

Fostering a culture of confidentiality in IPA new groups and provisional societies

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It is both an honor and a pleasure to be sharing this discussion with Angelika Staehle and Irene Cairo, under the chair of Altamirando Andrade.

The ethical dimension encompasses the field of our relations with others, mediated, explicitly or implicitly, by codes of prescriptions, for the legitimization of behavioral patterns. However, this ethical dimension involves human beings in reflexive relations, relations to us and to others. The metaphorical figure of the ethical dimension is the home, the place where we live. Etymologically, *ethos* is the root of habit, practice and home. Home is a place of shelter, hosting the conditions for the possibility of protection, food and pleasure. To take ownership of our work is to gain some kind of serenity in the experience life outside the shelter, to experience challenges and possibilities of the double condition of existence, being thrown into a world that is not chosen, and to recognize the need to build an inside and an outside world to be in. Relations with others are built in this mediation, where there is reliability and risk, differentiation and protection, responsibility and challenges. (Figueiredo, 1995)

Among so many dimensions of ethics and ethical problems, I would like to present here some current developments of The International New Groups Committee (ING), focusing mainly on the challenge of fostering a culture of confidentiality, and sharing with you some issues and concerns that are under discussion within the ING community. In order to do so, I will briefly describe what the ING is and does, then I will review some relevant points of the recent Report of the IPA Confidentiality Committee and finally I will describe and discuss the current state of our work concerning confidentiality in reports and communications among us.

The ING currently works with 17 Sponsoring Committees, monitoring our Study Groups; 9 Liaison Committees, working with our Provisional Societies , the European Psychoanalytic Institute - EPI (formed jointly by the IPA and the EPF) the Latin American Psychoanalytic Institute - ILAP (formed jointly by the IPA and FEPAL) and the China Committee - working in China to train IPA candidates.

Jointly these bodies train over 400 candidates.

The EPI has 45 candidates in Armenia, Belorussia, Georgia, Moldova, and in Russia in St Petersburg, Kalmykiya, Stavropol, Zhukovsky and Rostov on Don .

The Latin American Psychoanalytic Institute (ILAP) has pre-study groups in Ecuador, Honduras and Bolivia with 24 candidates.

The China Committee conducts IPA Training in Beijing and Shanghai and currently has 42 candidates.

The ING Process

When a group first contacts the ING to apply for Study Group status we assess the readiness of the group. Among several objective facts and procedural requirements, for instance, at least the prospective group must have four IPA members, we also take into consideration potential ethical issues. From the documents that are sent, and the exchange of letters with the applicants, we try to assess how the group was formed, what amount of experience they have and what kind of identification with psychoanalysis they have and achievements already in place. It is important to study the history of each group, their previous engagements, if and why all IPA members are or are not included and so on. This previous assessment has both procedural aspect and offers a preliminary prognosis of what can happen in the future development.

If we are satisfied, a small committee is appointed to visit the group and assess its application in person. In this first visit, the site visiting committee is instructed to observe the group dynamics, the quality of relationships among the

members, in group and individual interviews , trying to evaluate the ethical values and foresee any possible problems. This process is extremely important and challenging at the same time. Sometimes it is compared with the initial assessment of patients for analysis or potential candidates, but in my view this is an unfortunate comparison. Group dynamics, history, motivation, limitations and possibilities present a very complex situation, and one of the challenges we face is to select colleagues who are able to perform these functions well. The presence of an ethical understanding in the group is a valuable indicator that the group has a strong basis.

When a Study Group is approved by the Board, a Sponsoring Committee is appointed with the task to guide and set the basis for a future psychoanalytical society: the organizational structure, training, scientific life, ethical code and outreach activities. Sponsors play a crucial role in the development of a group in the early stages. The ING has a close relationship with all sponsors, through reports, sent twice a year, after each visit, and also through a meeting in person each year. At each regional and IPA congresses, we hold a general meeting with all sponsors and liaisons from each region, when we discuss some theoretical or practical issues related to their activity. We also hold a private meeting with each Sponsoring and Liaison Committee, where they can speak more openly and if necessary discuss ethical issues or concerns. For example: how do we deal with an aging training analyst, with clear signs of dementia, to whom some of his colleagues continue to refer patients and supervisees; how do we deal with a member of a group who presented a complaint against the sponsors to one of our co-chairs, at a social meeting, without first expressing his views to the sponsors; how do we deal with fights for power that may cover ethical breaches at a study group, splits and conflicts along the generation of pioneers and the following ones and so on. (Aisenstein, 2019 ; Eizirik, 2019).

When a group has been for Provisional Society status, a Liaison Committee is appointed to visit the group once a year to guide them through the final stages of development until they are ready for Component Society status and complete autonomy. The work of our Sponsoring and Liaison Committees

can be extremely challenging, interesting and rewarding, as well as the one developed continuously by the ING.

About confidentiality

The Report from the IPA Confidentiality Committee from November, 2018, is an extremely important resource to help us when facing problems and dilemmas concerning confidentiality. I will highlight some of the main points they express and their main recommendations, since this a relatively new document. I suppose not many colleagues have had the opportunity of getting in touch with their relevant contributions as is the case with the ING Committee.

In their general conclusions, the Committee mentions that the principle of confidentiality is one of the foundations of psychoanalysis, which is stated by the IPA in its Ethics Code, and this has consequences both for the IPA as a professional organization and for its individual members. Confidentiality is a matter both of ethics and of technique. It is essential for the well-being and future development of psychoanalysis, as well as for the well-being and benefit of patients. Ensuring the maintenance of confidentiality can be a complex, difficult and challenging task. The Committee considers that In our current professional culture there are gaps between the theory and practice of confidentiality, as we know, even if only anecdotally, that in actual psychoanalytic practice the thoroughness with which confidentiality is maintained is highly variable.

In this report they have identified major risks to confidentiality across three broad areas: 1. sharing of clinical material with colleagues, which is for the benefit of individual patients and of patients generally, but which can come into unavoidable and ultimately unsolvable conflict with the need to preserve confidentiality ; 2. telecommunications and use of technology, especially but not exclusively in 'remote analysis', which is creating new risks for which only partial protection is possible ; 3. requests from patients and from third parties for access to process notes, where ethical and technical considerations are at risk of being subordinated to legal or political ones .

Furthermore, across all three of these areas, problems arise concerning the possibility of obtaining 'informed consent', given the complications due to the transference in any psychoanalytic situation and the inherent unpredictability of unconscious psychic content at all stages of an analysis. Despite the fact that the IPA has a responsibility to provide guidelines for its members concerning all of these risks, psychoanalysts cannot escape the obligation of making difficult ethical and technical decisions on a case-by-case basis, often with insufficient information. For this they may need not only guidelines but also institutional support. Psychoanalysts generally need to become better informed about the risks to confidentiality. This implies a need for continuing professional development by individual analysts and a corresponding need for the IPA, its committees and its component organizations to develop ways of meeting this need.

The overall recommendation of the Confidentiality Committee is that the IPA should foster and strengthen a culture of confidentiality in every aspect of its operations .

This is something that the ING has already begun trying to do, as I will describe now.

The issue of confidentiality in relation to reports from the ING Committees

The ING Committee has discussed the issue of confidentiality at its regional meetings with Sponsoring and Liaison Committees. Including how reports of visits should be written, reports from Supervisors, the circulation and storage of such reports (including the deletion of them when they are no longer needed). It was stressed that a report should be written with the view that those mentioned in the report will read it. It is important to manage the content of Supervisor reports and recommendations for Direct Membership, ensuring that only the competency of the analyst is addressed – there is no need for information about the case or the patient, biographic data or any information that potentially identifies the patient. The ING is striving to ensure that all of our new groups are

mindful of the importance of protecting their patients, candidates and themselves and that groups hold regular Ethical seminars. The ING will continue to discuss the issue with its Sponsors and Liaisons.

The ING has received supervisor reports from key people in Component Societies that contain detail concerning the case and the patient. This information is unnecessary and puts the candidate, supervisor and anyone who circulates the information at risk – not to mention the potential emotional damage to the patient should they discover that information about their case has been circulated by email. The ING highlights the problem when it presents itself, by redacting sensitive information and requesting original copies are deleted from computers. However, the issue also needs addressing from the source i.e. the Institutes themselves.

The written case reports from candidates are the most problematic as it is sometimes necessary to include detail in these papers. These papers should be handled with extreme caution, stored on a secure server, protected by a password, not circulated by email and deleted when no longer needed. All Institutes must have a clear procedure for handling these papers. During one of our meetings with our Sponsors and Liaisons it was suggested that one way of handling this problem could be meeting personally with candidates to carry out most of the assessment in order to negate the need for detailed clinical information to be written down and circulated.

Another issue is ensuring that supervision carried out over any form of telecommunications, including fixed and mobile telephones, VoIP applications, email, and any other application which uses the internet is secure. The problem with any such security issues is that they vary from country to country and therefore it is important that those concerned research what is possible in their own country.

Several important points were raised during our discussions.

Some sponsors feel that there is a danger that Committees will submit reports that don't give any information rather than include something that may be problematic, in the sense that we will lose what is essential from a psychoanalytic perspective, and some even considered that the reports may become void of the very soul of analytic essence. It was considered by other colleagues that it is a difficult balance, even if most of them understand the current need to develop a culture of confidentiality.

It was stressed that there is a chain of confidence which negates the need for detailed information. The ING Committee were appointed by the Board and it is not therefore necessary to include detailed information to back up recommendations. We appoint Sponsors because we trust their judgement and the same should be said for supervisors – they make a recommendation based on their knowledge and experience – it is not necessary for them to include details of the case or the candidate to back up their views.

It was suggested that a candidate could give his or her consent to have information about the supervised case shared. It was pointed out that it would not be appropriate to do this when there was information about the patient included in a report as the patient's confidentiality must also be protected.

There were general concerns about how to keep files safe and it was pointed out that some countries have secure email servers for medical information – but as each country was different it would be up to the individual to look into what was available in their own area.

It was suggested that it is easy to give minimal information when the outcome of an assessment or supervision is positive, but when it is negative it is necessary to prove due process. The importance of discussing difficult situations and problematic cases in person during our meetings, or during the sponsors visits was extremely valued.

There was also concern about the detailed reports that candidate's submit to institutes when being assessed in their training. Although this is not an ING issue it was up to each institute to ensure that there was a secure process for doing

this – perhaps meeting personally with the candidates to carry out most of the assessment so there is no need for detailed clinical information to be circulated.

In my view, this panel is an important way of exchanging views among three relevant IPA committees on how to continue to develop and protect our mutual home, psychoanalysis and the IPA, in a changing world, with its continuous challenges and transformations. The current problems in our work the ING Committee illustrate the process of transformation from the usual way of communicating and sharing information concerning colleagues and patients into a new way of conceptualizing and protecting the intimacy of analytic work and the delicate process of creating and developing new analytic groups and societies.

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