

The IACP Professional Will Guidelines

In the event of the practitioner's ill-health, retirement and termination of practice, a professional will is there to designate a trusted colleague or other to be a professional executor. Professional Will provides the information required to manage relevant practice related issues effectively whether that is to suspend or cease practice.

Unless a therapist works in a group practice or organisation that has policies in place addressing continuity of care and transfer of records issues, an established professional will is considered best practice for independent counsellors and practitioners to plan for unforeseen circumstances resulting in incapacity or death.

The IACP Code of Ethics and Practice for Counsellors / Psychotherapists requires:

2.4 Record Keeping & Continuity of Care

- a) *Maintain and safely store records appropriately.*
- b) *Take responsibility to securely dispose of records in an appropriate timeframe after the termination of therapy.*
- c) *In the event of a practitioner needing to discontinue services, give reasonable notice when possible, and ensure continuity of care where possible.*
- d) *Refer clients to other appropriately qualified practitioners or to other professionals when it is appropriate to do so.*
- e) *Where possible make suitable arrangements for the responsible care of clients and the management of records in the event of the practitioner's ill-health, retirement and termination of practice. Practitioners need to have in place a procedure that would protect their clients in the event of their death, while still practicing or a sudden illness which would prevent them from practicing.*

How to write a Professional Will:

Professional Will should identify an executor and give that person the authority to act on the therapist's behalf. Professional Will should include all the basic instructions regarding notifying clients, handling records, make client referrals, arrangements to suspend practice pending a return to health or, finally – close your practice.

Things to consider when creating a professional will:

- An Executor should be someone trustworthy and professional, preferably a supervisor or another accredited therapist.
- It is possible to have more than one executor, one – professional executor, to deal with professional practice issues such as notifying clients, handling records, make

client referrals and the second one – personal executor (usually a family member), to deal with financial aspects of closing the practice etc.

- Consider any administrative and financial responsibilities such as direct debits/insurance renewals and name a personal executor who would look after these.
- Professional will should include the information regarding location and/or how to access professional liability insurance policy, billing etc.
- Include the names and contact details for those who may be able to assist in accessing client records.
- Include the information regarding location and/or how to access current and past client records.
- Information regarding professional e-mail and website addresses.
- Information regarding location of any necessary keys executor will need for access to the office, filing cabinets, storage facilities, etc.
- Potential back-up person in case the Professional Executor is not available or needs assistance.
- The executor may need to contact your clients quickly. Make clear in your professional will how clients should be contacted. The contract with clients should include the arrangements for contact, disclosure, data handling and GDPR in the event of a suspension/termination of practice.
- The professional will should also designate whether the executor or someone else will maintain the client records of the incapacitated or deceased therapist.

- Comply with Data Protection requirements and IACP Record Keeping & Retention Guidelines.
- It is best practice to review Professional Will regularly and to consult a legal professional when writing a Professional Will.
- Provide copy of your Professional Will to your the executor and a back-up person (personal executor via solicitor or directly as appropriate).

These Guidelines are for informational purposes only. They are not intended to provide legal advice and should not be used as a substitute for obtaining personal legal advice and consultation prior to making decisions regarding individual circumstances.

References / useful resources:

The IACP Code of Ethics and Practice:
<https://iacp.ie/iacp-code-of-ethics>

Planning for our death/incapacitation as therapists; Mike Hackett, IJCP, Autumn 2019:
<https://iacp.ie/files/UserFiles/IJCP-Articles/Spring2019/Planning-for-our-death-incapacitation-by-Mike-Hackett.pdf>

Where there's a will, there's a way - Private Practice, Roslyn Byfield, Spring 2016 – BACP journal:
<https://www.bacp.co.uk/bacp-journals/private-practice/spring-2016/where-theres-a-will-theres-a-way/>

Therapist's Guide For Preparing a Professional Will, Kenneth S. Pope, Ph.D., ABPP & Melba J.T. Vasquez, Ph.D., ABPP, sourced from:
<https://kspope.com/therapistas/will.php>

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