

# Ethical and Legal Issues for Supervisors and Supervisees

by Derek Truscott

In Alberta during the 2005-2006 year there were 319 Provisional Psychologists being supervised by 178 Psychologists (College of Alberta Psychologists *Annual Report 2005-2006*). Although this number has remained fairly constant over the past six years (College of Alberta Psychologists *Annual Report 2004-2005*), the College has seen an increase in complaints about supervisees and supervisors (*Annual Report 2005-2006*). Whether this is due to increased awareness of professional standards on the part of the public, increased expectations for accountability on the part of professionals, lower quality of services being provided by provisional psychologists, or some other factor(s) is unclear. Whatever the reason, this article is intended to present the ethical and legal issues and standards for Registered Psychologists, psychologists-in-training and Registered Provisional Psychologists. The reader who is interested in the supervision of non-psychologists should consult the *Standards for psychologists supervising persons not regulated by the College of Alberta Psychologists* (College of Alberta Psychologists, 2006).

The ethical and legal expectations of supervision are based on it being a professional activity and thereby held to the same standards as other services that psychologists provide such as psychotherapy, assessment and

consultation. As such, there are no unique ethical or legal principles that apply only to supervision. There are, however, unique issues arising out of ethical and legal duties of supervisors to supervisees *and* to clients, and – much more limited – of supervisees to clients. These issues are 1) competence, 2) consent, 3) confidentiality, 4) crossing boundaries, and 5) conduct.

## Competence

Given that supervision is a professional activity, supervisors should be competent to provide the service that the supervisee is providing to the client *and* competent to provide supervision. The College of Alberta Psychologists' *Standards of Practice* (2005) state:

- 3(1) Psychologists shall limit practice and supervision to the areas of competence in which proficiency has been gained through education, training or experience.

Because it is always assumed that the supervisee is not competent, it is the supervisor's responsibility to determine if the supervisee is competent to practice a given professional activity independently, and to communicate this to the supervisee. Absent this communication, the supervisee should not provide any service without supervision.

There is some disagreement among commentators regarding the degree to which a supervisor is responsible for enhancing the competence of the supervisee. Under the College of Alberta Psychologists' *Standards for Supervision of Provisional Psychologists* (2005) the supervisor is not required to enhance the supervisee's competence, only to attest upon completion of the 1600 hours of supervised practice that the provisional psychologist is competent to practice independently.

When supervision is provided within an educational relationship (such as a practicum or internship), the supervisor is responsible to provide facilitative circumstances that would reasonably be expected to enhance the supervisee's competence. The tasks and goals of enhancing and evaluating the supervisee's competence should be agreed before undertaking supervision.

## Consent

Because supervisees are recipients of the supervisor's professional service, they should be given the opportunity to freely consent to the conditions of supervision. The supervisor should thus clarify the requirements, expectations, roles, and rules – particularly the methods and standards of evaluation – of supervision, preferably in writing, prior to

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undertaking a supervisory relationship.

Supervisors must also ensure that supervisees obtain consent from all of their clients to receive services from a professional under supervision. The *Standards for Supervision of Provisional Psychologists* (2005) state:

11. A Provisional Psychologist must ensure that users of his or her services are informed of his or her provisional status. A declaration of consent will be signed by the client attesting that the client has been informed and helped to understand the implications of being seen by a provisional psychologist. . .

and

12. A Provisional Psychologist will advise his/her clients that their cases will be discussed with the supervisor. . .

If a client declines to have her or his case discussed with a supervisor, the supervisee should not undertake to provide psychological services to that client.

### Confidentiality

The supervisor is responsible for protecting all information learned about the supervisee within the supervisory relationship except that which is necessary for supervisory purposes, such as communicating with the College or educational institution. The limits of confidentiality should be clarified when obtaining informed consent. The *Standards of Practice* (2005) state:

- 29(2) Psychologists must inform a client that confidential information about the client is to be shared with other professionals . . .

Clients receiving services from a supervisee are entitled to have their confidences maintained to the same standard they would if they were the supervisor's client.

The detail of specific information that the supervisee should present to the supervisor depends upon the nature of the issues being addressed. The supervisor should discuss the parameters of disclosure at the outset and as issues arise, noting in particular the challenges involved in the duty to protect third parties from harm (Truscott & Crook, 1993; Truscott & Evans, *in press*).

### Crossing Boundaries

As in all professional relationships, supervisors are expected to avoid relationships that may harm or exploit supervisees, impair the supervisor's judgment, or otherwise degrade the professional services provided to the client. The *Standards of Practice* (2005) state:

- 15(1) Psychologists shall not undertake or continue a professional relationship when they are aware or should be aware that they face a potentially harmful conflict of interest as a result of a current or previous professional, familial, social, sexual, emotional, financial, supervisory, political, administrative or legal

relationship with the client or a relevant person associated with or related to the client.

and

- 17 Psychologists must not exploit or discriminate against a person they supervise.

Given that supervision inherently involves multiple role boundaries – supervisor-supervisee, supervisee-client, supervisor-client – particular diligence is required to identify potentially harmful boundary crossings.

### Conduct

Supervisors are at minimum expected to properly select supervisees who are sufficiently prepared by virtue of training and experience, and to assign tasks appropriate to the supervisee's level of competence. The *Standards of Practice* (2005) state:

- 16 Psychologists shall exercise appropriate supervision over supervisees, as set forth in the guidelines, rules and regulations of the College.

Remembering that, by definition, the supervisee is deemed to be not competent to practice independently, the supervisor is ultimately responsible for the welfare of clients seen by the supervisee. The supervisee thus cannot be assumed to be competent to carry-out a given professional activity unless the supervisor establishes evidence to the contrary. Supervisors should therefore review and countersign all written products arising out of the supervisee's professional

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activity in order to ensure and document appropriate oversight. The *Standards for Supervision of Provisional Psychologists* (2005) state:

13. All written reports (i.e. official/formal reports excluding contact/case notes) and clinical correspondence entered into a client's file must be countersigned by the supervisor.

The minimum standard of conduct expected of a supervisee – again based on the assumption of lack of competence – is that direction from the supervisor must be sought before undertaking any professional activity unless informed by the supervisor that competence to provide it independently has been established. A supervisee would thus only be found to fail to meet this standard if: 1) the direction of the supervisor is not followed; or 2) a professional activity is undertaken without direction and without permission from the supervisor.

### Conclusion

To date, there have been no Canadian legal decisions naming psychologists in matters of supervision. As a general rule the courts will defer to professional disciplinary committees as arbiters of the expertise of the profession (Truscott & Crook, 2004). At the level of the College, most complaints are handled through informal mechanisms (*Annual Report 2005-2006*). Psychologists and supervisees who are aware of the expectations

and issues described above – and behave accordingly – will be well-placed to practice in an ethical and legal manner.

### References

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### Further Reading

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