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Chapter 2: Beyond procedures: a case study from educational psychology

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The real point of ethics is to offer some tools for thinking about difficult matters, recognising from the start- as the very rationale for ethics, in fact- that the world is seldom simple or clear cut. Struggle and uncertainty are part of ethics, as they are part of life.'

(Weston, cited by Mockler, 2007, p 93)

Introduction

Educational Psychologists (EPs) are governed by the Health and Care Professionals Council Standards of Conduct, Performance and Ethics (HCPC, 2012) and guided by the British Psychological Society's Code of Ethics and Conduct (BPS, 2009). While professional codes of ethics offer principles for guidance, ethical practice requires EPs and other professionals to constantly engage with tension and complexity. Despite the complex nature of the work, the literature on ethics in EP practice is limited. Lindsay notes, that until recently, EP training in ethics offered little by way of 'specific and targeted discussion' (Lindsay, 2008, p 52). The BPS recognises the need for 'opportunities for discourse on these issues' (BPS, 2009, p 2). This chapter reflects on ethical complexity in EP practice and considers the importance of safeguarding space for ongoing reflexivity and dialogue (and see also Chapters 11 and 18 for insights from Scotland and Australia respectively).

The first section of this chapter provides a discussion of the authors' theoretical stance. The second section discusses examples of ethical tension in assessment practice and practitioner research. The final section focuses on the place of organisational culture in supporting ethical practice. Before addressing these issues, some background will be provided on Educational Psychology in Scotland where the authors practice.

Educational Psychology in Scotland

Educational Psychology is mainly delivered by local authority Educational Psychology Services (EPSs). Five EP functions of consultation, assessment, intervention, training and research are delivered across a range of levels including young person and family, school and local authority (Scottish Executive, 2002). EPs work with other agencies to meet shared policy driven targets focussed on achieving positive outcomes for children and young people (Scottish Government, 2008). Interagency collaborative working can introduce new tensions but also provides new learning opportunities for professionals working together (Warmington et al, 2004).

A theoretical reflection on tensions in EP practice

EP practice takes place in a dynamic and relational context. As part of this context, EPs experience its tensions and contradictions. These cannot be easily resolved through the application of ethical codes, or the principles upon which these rest. The relationship between codes and moral theory is not always clear. The BPS Code of Conduct and Ethics

identifies its theoretical roots as British eclectic. Ethical codes, such as those provided by the BPS and the HCPC, offer a broad set of principles to guide professionals. Ultimately, their purpose is to prevent wrongdoing to recipients of a professional service.

There are difficulties in applying broad ethical principles within the fluid contexts in which EPs work. These contexts are often characterised by different, and at times, conflicting interests (Lindsay, 2008). This will be illustrated in more detail in the next section. Pring (2002) argues that reliance on abstract ethical principles in practice is problematic due to the ‘irreconcilable tensions’ which exist between deontological and consequentialist principles. These tensions become all too apparent in the complexity of the professional context within which EPs work where frequently there is a dynamic process of transactions; for example, between the child, the family and the school. This makes it difficult to fully predict the consequences of any particular course of action. Judgement about the ethical status of an action may shift according to newly emerging information about its consequences.

Cameron, (2006) comments that one source of tension for EPs arises from conflicting expectations regarding their role. They can be variously expected to rescue, fix, label, empower and facilitate, among other things. The resulting tensions form the landscapes in which EPs work. These tensions are on-going and multidimensional, external and internal.

The complexity of human social interaction influences our thinking. Internal thoughts are often dialogues or debates which have taken place, or are taking place, within communities (Gillespie et al, 2008). The individual’s relationships with their various communities (such as professional groups, local authority services, families, and religious or political organisations) are displayed in the many voices used in their speech and addressed by that speech (Markova

et al, 2007). Individuals therefore do not engage with others from a uniform position. Through talk with others, they confront their own thoughts, and those of the others with whom they communicate, in dynamic and at times contradictory ways. Individual professionals are therefore multi-voiced. This suggests that attempting to tease out, for example, a professional from a personal voice is not straightforward. Behind the judgement of an individual EP about how to articulate their professional voice lies a continuous ethical dialogue, reflection and judgement which cannot be resolved through adherence to ethical procedure alone.

Recognition of the complexity involved in making professional decisions based on broad ethical principles has led to the development of ethical decision making (EDM) models within the organisational literature (Whittier et al, 2006). Whittier et al note that there has been limited empirical testing of the practical applicability of these models. They argue, however, that where there is uncertainty about any action, ‘systematic analysis of decisions leads to higher decision quality’ (p 245). This entails steps such as problem definition, identification of criteria for decision making and evaluation of outcomes. It is the authors’ stance that it would be important to critically evaluate the adequacy of these criteria and to consider from whose perspective they make judgements about ‘quality’.

Concern has been raised about over-emphasising EDM in the development of ethical practice (Gray and Gibbons, 2007). Guillemin and Gillam (2004) argue that there is a need to ensure that ethical oversight is not limited to those aspects of practice prompting ethical dilemmas. They consider that there is a need to broaden the focus of attention to the ‘ethically important moments’ which pervade human interaction. Given the complexity involved, there is a need for continuous reflexivity on the microethical processes involved in encounters with others.

This approach rests on the assumption that the professional and the 'other/s' will generally be involved in an on-going negotiation about what is taking place within the professional encounter.

This emphasis on relationship is highlighted by those who argue that the traditional focus on the individual moral agent's rational application of ethical principles provides an insufficient ethical basis for those working within caring professions (see for example, Petterson, 2012). Advocates of care ethics contend that the application of general moral principles (whether deontological or consequentialist) overemphasise justice over care, and reason over emotion (Rudnick, 2001). Care ethics assumes a relational ontology and does not view the professional to be an impartial and distanced ethical decision maker (Petterson, 2012).

The authors identify with the relational ontology on which care ethics rests and consider this to have implications for the ways in which ethicality is understood in their practice.

Shotter (1984) refers to the 'joint zone of action' (p 122) within which individual activity must be attuned to that of others and suggests that the consequences of social exchanges are unpredictable. He views such exchanges as 'moral settings' (p 122). This emphasis on co-construction in social exchange and our moral obligations to others in the process of exchange helps provide an alternative ethical emphasis to that of the individual moral agent relying on reason alone in the application of ethical principles to dilemmas in practice.

Instead, a relational approach provides a basis for the position that deliberation over ethical action is mediated and negotiated through relationship with others and with context. It is the contention of the authors that evaluations of the moral integrity of a course of action can change as we encounter others' communications about the experienced or predicted impact upon them. Ethicality from this perspective involves more than the rational application of

principle. It also requires professionals who are empathetic and emotionally engaged as they deliberate over the most appropriate course of action.

What this means for EPs needs to be examined. It opens up to ethical scrutiny issues which might otherwise be considered ethically neutral, such as ways of knowing about others.

Gameson et al (2003) describe how an individual's approach to assessment, report writing or the application of research to practical intervention, for example, is influenced by epistemological assumption, even when this is implicit. The HCPC and BPS Codes require psychologists to be mindful of power differentials between themselves and service users. Given the role which EPs play in the construction of narratives about service users, it is important that EPs' ethical reflexivity is applied to epistemology.

Critics have raised concerns about the implications of the rejection of principlism in care ethics (see for example Crigger, 1997; Rudnick, 2012). The subjectivist basis of care ethics is problematic as it involves partiality and risks lack of justice in the delivery of professional care. It is the contention of the authors that in adopting a relational ontology EPs need not be trapped within the subjectivity of the other/s with whom they are engaged. For this reason the authors, while accepting the need for a relational emphasis, do not view care ethics as providing a sufficient basis for their practice.

Psychological theories of the dialogical self (Hermans, 2001; Markova, 2003) adopt a relational model of self which retains space for individual agency (Salgado and Clegg, 2011). From this perspective, the self is not dissolved in social context (Salgado and Clegg, 2011) but is positioned as insider-outsider (Sherif, 2001). Individuals are embedded in but not bound by context, thus they can offer evaluation and challenge (Wegerif, 2011). The ability

to challenge and evaluate enables critical reflexivity. This allows space between the EP and the other/s with whom she is engaged. As insider-outsider, EPs can be socially and emotionally engaged practitioners who attend and respond to and interact with others yet can refer back to principle as a point of reference in dialogues with others. Ethical principles are thus held in dialogic tension with the particulars of the relational context. Literature on ethics across a range of contexts emphasises the importance of critical dialogue with others in supporting ethical practice (see for example, Hawes, 1998; Verhezen, 2010; Nijhof et al, 2012). Such dialogue needs to provide more than affirmation and mutuality (Markova, 2003). Criticality requires 'productive difference' in the dialogic process (Gergen et al, 2004). In confronting the otherness of those engaged in dialogue, the individual can reach a distanced perspective (van der Riet, 2008). Kennedy (2004) helpfully refers to this as 'thinking for oneself and with others' (p 747). In this view, dialogue with others can be viewed as a vital and ongoing component of ethical practice. The importance of safeguarding space for dialogue within the organisations within which EPs work will be considered in the final section of this chapter.

Illustrating ethical tensions: examples from EP practice

As argued above, ethical judgements pervade all EP practice and arise even where ethical guidelines have been followed. It is beyond the scope of this chapter to represent the range of ethical judgements that the practising EP may require to make. The examples discussed below are merely illustrative. They draw upon the authors' practice experience of two distinct areas of activity, both of which represent core EP functions. The first relates to direct assessment with individual young people, the second to practitioner research where the participants are young people.

A request for educational psychology assessment may be attended by the expectations of multiple parties; young person, parent, teachers and others. On occasion, different parties' beliefs about the purpose and appropriate nature of the assessment may be in tension. For example, an important purpose for the authors, when reporting assessments, has often been to identify previously unrecognised abilities that the young person has shown. Sometimes, this has been in tension with the expectations of parents or teachers who have hoped that the assessments will confirm their beliefs that the young person has significant difficulties which require intensive additional support.

EP decisions about whether to become involved in assessment, for what purpose and by what means, all entail ethical judgement. The authors' reflection on practice suggests that assessments may contribute significantly to various parties' narratives about the young person, and to the young person's narrative about himself. Given the arguments developed earlier, ethical responsibilities require EPs to think about how reporting of their findings might influence the beliefs and attitudes of others toward the young person, and how, as a result, they may act toward that young person in the future. EP assessment practice may have implications not only for the young person, but for others with whom they are endeavouring to sustain effective professional relationships: for example, parents, teachers and education authority colleagues. However, the precise consequences of assessments have often been difficult to predict. Basing action on the moral value of expected outcomes may be problematic. For example, the difficulty of judging how EP assessments may be received by different parties needs to be recognised. There may be no straightforward causal relationship between EP actions, how others make sense of or respond to those actions, and future impact upon the young person. It is possible that even the EP's best efforts at ethically engaged assessment practice may, on occasions, have unwelcome implications for others. For

example, the authors recall occasions when their assessments, insofar as they have recognised abilities and developmental progress, have been received by the parent as a powerful personal challenge to their firmly held beliefs about the young person's incapacity.

In such situations, reference to ethical codes or frameworks has not been sufficient to resolve experiences of moral tension or uncertainty. Codes offer clarity in prohibiting activities that would be regarded as unprofessional; and it is important to recognise that many protocols also offer positively framed statements of principle which may helpfully guide practice.

However, those principles may licence many alternative courses of morally-defensible action in complex, dynamic and relational practice situations. They do not relieve EPs from individual responsibility for exercising ethical judgement.

When an EP decides, for example, to observe a young person in class as part of an assessment, there is a need to reflect on the risk that their presence may influence how that young person is viewed by his peers. Despite taking measures to ensure that the young person is not identified, subtle cues provided by the teacher may signal to the class the purpose of the observation. Examples such as these highlight the need for EPs to be aware of ethical implications throughout any assessment process.

Ethical complexity encountered in practice will now be further exemplified by drawing upon experiences of research activity with young people. When considering, for example, young people's consent to participate, their giving, or withholding, of consent cannot be considered as a straightforward matter. In project work undertaken, practice guidance has required the

involvement of those adult gatekeepers who are able to give or withhold consent for the young person's involvement; specifically, parents, and representatives of the Education Department, as well as the young people themselves. When doing this, active consideration has to be given to how to manage conflicts of opinion. When, for example, parents and teachers actively wish a young person to participate in a research project, there is a need to consider carefully how to support the young person's right to self-determination while also taking account of the adult gatekeeper's views of what is in the child's best interests. This requires critical reflection by the EP on their values and motives and the recognition of conflicts of interest. These might include, for example, professional self-interest involved in enrolling participants in the research. Similarly, when a parent does not consent to a young person's involvement in an EP led class project, but also argues that it would be discriminatory to remove the young person from whole-class activity, there is a requirement to consider how to balance the interests of parent, young person and other pupils within that particular class. In these examples the ethical tensions might involve managing several conflicting personal and professional internal voices.

Recognition should be given to the importance of considering the means by which consent is sought, and of the power relations involved in those negotiations. There may be a fine line between establishing trust with prospective participants in order to support them to understand what they are consenting to; and tacit coercion, salesmanship or 'faking friendship' (Duncombe and Jessop, 2002). At times, establishing trust with participants has required some persistence; and it has been necessary to judge carefully how far persistence was justified. Licence could have been found within professional codes for a range of actions and ethical practice has therefore required the exercise of individual skill and judgement.

Further ethical dimensions may emerge during the course of research activity. For example, participants can offer very different levels of engagement, despite having apparently freely consented to involvement. In an interview-based project conducted, some participants gave minimal responses, while others offered very elaborate personal accounts. Both outcomes raised issues concerning the right to use those participants' data. This led to questions regarding whether it could be reliably concluded that the former group had really wanted to participate; and whether the latter had said more than they intended. An ethical imperative to re-negotiate the terms of their consent was recognised in order to enable the participants to clarify how much of what they said should be included as data.

Some participants may have misconstrued the rapport that was established at interview as signifying an informal social interaction. Consequently, careful thought was given to how to manage further dialogue so as not to reduce the likelihood that they would be willing to reconsider their consent. Procedural guidance may not be able to offer straightforward direction on what is an ethical course of action in such nuanced social situations. Ethical practice needs to be flexible, relational, self-reflexive, and grounded in reflection along with others.

When reporting research findings, there has also been a need to reflect carefully about the ethical responsibilities associated with constructing 'knowledge about' service users. For example, when disseminating interview research with young people who are Looked After the requirement to provide accessible research summaries exercised a pressure to extract and highlight participants' most memorable observations. However, there was also a moral duty to avoid objectifying participants by giving these de-contextualised fragments of data undue

prominence; as if they could reveal unambiguous, unchanging truths about the participants and their perspectives.

The authors consider that there is an ethical dimension to questions of how power over interpretation and authorship, transfer from participants to researchers. There is an equivalent ethical dimension to the reification in formal reports of the knowledge of young people derived from assessment. This knowledge is necessarily limited, not least because time pressures may place a constraint on opportunities to engage in cyclical, cumulative assessment and iterative analysis. When reporting findings it is important to attempt to transparently explain the contextual nature of any assessments, and the conditional nature of the knowledge they offer about the young person. In this way the risk that EP assessments will be over-interpreted, or misinterpreted, by others may be managed.

The question of how young people may exercise control over research or assessment information that may be used to explain them, or to construct stories about them, is not easily addressed by procedural approaches. In practice this has required continual review of the adequacy of attempts to maintain dialogue with participants about the analysis, interpretation, and dissemination of information about them. Further development of approaches which embed consent meaningfully as an ongoing process remains an important goal.

It has been argued that attempts to negotiate ethical tensions in practice have required ongoing exercise of individual judgement. Practitioners may require continuing support to develop their individual practice in ethical decision-making; through engagement with

theoretical perspectives, opportunities for reflection, and developmental dialogue with fellow professionals. The next section will consider possibilities for creating and sustaining, organisational cultures which may support the development of ethical practice.

Creating organisational cultures which support ethical reflexivity

It has been argued above that the complexities of practice demand that EPs maintain continuous ethical reflexivity in all aspects of their work. This final section considers how to foster an organisational culture which supports this through an emphasis on critical dialogue.

The wider literature identifies some organisational risks to ethical practice. First is the risk of dilution of professional ethics when organisational culture does not reflect the principles of the professional's code of ethics. While the guidance offered by professional ethical codes are limited, these remain an important basis of trust between professions and the public (BPS, 2009; Nijhof et al, 2012). Nijhof et al (2012) highlight the potential for friction between the ethics of the professional and those of their employing organisation. Somers (2001) provides evidence from research with accountants indicating that professional codes have less influence than corporate codes because they are not necessarily part of the organizational environment within which individual professionals work. While there may be limits in what can be generalised from the business context to EP practice, it is apparent that EPs need to be alert to complexity associated with, for example, budgetary pressures.

Weaver, writing from the perspective of social cognitive identity theory, argues that ‘depth and frequency of a person’s interaction with others is a key influence’ (Weaver, 2006, p 356). He contends that when moral differences between a professional and others within the workplace are too great, dissonance will be experienced. This can lead to adjustments in individual practice to reflect organisational culture. Moral muteness in organisations (Bird and Waters, 1989) refers to lack of explicit talk about ethics. Mockler (2007), drawing on Longstaff, suggests that some organisations resist values talk for fear of conflict within the organisation or inefficient use of time. The key practice implication for organisations is commitment to explicit ethical talk. Organisational cultures promoting shared values and fostering dialogue are most likely to foster professional ethicality (Nijhof et al, 2012). EPs work with others from different agencies, and the sociocultural differences resulting from their respective training and professional roles can lead to interprofessional ethical tensions. One example might be difference in emphases between organisations regarding protection and self-determination agendas.

So far the focus has been on protecting the ethical stance of professionals in the face of ethical disinterest or difference. Earlier it was suggested that where difference persists, there is value in explicit dialogue about ethics as a means of supporting critical reflexivity. Tension between professionals can be sites of ‘expansive learning’ (Engeström, 2001) where ‘professionals may begin to respond in enriched ways, thus producing new patterns of activity, which expand understanding and change practice’ (Warmington et al, 2004, p 7). Although, as argued earlier, such dialogue must move beyond the comfort of mutuality, a level of interpersonal safety and trust is required in order to tolerate dissonance. Management approaches which legitimise a culture of dialogue and openness are required. Verkerk et al (2001) argue that democratic management styles support approaches to ethics which extend

beyond the procedural and thus enable the contextualised understanding advocated in this chapter. Leadership culture within organisations therefore has an ethical impact and this has relevance for the ways in which EPSs and the organisations within which they are nested are managed. Some examples of attempts to apply these ideas systemically are now provided.

Supporting ethical practice within multiagency organisations

The current emphasis on developing integrated working practices in children's services provides opportunities to engage in dialogue about shared ethical values and principles for practice. These opportunities operate at a range of levels from the individual EP in a casework context to the development of values, procedures and frameworks to operate at local authority and national level. It is important for EPs to engage with these. The authors have found that in new service configurations EPs can become involved with a range of professionals in the development, for example, of shared consent protocols. The relevance of this activity is not just the emerging protocol but also the opportunity provided for explicit talk about the principles underpinning the use of these. Akkerman and Bakker (2011) argue that transformative learning in practice involves continuous joint work and negotiation while maintaining sociocultural difference. Such processes have the potential to foreground a mutually negotiated ethical understanding. They require all involved to nurture reflexivity recognising that no set of procedures will adequately address the ethical complexities encountered in practice. Space for reflection, and professional and service user dialogue need to be privileged in organisations in order to avoid reliance on procedures.

Emphasising a values-based approach to EP practice

When a contextualised understanding of practice is emphasised, values and psychological knowledge cannot be mechanistically applied. Context includes the perspectives of service users, including children and young people. Context is dynamic and priorities therefore shift. Services need to support reflection and dialogue about *how* EPs apply their knowledge and skills in different and changing practice contexts. This can be nurtured within a democratic EPS culture which supports dialogue about values and ethicality which can feed into whole service engagement in activities such as the development of EPS guidelines for practice and principles for contextually sensitive self-evaluation. The authors consider that the application of psychology is not value free and is therefore open to re-construction (Hick et al, 2009). The implication for an EPS is that the service requires to explicitly engage with values in order to support EPs as they draw from, and apply psychology in their practice. This requires an ethos within the EPS which encourages and supports a willingness to challenge and negotiate.

EP Service commitments to space for dialogue

Space for dialogue is needed to enable EPs to open up about their experiences of ethical tension in practice. Useful tools to support individual reflection and dialogue in supervision, on these issues are provided by the authors of the Constructionist Model of Informed and Reasoned Action (COMOIRA) framework for EP practice (Rydderch and Gameson, 2010). Tools are not enough. The climate of supervision (including peer and group supervision)

must foster openness and safety, yet also sustain the ‘productive difference’ required to support critical reflexivity. In this way ethical voice can be reflected on, supported and amplified.

The publication of this book coincides with a wider concern about ethics in organisations and the problems which can arise where such issues do not receive adequate attention (see also Chapter 3). EP work presents ongoing tension and ethical challenge. This chapter has offered a theoretical perspective which emphasises making space for dialogue as a means of supporting critical reflexivity on ethical practice. This has implications for individual EPs, for service managers and for the culture of the organisations within which they work.

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