punishment- **stage 1- punishment/obedience**- whatever leads to punishment is wrong. **Stage 2- Rewards**- The right way to behave is the way that is rewarded.
- **Level 2-conventional morality-** views of others matter, avoidance of blame; seeking approval- **stage 3- good intentions**. Behaving in ways that conform to 'good behaviour'. **Stage 4- obedience to authority**. Importance of 'doing one's duty'.
- **Level 3-post-conventional morality-** abstract notions of justice. Rights of others can override obedience to laws/rules. **Stage 5- difference between moral and legal right**. Recognition that rules should sometimes be broken. **Stage 6- individual principles of conscience.** Takes account of likely views of everyone affected by a moral decision.
- **Trolley dilemmas-** self-driving car dilemmas. Greene and Haidt say that the different responses to impersonal and personal forms of the trolley dilemma implicate a role for both unconscious emotional responses and reasoning in moral decision making. Personal- 'it's wrong to kill the fat man'- (deontological); impersonal 'sacrificing one will save five' (utilitarian). Conclusion- moral reasoning is not always rational and can be inconsistent.
- This thinking moves away from the Kohlberg/Piaget formal reasoning and stage-based approach and foreshadows more recent approaches to behavioural ethics and bounded ethicality. There is an emphasis on the role of emotional processes, unconscious biases, and the malleability of ethical reasoning and behaviour.
- **Professional codes of ethics-** a code of ethics consists of a statement of the principles, values, standards, or rules of behaviour that guide the decisions, procedures and systems of an organisation or profession. A code should: protect the welfare of the organisation/profession's key stakeholders, and to respect the rights of all who are affected by its operations.
- **Australian Psychological Society Code of Ethics-** articulates and promotes ethical principles, and sets specific standards to guide both psychologists and members of the public to a clear understanding and expectation of what is considered ethical professional conduct by psychologists.
- The code expresses psychologists' responsibilities to their clients, to the community and society at large, and to the profession, as well as colleagues and members of other professions with whom they interact.
- Lack of awareness or misunderstanding of an ethical standard is not itself a defense to an allegation of unethical conduct.

- The APS code is built on three general ethical principles- **respect**, **propriety**, and **integrity**. Each general principle is elaborated with a series of ethical standards. The code is supported by a series of ethical guidelines, and a series of Q and A documents.
- **General principle A: Respect for the rights and dignity of people and peoples-** psychologists: demonstrate their respect for people by acknowledging their legal rights and moral rights, their dignity and right to participate in decisions affecting their lives (autonomy).
- They recognise the importance of people's privacy and confidentiality, and physical and personal integrity, and recognise the power they hold over people when practising as psychologists.
- They maintain a high regard for the diversity and uniqueness of people and their right to linguistically and culturally appropriate services.
- They acknowledge people's right to be treated fairly without discrimination or favouritism, and they endeavour to ensure that all people have reasonable and fair access to psychological services and share in the benefits that the practice of psychology can offer.
- There are links to legislative frameworks of privacy and human rights.
- **General Principle B: Propriety-** psychologists practice within the limits of their **competence** and know and understand the legal, professional, ethical, and where applicable, organisational rules that regulate the psychological services they provide.
- Undertake continuing professional development and take steps to ensure that they remain competent to practise, and strive to be aware of the possible effect of their own physical and mental health on their ability to practise competently.
- Anticipate the foreseeable consequences of their professional decisions, and provide services that are beneficial to people and do not harm them. This is related to the principle of beneficence.
- Take responsibility for their professional decisions.
- Put the welfare of clients and the public, and the standing of the profession above their own self-interest.
- **General Principle C: Integrity-** psychologists recognise that their position of trust requires them to be honest and objective in their professional dealings.
- Are committed to the best interests of their clients, the profession and their colleagues.
- Identify and avoid potential conflicts of interest.
- Refrain from exploiting clients and associated parties.
- Are aware of their own biases, limits to their objectivity, and the importance of maintaining proper boundaries with clients.
- **The Australian Privacy Act-** Office of the Australian Information Commissioner (OAIC). Provides protection to individuals against the mishandling of personal information by Australian, ACT, and Norfolk Island government agencies, and some private sector organisations. Includes private health care providers, including psychologists.
- Personal information is information that identifies you or could reasonably identify you.
- When collecting and handling other people's personal information- collect it with consent, collect only what you need, and keep it accurate, complete, up-to-date, and secure.
- Some important interests, such as protecting health and safety or a legal requirement, can justify use and disclosure without consent. Otherwise, seek consent.

- **Sensitive information-** like ethnic background, health information, religion, political views, sexual preference or criminal record, has special protection under law. Don't collect it without checking the rules first.
- **Victorian Charter of Human Rights-** human rights- articulate the basic entitlements of all people, based on the values of freedom, equality, respect, and dignity. Acknowledge the fundamental worth of each person, and their rights to privacy, freedom of speech, thought, religious belief, fair treatment before the law.
- Human rights laws place responsibilities on government and other public authorities to consider people's rights when developing laws, policies and delivering services.
- **APS Ethical Decision Making Model-**
    1. **Recognise there is an ethical issue present**- learn to recognise potential ethical problems- check if there are any personal 'clues' that may alert you, such as: changing your usual professional practices; providing more self-disclosure than usual; avoiding certain topics; ruminating after a session with a client; or feeling uncomfortable or regretful.
- Ask yourself: would I be comfortable if my colleagues knew about this situation?
- Reflect on whether there is anything adversely influencing your capacity to assess the situation objectively, such as personal needs, values or biases that may be distorting your perception.
- Consider discussing the issue with a colleague or supervisor to assess your initial response.
- **Determine whether the problem is an ethical one that is your responsibility-** articulate the problem as succinctly as you can and then consider the following questions: Are there any legal obligations that apply in this situation that are contributing to or may even override the ethical issues (e.g. a mandatory reporting obligation, a client's right of access to his/her health record)?
- Is the problem based on information from factual material?
- Has the information come from a reliable source?
- Is the problem your responsibility or someone else's, or perhaps a shared responsibility?
    2. **Clarify the ethical issues-**identify the ethical principles involved; identify which of the three general principles of the APS Code of Ethics is relevant to the issue- respect for the rights and dignity of all people and peoples; propriety, or integrity.
- Drill down to identify the ethical standards that are relevant and consult the Ethical Guidelines where necessary to assist with this task.
- Identify any competing ethical principles.
- Identify any aspects of the situation that are exerting pressure on you to act quickly, and think about how to claim more time to make the best decision possible.
- Evaluate the rights, responsibilities, and vulnerabilities of all affected parties. Identify who else is involved, implicated or affected by this issue (including institutions or the general public where relevant).
- Consider the rights and responsibilities of each of the people involved (the right to confidentiality, privacy, autonomy).
- Consider how this issue will affect the welfare of each of the people involved, keeping in mind your responsibility to ensure your client's welfare takes precedence. Don't forget to consider your own rights, responsibilities and welfare in this situation.
- Try to identify any gaps in your thinking and knowledge by talking with a colleague or supervisor.

3. **Generate and examine the available courses of action**- pause to consider all factors that may influence the decision you will make, including your level of competence.

- Reflect on any social or cultural factors that should be taken into consideration.
- Consider the timelines and include the decision to wait and gather more information, where appropriate and possible.
- Identify possible alternative courses of action and examine the positive and negative consequences of each.
- Consult a trusted colleague, supervisor, and/or your professional organisation.

4. **Choose and implement the preferred option-**

- Decide on your most preferred course of action and implement it.
- Ensure that you document the issue and how you decided on the course of action, including: any consultation with colleagues, and reference to ethics resources.
- Documentation may be required at a later date in the event of a complaint or legal action.

5. **Reflect on and review the process-**reflect on your own role in the situation and ask yourself: could I have prevented the issue from developing?

- Am I satisfied with the way I managed the situation and the processes I engaged in?
- Could I have done anything differently at any stage?
- Is there anything I can do differently in future to prevent such a situation?
- A Code of Ethics provides a map (moral compass) for ethical reasoning, decision-making and behaviour, codes are deontological (duty-based, principle based), require high levels of moral development to interpret; not always a simple answer, are based on legislative frameworks relating to basic human rights and privacy, demand high levels of conscious deliberation, prior to acting (rather than rationalisation after acting. Despite evidence that people often base moral reasoning on 'gut instinct' and emotional responses followed by cognitive appraisal.